



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB5156

Introduced 2/9/2024, by Rep. Norma Hernandez

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Tenants' Right to Organize Act. Provides that tenants receiving tenant-based rental assistance in the form of partial rent subsidy from any county, municipal, State, or federal source have the right to establish, operate, and participate in a resident organization for the purpose of addressing issues related to their living environment, which includes the terms and conditions of their tenancy as well as activities related to housing and community development. Provides that tenants may not be retaliated against for asserting these rights. Requires housing authorities to: (i) recognize legitimate tenant organizations; (ii) solicit comments from all legitimate tenant organizations not less than once each year; and (iii) meaningfully respond in writing no later than 60 days after receiving a comment from a legitimate tenant organization. Requires each owner of a rental housing development that receives federal low-income housing tax credits (LIHTC) to: (1) recognize legitimate resident organizations; and (2) not retaliate against any tenant because of his or her association with a legitimate resident organization. Requires housing authorities and owners of LIHTC rental housing developments to allow tenants and tenant organizers to conduct, without having to obtain prior permission, certain activities related to the establishment or operation of a tenant organization, including distributing leaflets, convening regularly scheduled tenant organization meetings in a space on-site and accessible to tenants, and other activities. Provides that if a housing authority or owner of a LIHTC rental housing development takes adverse action against a tenant who is a member of a tenant organization, there shall be a rebuttable presumption that such adverse action is an act of retaliation. Requires the Illinois Housing Development Authority to establish enforcement protocols and annually submit reports to the General Assembly with data summarizing the number of outstanding tenant complaints and the average close time for tenant complaints. Provides that implementation of the Act is contingent on the enactment of the federal Tenants' Right to Organize Act.

LRB103 38631 JRC 68768 b

A BILL FOR

1 AN ACT concerning housing.

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 Tenants' Right to Organize Act.

6 Section 5. Public policy. It is declared to be the public  
7 policy of this State that all members of a household,  
8 regardless of immigration status, who are receiving or  
9 benefiting from tenant-based rental assistance, have the right  
10 to decent, safe, stable, and sanitary housing and the right to  
11 organize for the purpose of addressing issues related to their  
12 living environment.

13 Section 10. Definitions. As used in this Section:

14 "Housing authority" has the meaning ascribed to that  
15 term in the Housing Authorities Act.

16 "Legitimate tenant organization" means an organization  
17 of 3 or more tenants receiving tenant-based rental  
18 assistance that has been established for the purpose as  
19 described in Section 15.

20 "LIHTC rental housing development" means a multifamily  
21 rental housing development that receives federal  
22 low-income housing tax credits.

1 "Low-income housing tax credit" or "LIHTC" means the  
2 federal low-income housing tax credit provided by 26  
3 U.S.C. 42, including federal low-income tax credits issued  
4 pursuant to 26 U.S.C. 42(h) (3) and 26 U.S.C. 42(h) (4).

5 "Owner" means a person or entity that owns a dwelling  
6 unit occupied by a tenant who receives rental assistance.

7 "Tenant organizer" means a tenant or non-tenant who  
8 assists tenants in establishing and operating a tenant  
9 organization and who is not an employee or representative  
10 of current or prospective owners, managers, or their  
11 agents.

12 Section 15. Right to organize. Tenants receiving  
13 tenant-based rental assistance in the form of partial rent  
14 subsidy from any county, municipal, State, or federal source  
15 have the right to establish, operate, and participate in a  
16 resident organization for the purpose of addressing issues  
17 related to their living environment, which includes the terms  
18 and conditions of their tenancy as well as activities related  
19 to housing and community development. Tenants may not be  
20 retaliated against for asserting these rights.

21 Section 20. Housing authorities. Each housing authority  
22 shall:

- 23 (1) recognize legitimate tenant organizations;  
24 (2) solicit comments from all legitimate tenant

1 organizations not less than once each year; and  
2 (3) meaningfully respond in writing no later than 60  
3 days after receiving a comment from a legitimate tenant  
4 organization.

5 Section 25. Owners of LIHTC rental housing developments.  
6 Each owner of a LIHTC rental housing development shall:

7 (1) recognize legitimate resident organizations; and  
8 (2) not retaliate against any tenant because of his or  
9 her association with a legitimate resident organization.

10 Section 30. Protections.

11 (a) Each housing authority and owner of a LIHTC rental  
12 housing development may not interfere with the right of  
13 tenants to establish and operate a legitimate tenant  
14 organization.

15 (b) Each housing authority and owner of a LIHTC rental  
16 housing development shall allow tenants and tenant organizers  
17 to conduct the following activities related to the  
18 establishment or operation of a tenant organization:

19 (1) distributing leaflets in lobby areas;  
20 (2) placing leaflets at or under tenants' doors;  
21 (3) distributing leaflets in common areas;  
22 (4) initiating contact with tenants;  
23 (5) conducting door-to-door surveys of tenants to  
24 ascertain interest in establishing a legitimate tenant

1 organization and to offer information about tenant  
2 organizations;

3 (6) posting information on bulletin boards;

4 (7) assisting tenants to participate in tenant  
5 organization activities;

6 (8) convening regularly scheduled tenant organization  
7 meetings in a space on-site and accessible to tenants in a  
8 manner that is fully independent of management  
9 representatives. To preserve the independence of tenant  
10 organizations, management representatives may not attend  
11 such meetings unless invited by the tenant organization to  
12 specific meetings to discuss a specific issue or issues;  
13 and

14 (9) other reasonable activities related to the  
15 establishment or operation of a tenant organization.

16 (c) A housing authority or owner of a LIHTC rental housing  
17 development may not require tenants or tenant organizers to  
18 obtain prior permission before engaging in the activities  
19 permitted under this Section.

20 (d) If a housing authority or owner of a LIHTC rental  
21 housing development takes adverse action against a tenant who  
22 is a member of a tenant organization, there shall be a  
23 rebuttable presumption that such adverse action is an act of  
24 retaliation relating to the participation of the tenant in the  
25 tenant organization.

1 Section 35. Enforcement protocol. No later than one year  
2 after the effective date of this Act, the Illinois Housing  
3 Development Authority shall establish a protocol for the  
4 enforcement of this Act and such protocol shall:

5 (1) include an independent investigation of tenant and  
6 advocate allegations of abuse and retaliation;

7 (2) provide a mechanism for administrative complaints  
8 to be made and cataloged;

9 (3) keep tenants regularly informed about the  
10 progression of any complaint;

11 (4) prohibit the withholding of tenant-based rental  
12 assistance from any tenant that makes a complaint until  
13 such complaint is closed; and

14 (5) provide confidentiality where necessary, including  
15 in cases where alleged abuse is extreme and targeted.

16 In developing the enforcement protocol, the Illinois  
17 Housing Development Authority may use subcontractors to  
18 perform enforcement activities.

19 Section 40. Reports. The Illinois Housing Development  
20 Authority shall submit annually to the General Assembly a  
21 report that includes data summarizing for each housing  
22 authority and LIHTC rental housing development:

23 (1) the volume of outstanding tenant complaints;

24 (2) the average response time for an initial  
25 complaint; and

1           (3) the average time it takes to close a complaint.

2           Section 45. Notice requirement. Each housing authority and  
3 owner of a LIHTC rental housing development shall annually  
4 notify each tenant receiving tenant-based rental assistance of  
5 the right to organize under this Act.

6           Section 50. Implementation. Implementation of this Act is  
7 contingent on the enactment of the federal Tenants' Right to  
8 Organize Act, H.R. 5826, 118th Cong., 1st Sess. (2023).