

1 AN ACT concerning local government.

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

4 Section 5. The Counties Code is amended by adding Section
5 5-1005.10 as follows:

6 (55 ILCS 5/5-1005.10 new)

7 Sec. 5-1005.10. Ordinances penalizing tenants who contact
8 police or other emergency services prohibited.

9 (a) Definitions. As used in this Section:

10 "Contact" includes any communication made by a tenant,
11 landlord, guest, neighbor, or other individual to police or
12 other emergency services.

13 "Criminal activity" means a violation of the Criminal Code
14 of 2012, of the Cannabis Control Act, of the Illinois
15 Controlled Substances Act, or of the Methamphetamine Control
16 and Community Protection Act.

17 "Disability" means, with respect to a person:

18 (1) a physical or mental impairment which
19 substantially limits one or more of such person's major life
20 activities;

21 (2) a record of having such an impairment; or

22 (3) being regarded as having such an impairment, but
23 such term does not include current, illegal use of or addiction

1 to a controlled substance, as defined in the federal Controlled
2 Substances Act, 21 U.S.C. 802.

3 "Domestic violence", "landlord", "sexual violence", and
4 "tenant" have the meanings provided under Section 10 of the
5 Safe Homes Act.

6 "Dwelling unit" has the meaning provided under subsection
7 (a) of Section 15 of the Landlord and Tenant Act.

8 "Penalizes" includes, but is not limited to:

9 (1) assessment of fees or fines;

10 (2) revocation, suspension, or nonrenewal of any
11 license or permit required for the rental or occupancy of
12 any dwelling unit;

13 (3) termination or denial of a subsidized housing
14 contract or housing subsidy; and

15 (4) termination or nonrenewal of a residential lease
16 agreement.

17 "Subsidized housing" has the meaning provided under
18 subsection (a) of Section 9-119 of the Code of Civil Procedure.

19 (b) Protection.

20 (1) No county shall enact or enforce an ordinance or
21 regulation that penalizes tenants or landlords based on:

22 (A) contact made to police or other emergency
23 services, if (i) the contact was made with the intent
24 to prevent or respond to domestic violence or sexual
25 violence; (ii) the intervention or emergency
26 assistance was needed to respond to or prevent domestic

1 violence or sexual violence; or (iii) the contact was
2 made by, on behalf of, or otherwise concerns an
3 individual with a disability and the purpose of the
4 contact was related to that individual's disability;

5 (B) an incident or incidents of actual or
6 threatened domestic violence or sexual violence
7 against a tenant, household member, or guest occurring
8 in the dwelling unit or on the premises; or

9 (C) criminal activity or a local ordinance
10 violation occurring in the dwelling unit or on the
11 premises that is directly relating to domestic
12 violence or sexual violence, engaged in by a tenant,
13 member of a tenant's household, guest, or other party,
14 and against a tenant, household member, guest, or other
15 party.

16 (2) Nothing with respect to this Section: (A) limits
17 enforcement of Section 15.2 of the Emergency Telephone
18 System Act, Article 26 of the Criminal Code of 2012, or
19 Article IX of the Code of Civil Procedure; (B) prohibits
20 counties from enacting or enforcing ordinances to impose
21 penalties on the basis of the underlying criminal activity
22 or a local ordinance violation not covered by paragraph (1)
23 of subsection (b) of this Section and to the extent
24 otherwise permitted by existing State and federal law; or
25 (C) limits or prohibits the eviction of or imposition of
26 penalties against the perpetrator of the domestic

1 violence, sexual violence, or other criminal activity.

2 (c) Remedies. If a county enacts or enforces an ordinance
3 or regulation against a tenant or landlord in violation of
4 subsection (b), the tenant or landlord may bring a civil action
5 to seek any one or more of the following remedies:

6 (1) an order invalidating the ordinance or regulation
7 to the extent required to bring the ordinance or regulation
8 into compliance with the requirements of subsection (b);

9 (2) compensatory damages;

10 (3) reasonable attorney fees and court costs; or

11 (4) other equitable relief as the court may deem
12 appropriate and just.

13 (d) Home rule. This Section is a denial and limitation of
14 home rule powers and functions under subsection (g) of Section
15 6 of Article VII of the Illinois Constitution.

