



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5859

Introduced 11/10/2020, by Rep. Lakesia Collins

SYNOPSIS AS INTRODUCED:

765 ILCS 705/17 new

Amends the Landlord and Tenant Act. Provides that a landlord may charge a fee for a screening report on a prospective tenant. Provides that a landlord shall provide a prospective tenant with a copy of any screening report the landlord obtains in processing an application to enter into a lease with a landlord. Allows a prospective tenant to timely correct any misinformation on a screening report used in the process of applying to enter into a lease with a landlord. Provides that if a prospective tenant contacts a screening agency to correct misinformation on the screening report, the screening agency, without charge, shall correct the screening report and provide the corrected screening report to the prospective tenant and the landlord that paid for the original screening report. Provides that if a prospective tenant is denied a dwelling unit because of a screening report, the landlord shall provide written notice to the prospective tenant of the denial and the reason. Provides that any landlord that fails to provide a copy of a screening report or a notice is subject to a penalty. Provides that any screening agency that does not provide a corrected screening report within 30 days of the prospective tenant providing evidence in support of correcting misinformation is subject to a penalty. Provides that a prospective tenant may file an action against a screening agency that fails to provide a corrected screening report within 30 days of the prospective tenant providing evidence in support of correcting misinformation. Provides that the court may award a prevailing prospective tenant the amount of the penalty and attorney's fees.

LRB101 22525 LNS 73611 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 Landlord and Tenant Act is amended by adding
5 Section 17 as follows:

6 (765 ILCS 705/17 new)

7 Sec. 17. Tenant screening.

8 (a) A landlord may charge a fee for a screening report on a
9 prospective tenant not to exceed the actual cost of the fee for
10 a screening report plus a \$1 administrative fee. A landlord
11 shall provide written notice to a prospective tenant regarding
12 the cost of the fee for a screening report and what it entails,
13 including, but not limited to, the amount for a background
14 check, the amount for a credit check, and the \$1 administrative
15 fee.

16 Upon receipt of a fee for a screening report, the landlord
17 shall provide the prospective tenant with a written receipt for
18 the fee for a screening report.

19 (b) A landlord shall provide a prospective tenant with a
20 copy of any screening report the landlord obtains in processing
21 an application to enter into a lease with a landlord,
22 including, but not limited to, background checks and credit
23 reports. Unless the screening report provides contact

1 information for the screening agency on the copy of the
2 screening report, a landlord shall provide each prospective
3 tenant with information on how to contact the screening agency
4 used.

5 (c) A prospective tenant may timely correct any
6 misinformation on a screening report used in the process of
7 applying to enter into a lease with a landlord. A prospective
8 tenant shall provide evidence in support of correcting the
9 misinformation, including, but not limited to, a birth
10 certificate, a driver's license, court records, utility bills,
11 bank statements, and other official documents.

12 (d) If a prospective tenant contacts a screening agency to
13 correct misinformation on the screening report, the screening
14 agency, without charge, shall correct the screening report and
15 provide the corrected screening report to the prospective
16 tenant and the landlord that paid for the original screening
17 report. A prospective tenant shall provide evidence in support
18 of correcting the misinformation, including, but not limited
19 to, a birth certificate, a driver's license, court records,
20 utility bills, bank statements, and other official documents.

21 (e) If a prospective tenant is denied a dwelling unit
22 because of a screening report, the landlord shall provide
23 written notice to the prospective tenant of the denial and the
24 reason.

25 (f) Any landlord that fails to provide a copy of a
26 screening report under subsection (b) or a notice under

1 subsection (a) or (e) is subject to a penalty. The Fair Housing
2 Division of the Department of Human Rights shall set the
3 penalty based on the lowest penalty for a fair housing
4 violation under Section 8B-104 of the Illinois Human Rights
5 Act.

6 (g) Any screening agency that fails to comply with
7 subsection (d) within 30 days of the prospective tenant
8 providing evidence in support of correcting misinformation is
9 subject to a penalty. The Fair Housing Division of the
10 Department of Human Rights shall set the penalty based on the
11 lowest penalty for a fair housing violation under Section
12 8B-104 of the Illinois Human Rights Act.

13 (h) A prospective tenant may file an action against a
14 screening agency that fails to comply with subsection (d)
15 within 30 days of the prospective tenant providing evidence in
16 support of correcting misinformation. The court may award a
17 prevailing prospective tenant the amount of the penalty under
18 subsection (g) and attorney's fees.