



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4768

Introduced 2/6/2024, by Rep. Will Guzzardi

SYNOPSIS AS INTRODUCED:

New Act
735 ILCS 5/9-106.4 new
765 ILCS 720/Act rep.

Creates the Landlord Retaliation Act. Declares that it is against the public policy of the State for a landlord to take retaliatory action against a tenant. Prohibits a landlord from knowingly terminating a tenancy, increasing rent, decreasing services, bringing or threatening to bring a lawsuit against a tenant for possessing or refusing to renew a lease or tenancy because the tenant has in good faith has taken certain actions, including but not limited to (i) complaining of code violations applicable to the premises to the relevant governmental agency responsible for enforcement of a building, housing, health, or similar code; (ii) complaining of a building, housing, health, or similar code violation, or an illegal landlord practice to a community organization or the news media; or (iii) complaining or requesting the landlord to make repairs to the premises as required by a building code, health ordinance, other regulation, or the residential rental agreement. Creates remedies for violation by a landlord including damages, punitive damages, or recovering possession of the premises. Creates an affirmative defense under the Code of Civil Procedure in eviction actions if a landlord violates the Landlord Retaliation Act. Repeals the Retaliatory Eviction Act. Makes other changes.

LRB103 37572 JRC 67698 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 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
17 responsibility for enforcement of a building, housing,
18 health, or similar code;

19 (2) complained of a building, housing, health, or
20 similar code violation or an illegal landlord practice to
21 a community organization or the news media;

22 (3) sought the assistance of a community organization
23 or the news media to remedy a code violation or illegal

1 landlord practice;

2 (4) complained or requested the landlord to make
3 repairs to the premises as required by a building code,
4 health ordinance, other regulation, or the residential
5 rental agreement;

6 (5) organized or become a member of a tenants' union
7 or similar organization;

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

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

11 Section 10. Remedies for violation of this Act. If the
12 landlord acts in violation of this Act, the tenant has a
13 defense in any retaliatory action against the tenant, and a
14 landlord shall be subject to a civil action for damages and
15 other appropriate relief, including, but not limited to, the
16 following remedies:

17 (1) terminate the rental agreement and, if the rental
18 agreement is terminated, the landlord shall return all
19 security and interest recoverable under the Security
20 Deposit Return Act and all prepaid rent;

21 (2) recover possession of the premises if the landlord
22 has dispossessed, threatened to dispossess, or is in the
23 process of dispossessing;

24 (3) recovery of an amount equal to and not more than 3
25 months' rent or 3 times the damages sustained by the

1 tenant, whichever is greater, and reasonable attorney's
2 fees;

3 (4) punitive damages in an amount of not less than
4 \$100 nor more than \$2,000 for each retaliatory act in
5 which the lessor or agent has been guilty of fraud,
6 oppression, or malice with respect to that act.

7 Section 15. Rebuttable presumption. In an action by or
8 against the tenant, if within one year before the alleged act
9 of retaliation there is evidence that the retaliation was
10 against tenant's conduct that is protected under this Act,
11 that evidence creates a rebuttable presumption that the
12 landlord's conduct was retaliatory.

13 Section 90. The Code of Civil Procedure is amended by
14 adding Section 9-106.4 as follows:

15 (735 ILCS 5/9-106.4 new)

16 Sec. 9-106.4. Affirmative defenses for protected actions
17 under the Landlord Retaliation Act. It is an affirmative
18 defense to an action maintained under this Article if the
19 court finds that the tenant has engaged in an action protected
20 under the Landlord Retaliation Act.

21 (765 ILCS 720/Act rep.)

22 Section 95. The Retaliatory Eviction Act is repealed.