16 Section 15. The Illinois Municipal Code is amended by
17 adding Section 1-2-1.5 as follows:

18 (65 ILCS 5/1-2-1.5 new)

19 Sec. 1-2-1.5. Ordinances penalizing tenants who contact
20 police or other emergency services prohibited.

21 (a) Definitions. As used in this Section:

22 "Contact" includes any communication made by a tenant,
23 landlord, guest, neighbor, or other individual to police or
24 other emergency services.

1 "Criminal activity" means a violation of the Criminal Code
2 of 2012, of the Cannabis Control Act, of the Illinois
3 Controlled Substances Act, or of the Methamphetamine Control
4 and Community Protection Act.

5 "Disability" means, with respect to a person:

6 (1) a physical or mental impairment which
7 substantially limits one or more of such person's major life
8 activities;

9 (2) a record of having such an impairment; or

10 (3) being regarded as having such an impairment, but
11 such term does not include current, illegal use of or addiction
12 to a controlled substance, as defined in the federal Controlled
13 Substances Act, 21 U.S.C. 802.

14 "Domestic violence", "landlord", "sexual violence", and
15 "tenant" have the meanings provided under Section 10 of the
16 Safe Homes Act.

17 "Dwelling unit" has the meaning provided under subsection
18 (a) of Section 15 of the Landlord and Tenant Act.

19 "Penalizes" includes, but is not limited to:

20 (1) assessment of fees or fines;

21 (2) revocation, suspension, or nonrenewal of any
22 license or permit required for the rental or occupancy of
23 any dwelling unit;

24 (3) termination or denial of a subsidized housing
25 contract or housing subsidy; and

26 (4) termination or nonrenewal of a residential lease

1 agreement.

2 "Subsidized housing" has the meaning provided under
3 subsection (a) of Section 9-119 of the Code of Civil Procedure.

4 (b) Protection.

5 (1) No municipality shall enact or enforce an ordinance
6 or regulation that penalizes tenants or landlords based on:

7 (A) contact made to police or other emergency
8 services, if (i) the contact was made with the intent
9 to prevent or respond to domestic violence or sexual
10 violence; (ii) the intervention or emergency
11 assistance was needed to respond to or prevent domestic
12 violence or sexual violence; or (iii) the contact was
13 made by, on behalf of, or otherwise concerns an
14 individual with a disability and the purpose of the
15 contact was related to that individual's disability;

16 (B) an incident or incidents of actual or
17 threatened domestic violence or sexual violence
18 against a tenant, household member, or guest occurring
19 in the dwelling unit or on the premises; or

20 (C) criminal activity or a local ordinance
21 violation occurring in the dwelling unit or on the
22 premises that is directly relating to domestic
23 violence or sexual violence, engaged in by a tenant,
24 member of a tenant's household, guest, or other party,
25 and against a tenant, household member, guest, or other
26 party.

1 (2) Nothing with respect to this Section: (A) limits
2 enforcement of Section 15.2 of the Emergency Telephone
3 System Act, Article 26 of the Criminal Code of 2012, or
4 Article IX of the Code of Civil Procedure; (B) prohibits
5 municipalities from enacting or enforcing ordinances to
6 impose penalties on the basis of the underlying criminal
7 activity or a local ordinance violation not covered by
8 paragraph (1) of subsection (b) of this Section and to the
9 extent otherwise permitted by existing State and federal
10 law; or (C) limits or prohibits the eviction of or
11 imposition of penalties against the perpetrator of the
12 domestic violence, sexual violence, or other criminal
13 activity.

14 (c) Remedies. If a municipality enacts or enforces an
15 ordinance or regulation against a tenant or landlord in
16 violation of subsection (b), the tenant or landlord may bring a
17 civil action to seek any one or more of the following remedies:

18 (1) an order invalidating the ordinance or regulation
19 to the extent required to bring the ordinance or regulation
20 into compliance with the requirements of subsection (b);

21 (2) compensatory damages;

22 (3) reasonable attorney fees and court costs; or

23 (4) other equitable relief as the court may deem
24 appropriate and just.

25 (d) Home rule. This Section is a denial and limitation of
26 home rule powers and functions under subsection (g) of Section

1 6 of Article VII of the Illinois Constitution.

2 Section 99. Effective date. This Act takes effect 90 days
3 after becoming law.