



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2287

Introduced 2/14/2008, by Sen. Kwame Raoul

SYNOPSIS AS INTRODUCED:

765 ILCS 750/25
765 ILCS 750/27 new
765 ILCS 750/29 new

Amends the Safe Homes Act. Provides that a landlord may not disclose to others that a tenant or a member of the tenant's household exercised rights under the Act or any information provided by them to the landlord under the Act, except in civil proceedings or when the tenant or a member of the tenant's household who is the victim waives this restriction. Provides that furnishing evidence to support a claim of domestic or sexual violence against a tenant or a household member shall not waive any confidentiality or privilege that may exist between the victim and a third party. Provides that certain remedies available to a landlord or tenant are the sole and exclusive remedies for violations of the lock-change provisions of the Act (instead of providing that those remedies provided to a landlord or tenant are "sole and exclusive" without regard to the type of violation). Provides that a landlord who violates these provisions by disclosing confidential information is liable for damages resulting from the disclosure or \$2,000, whichever is greater, along with attorney's fees and costs. Effective immediately.

LRB095 18768 AJO 44891 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 5. The Safe Homes Act is amended by changing
5 Section 25 and by adding Sections 27 and 29 as follows:

6 (765 ILCS 750/25)

7 Sec. 25. Penalty for violation of lock-change provisions
8 ~~Penalty for violation.~~

9 (a) If a landlord takes action to prevent the tenant who
10 has complied with Section 20 of this Act from changing his or
11 her locks, the tenant may seek a temporary restraining order,
12 preliminary injunction, or permanent injunction ordering the
13 landlord to refrain from preventing the tenant from changing
14 the locks. A tenant who successfully brings an action pursuant
15 to this Section may be awarded reasonable attorney's fees and
16 costs.

17 (b) A tenant who changes locks and does not make a good
18 faith effort to provide a copy of a key to the landlord within
19 48 hours of the tenant changing the locks, shall be liable for
20 any damages to the dwelling or the building in which the
21 dwelling is located that could have been prevented had landlord
22 been able to access the dwelling unit in the event of an
23 emergency.

1 (b-1) A landlord who changes the locks and does not make a
2 good faith effort to provide a copy of a key to the tenant
3 within 48 hours of the landlord changing the locks shall be
4 liable for any damages to the tenant incurred as a result of
5 not having access to his or her unit.

6 (c) The remedies provided to landlord and tenant under this
7 Section 25 shall be sole and exclusive for violations of the
8 lock-change provisions of this Act.

9 (Source: P.A. 94-1038, eff. 1-1-07; 95-378, eff. 8-23-07.)

10 (765 ILCS 750/27 new)

11 Sec. 27. Nondisclosure, confidentiality, and privilege.

12 (a) A landlord may not disclose to a third party (1) that a
13 tenant or a member of tenant's household exercised his or her
14 rights under the Act, or (2) any information provided by the
15 tenant or a member of tenant's household in exercising those
16 rights.

17 (b) The prohibition on disclosure under subsection (a)
18 shall not apply in civil proceedings brought under this Act, or
19 if such disclosure is required by law.

20 (c) A tenant or a member of tenant's household, who is the
21 victim of domestic or sexual violence or is the parent or legal
22 guardian of the victim of domestic or sexual violence, may
23 waive the prohibition on disclosure under subsection (a) by
24 consenting to the disclosure in writing.

25 (d) Furnishing evidence to support a claim of domestic or

1 sexual violence against a tenant or a member of tenant's
2 household pursuant to Section 15 or 20 shall not waive any
3 confidentiality or privilege that may exist between the victim
4 of domestic or sexual violence and a third party.

5 (765 ILCS 750/29 new)

6 Sec. 29. Nondisclosure violation penalty. A landlord who,
7 in violation of Section 27, discloses that a tenant has
8 exercised his or her rights under the Act, or discloses any
9 information provided by the tenant in exercising those rights,
10 shall be liable for any damages resulting from the disclosure
11 or \$2,000, whichever is greater. A tenant who successfully
12 brings an action pursuant to this Section may be awarded
13 reasonable attorney's fees and costs.

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.