



Sen. Steve Stadelman

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10400SB0329sam001

LRB104 06447 RLC 38159 a

1 AMENDMENT TO SENATE BILL 329

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 329 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Landlord and Tenant Act is amended by  
5 adding Section 35 as follows:

6 (765 ILCS 705/35 new)

7 Sec. 35. Broker fees.

8 (a) A residential property owner, landlord, lessor, or  
9 sublessor who retains a real estate broker or residential  
10 leasing agent to act as an agent in the leasing of residential  
11 real estate may not require, direct, or otherwise cause a  
12 broker or leasing agent to seek or collect any payment, fee,  
13 commission, or other charge from a tenant or prospective  
14 tenant for services performed for or at the direction of the  
15 property owner. This prohibition includes, but is not limited  
16 to, services related to listing the property, showing the

1 property, screening or qualifying prospective tenants, and  
2 preparing or executing lease documents.

3 (b) A residential property owner, landlord, lessor, or  
4 sublessor may not demand or require that a tenant or  
5 prospective tenant retain, hire, or engage a real estate  
6 broker or residential leasing agent and pay the real estate  
7 broker or residential leasing agent a fee or commission as a  
8 condition to applying for or leasing a residential rental  
9 unit. A residential property owner, landlord, lessor, or  
10 sublessor may not demand or require that a tenant or  
11 prospective tenant make any payment in violation of subsection  
12 (a) of this Section.

13 (c) A tenant or prospective tenant alleging a violation of  
14 this Section may bring a civil action against the person or  
15 entity that is alleged to have violated this Section. The  
16 court may award the tenant or prospective tenant injunctive  
17 relief, monetary relief, attorney's fees, and costs.

18 (d) Nothing in this Section is intended to prohibit the  
19 following:

20 (1) A residential property owner, landlord, lessor, or  
21 sublessor from seeking or collecting an application or  
22 screening fee from a tenant or prospective tenant.

23 (2) A real estate broker or residential leasing agent  
24 from seeking or collecting any payment, fee, commission,  
25 or other charge from the party that retained the services  
26 of the real estate broker or residential leasing agent.

1           (e) This Section does not apply to a broker or residential  
2           leasing agent who enters into a dual agency relationship with  
3           both parties of the same lease under the requirements of  
4           Section 15-45 of the Real Estate License Act of 2000."