



Sen. Karina Villa

**Filed: 5/7/2024**

10300HB4768sam001

LRB103 37572 JRC 73126 a

1 AMENDMENT TO HOUSE BILL 4768

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4768 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Landlord Retaliation Act.

6 Section 5. Prohibition on retaliatory conduct by landlord.  
7 It is declared to be against public policy of the State for a  
8 landlord to take retaliatory action against a tenant. A  
9 landlord may not knowingly terminate a tenancy, increase rent,  
10 decrease services, bring or threaten to bring a lawsuit  
11 against a tenant for possession or refuse to renew a lease or  
12 tenancy because the tenant has in good faith done any of the  
13 following:

14 (1) complained of code violations applicable to the  
15 premises to the relevant governmental agency, elected  
16 representative, or public official charged with

1 responsibility for enforcement of a building, housing,  
2 health, or similar code;

3 (2) complained of a building, housing, health, or  
4 similar code violation or an illegal landlord practice to  
5 a community organization;

6 (3) sought the assistance of a community organization  
7 to remedy a code violation or illegal landlord practice;

8 (4) complained or requested the landlord to make  
9 repairs to the premises as required by a building code,  
10 health ordinance, other regulation, or the residential  
11 rental agreement;

12 (5) organized or become a member of a tenants' union  
13 or similar organization;

14 (6) testified in any court or administrative  
15 proceeding concerning the condition of the premises; or

16 (7) exercised any right or remedy provided by law.

17 Section 10. Remedies for violation of this Act. If the  
18 landlord acts in violation of this Act, the tenant has a  
19 defense in any retaliatory action against the tenant, and a  
20 landlord shall be subject to a civil action for damages and  
21 other appropriate relief, including, but not limited to, the  
22 following remedies:

23 (1) terminate the rental agreement and, if the rental  
24 agreement is terminated, the landlord shall return all  
25 security and interest recoverable under the Security

1           Deposit Return Act and all prepaid rent;

2           (2) recover possession of the premises if the landlord  
3           has dispossessed, threatened to dispossess, or is in the  
4           process of dispossessing; and

5           (3) recovery of an amount equal to and not more than 2  
6           months' rent or 2 times the damages sustained by the  
7           tenant, whichever is greater, and reasonable attorney's  
8           fees.

9           Section 15. Non-retaliatory actions. An action is not  
10          retaliatory if the landlord can prove a legitimate,  
11          non-retaliatory basis for the action; or the landlord began  
12          the action before the tenant engaged in the protected  
13          activity.

14          Section 20. Rebuttable presumption. In an action by or  
15          against the tenant, if within one year before the alleged act  
16          of retaliation there is evidence that the retaliation was  
17          against tenant's conduct that is protected under this Act,  
18          that evidence creates a rebuttable presumption that the  
19          landlord's conduct was retaliatory. The presumption does not  
20          arise if the protected tenant activity was initiated after the  
21          alleged act of retaliation.

22                   (765 ILCS 720/Act rep.)

23           Section 95. The Retaliatory Eviction Act is repealed."