



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1290

Introduced 2/7/2019, by Sen. Cristina Castro

SYNOPSIS AS INTRODUCED:

New Act

735 ILCS 5/9-106.3 new

765 ILCS 745/16

from Ch. 80, par. 216

Creates the Immigrant Tenant Protection Act. Defines terms. Provides that, with exceptions, a landlord shall not: (1) threaten to disclose or actually disclose information regarding or relating to the immigration or citizenship status of a tenant to any person, entity, or any immigration or law enforcement agency with the intent of harassing or intimidating the tenant, retaliating against the tenant for exercising his or her rights, or influencing the tenant to surrender possession; or (2) bring an action to recover possession of a dwelling unit based solely or in part on the immigration or citizenship status of a tenant. Provides that the Act does not enlarge or diminish a landlord's right to terminate a tenancy pursuant to existing State or local law; nor does the Act enlarge or diminish any ability of local government to regulate or enforce a prohibition against a landlord's harassment of a tenant. Provides that waiver of a right under the Act by a tenant is void as a matter of public policy. Provides remedies. Provides that in a civil action involving a tenant's or occupant's housing rights, no inquiry shall be permitted into the tenant's or occupant's immigration or citizenship status, with exceptions. Amends the Eviction Article of the Code of Civil Procedure. Provides that, subject to specified conditions, it is an affirmative defense to an eviction that a landlord engaged in conduct on the basis of immigration status of the tenant. Amends the Mobile Home Landlord and Tenant Rights Act. Provides that an eviction order may not be entered against a tenant as a reprisal for or on the basis of the tenant's immigration or citizenship status. Effective immediately.

LRB101 08668 LNS 53752 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Immigrant Tenant Protection Act.

6 Section 5. Definitions. In this Act:

7 "Dwelling unit" means a room or suite of rooms, a
8 manufactured home rental unit or lot as defined in Section 3 of
9 the Mobile Home Landlord and Tenant Rights Act, or other
10 residential real estate used for human habitation, and for
11 which a landlord and a tenant have a written or oral lease
12 agreement.

13 "Immigration or citizenship status" includes a person's
14 actual or perceived immigration status or citizenship status.

15 "Landlord" means the owner, agent, lessor, or sublessor, or
16 the successor in interest of any of them, of a dwelling unit,
17 or the building of which it is part, and any person authorized
18 to exercise any aspect of the management of the premises,
19 including any person who directly or indirectly receives rents
20 and has no obligation to deliver the whole of the receipts to
21 another person. "Landlord" includes the owner of a mobile home
22 park.

23 "Tenant" means a person entitled by written or oral

1 agreement, subtenancy approved by the landlord or by
2 sufferance, or law to occupy a dwelling unit to the exclusion
3 of others.

4 Section 10. Prohibited conduct.

5 (a) This Section does not prohibit a landlord from
6 complying with any legal obligation under federal, State, or
7 local law, including, but not limited to, any legal obligation
8 under any government program that provides for rent limitations
9 or rental assistance to a qualified tenant or a subpoena,
10 warrant, or other court order.

11 (b) This Section does not prohibit a landlord from
12 requesting information or documentation necessary to determine
13 or verify the financial qualifications of a prospective tenant.

14 (c) This Section does not prohibit a landlord from
15 delivering to the tenant an oral or written notice regarding
16 conduct by the tenant that violates, may violate, or has
17 violated an applicable rental agreement, including the lease or
18 any rule, regulation, or law.

19 (d) This Section does not enlarge or diminish a landlord's
20 right to terminate a tenancy pursuant to existing State or
21 local law, nor does this Act enlarge or diminish the ability of
22 a unit of local government to regulate or enforce a prohibition
23 against a landlord's harassment of a tenant.

24 (e) Nothing in this Section prevents a landlord from
25 seeking to collect rent due under the lease agreement.

1 (f) Except as otherwise provided in this Section, a
2 landlord shall not:

3 (1) unless required by law or court order, threaten to
4 disclose or actually disclose information regarding or
5 relating to the immigration or citizenship status of a
6 tenant to any person, entity, or any immigration or law
7 enforcement agency with the intent of harassing or
8 intimidating the tenant, retaliating against the tenant
9 for exercising his or her rights, or influencing the tenant
10 to surrender possession; or

11 (2) unless required by law or court order, bring an
12 action to recover possession of a dwelling unit based
13 solely or in part on the immigration or citizenship status
14 of a tenant.

15 (g) Any waiver of a right under this Act by a tenant is
16 void as a matter of public policy.

17 Section 15. Remedies.

18 (a) If a landlord engages in prohibited conduct described
19 in subsection (f) of Section 10 against a tenant, the tenant
20 may bring a civil action to seek any one or more of the
21 following remedies:

22 (1) actual damages, as reasonably determined by the
23 court, for injury or loss suffered;

24 (2) a civil penalty in an amount not to exceed \$2,000
25 for each violation, payable to the tenant;

1 (3) reasonable attorney's fees and court costs; and
2 (4) other equitable relief as the court may deem
3 appropriate and just.

4 (b) The immigration or citizenship status of any person is
5 irrelevant to any issue of liability or remedy in a civil
6 action involving a tenant's housing rights. In proceedings or
7 discovery undertaken in a civil action involving a tenant's
8 housing rights, no inquiry shall be permitted into the tenant's
9 immigration or citizenship status, except if:

10 (1) unless otherwise provided in subsection (c), the
11 claims or defenses raised by the tenant place the person's
12 immigration or citizenship status directly in contention;
13 or

14 (2) the person seeking to make the inquiry demonstrates
15 by clear and convincing evidence that the inquiry is
16 necessary in order to comply with federal law.

17 (c) The assertion of an affirmative defense to an eviction
18 action under Section 9-106.3 of the Code of Civil Procedure
19 does not constitute cause for discovery or other inquiry into a
20 person's immigration or citizenship status.

21 Section 97. Severability. The provisions of this Act are
22 severable under Section 1.31 of the Statute on Statutes.

23 Section 905. The Code of Civil Procedure is amended by
24 adding Section 9-106.3 as follows:

1 (735 ILCS 5/9-106.3 new)

2 Sec. 9-106.3. Affirmative defenses for retaliation on the
3 basis of immigration status.

4 (a) It is an affirmative defense to an action maintained
5 under this Article if the court finds that:

6 (1) the landlord's demand for possession is based
7 solely or in part on the citizenship or immigration status
8 of the tenant; or

9 (2) the landlord's demand for possession is based
10 solely or in part on the tenant's failure to provide a
11 social security number, information required to obtain a
12 consumer credit report, or a form of identification deemed
13 acceptable by the landlord, and the lease with the tenant
14 has commenced, and the tenant has taken possession.

15 (b) This Section does not prohibit a landlord from
16 complying with any legal obligation under federal, State, or
17 local law, including, but not limited to, any legal obligation
18 under any government program that provides for rent limitations
19 or rental assistance to a qualified tenant or a subpoena,
20 warrant, or other court order.

21 (c) This Section does not prohibit a landlord from
22 requesting information or documentation necessary to determine
23 or verify the financial qualifications of a prospective tenant.

24 (d) This Section does not prohibit a landlord from
25 delivering to the tenant an oral or written notice regarding

1 conduct by the tenant that violates, may violate, or has
2 violated an applicable rental agreement, including the lease or
3 any rule, regulation, or law.

4 (e) This Section does not enlarge or diminish a landlord's
5 right to terminate a tenancy pursuant to existing State or
6 local law, nor does this Section enlarge or diminish the
7 ability of a unit of local government to regulate or enforce a
8 prohibition against a landlord's harassment of a tenant.

9 Section 910. The Mobile Home Landlord and Tenant Rights Act
10 is amended by changing Section 16 as follows:

11 (765 ILCS 745/16) (from Ch. 80, par. 216)

12 Sec. 16. Improper grounds for eviction. The following
13 conduct by a tenant shall not constitute grounds for eviction
14 or termination of the lease, nor shall an eviction order be
15 entered against a tenant:

16 (a) As a reprisal for the tenant's effort to secure or
17 enforce any rights under the lease or the laws of the State
18 of Illinois, or its governmental subdivisions of the United
19 States;

20 (b) As a reprisal for the tenant's good faith complaint
21 to a governmental authority of the park owner's alleged
22 violation of any health or safety law, regulation, code or
23 ordinance, or State law or regulation which has as its
24 objective the regulation of premises used for dwelling

1 purposes;

2 (c) As a reprisal for the tenant's being an organizer
3 or member of, or involved in any activities relative to a
4 home owners association; -

5 (d) As a reprisal for or on the basis of the tenant's
6 immigration or citizenship status.

7 (Source: P.A. 100-173, eff. 1-1-18.)

8 Section 999. Effective date. This Act takes effect upon
9 becoming law.