



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB5432

Introduced 2/9/2024, by Rep. Jennifer Gong-Gershowitz

#### SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-12022 new  
65 ILCS 5/11-13-28 new

Amends the Counties Code and Illinois Municipal Code. Provides that a county or municipality may not adopt, enforce, or implement an ordinance, resolution, policy, program, or other regulation affecting a tenancy that (1) imposes or threatens to impose a penalty against a resident, property owner, tenant, landlord, or other person solely as a consequence of contact with a law enforcement agency, (2) requires a property owner or landlord to do, or imposes a penalty on a property owner or landlord for the failure to do, specified things, (3) defines as a nuisance, any contact by a tenant with a law enforcement agency, any request by a tenant, landlord, resident or property owner for emergency assistance, (4) requires a tenant to obtain a certificate of occupancy as a condition of tenancy, or (5) establishes, maintains, or promotes a registry of tenants for the purposes of discouraging a landlord from renting to a tenant on the registry or excluding a tenant on the registry from rental housing within the county or municipality. Defines "penalty". Limits the concurrent exercise of home rule powers. Effective immediately.

LRB103 38130 AWJ 68262 b

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 5-12022 as follows:

6 (55 ILCS 5/5-12022 new)

7 Sec. 5-12022. Prohibition on crime-free housing  
8 ordinances.

9 (a) As used in this Section, "penalty against a landlord"  
10 includes, but is not limited to, an action against a landlord  
11 in response to a landlord failing to implement or enforce an  
12 ordinance, resolution, policy, program, or other regulation  
13 prohibited by this Section, including revoking, suspending, or  
14 refusing to issue a permit or license otherwise required by  
15 the county for a property owner or landlord to engage in the  
16 business of leasing within the county.

17 (b) A county may not adopt, enforce, or implement an  
18 ordinance, resolution, policy, program, or other regulation  
19 affecting a tenancy that does any of the following:

20 (1) imposes or threatens to impose a penalty against a  
21 resident, property owner, tenant, landlord, or other  
22 person solely as a consequence of contact with a law  
23 enforcement agency;

1           (2) requires a property owner or landlord to do, or  
2           imposes a penalty on a property owner or landlord for the  
3           failure to do, any of the following:

4                   (A) evict or penalize a tenant because of the  
5                   tenant's association with another tenant or household  
6                   member who has had contact with a law enforcement  
7                   agency or has a criminal conviction;

8                   (B) evict, refuse to lease or renew a lease, or  
9                   otherwise penalize a tenant because of the tenant's  
10                  criminal history or alleged unlawful conduct or  
11                  arrest; or

12                  (C) include a provision in a lease or rental  
13                  agreement that provides as grounds for eviction, any  
14                  cause that is in conflict with state or federal law;

15           (3) defines as a nuisance any contact by a tenant with  
16           a law enforcement agency or any request by a tenant,  
17           landlord, resident or property owner for emergency  
18           assistance;

19           (4) requires a tenant to obtain a certificate of  
20           occupancy as a condition of tenancy; or

21           (5) establishes, maintains, or promotes a registry of  
22           tenants for the purposes of discouraging a landlord from  
23           renting to a tenant on the registry or excluding a tenant  
24           on the registry from rental housing within the county.

25           (c) A home rule county may not regulate tenancy in a manner  
26           inconsistent with this Section. This Section is a limitation

1 under subsection (i) of Section 6 of Article VII of the  
2 Illinois Constitution on the concurrent exercise by home rule  
3 units of powers and functions exercised by the State.

4 Section 10. The Illinois Municipal Code is amended by  
5 adding Section 11-13-28 as follows:

6 (65 ILCS 5/11-13-28 new)

7 Sec. 11-13-28. Prohibition on crime-free housing  
8 ordinances.

9 (a) As used in this Section, "penalty against a landlord"  
10 includes, but is not limited to, an action against a landlord  
11 in response to a landlord failing to implement or enforce an  
12 ordinance, resolution, policy, program, or other regulation  
13 prohibited by this Section, including revoking, suspending, or  
14 refusing to issue a permit or license otherwise required by  
15 the municipality for a property owner or landlord to engage in  
16 the business of leasing within the municipality.

17 (b) A municipality may not adopt, enforce, or implement an  
18 ordinance, resolution, policy, program, or other regulation  
19 affecting a tenancy that does any of the following:

20 (1) imposes or threatens to impose a penalty against a  
21 resident, property owner, tenant, landlord, or other  
22 person solely as a consequence of contact with a law  
23 enforcement agency;

24 (2) requires a property owner or landlord to do, or

1 imposes a penalty on a property owner or landlord for the  
2 failure to do, any of the following:

3 (A) evict or penalize a tenant because of the  
4 tenant's association with another tenant or household  
5 member who has had contact with a law enforcement  
6 agency or has a criminal conviction;

7 (B) evict, refuse to lease or renew a lease, or  
8 otherwise penalize a tenant because of the tenant's  
9 criminal history or alleged unlawful conduct or  
10 arrest; or

11 (C) include a provision in a lease or rental  
12 agreement that provides as grounds for eviction, any  
13 cause that is in conflict with state or federal law;

14 (3) defines as a nuisance any contact by a tenant with  
15 a law enforcement agency or any request by a tenant,  
16 landlord, resident or property owner for emergency  
17 assistance;

18 (4) requires a tenant to obtain a certificate of  
19 occupancy as a condition of tenancy; or

20 (5) establishes, maintains, or promotes a registry of  
21 tenants for the purposes of discouraging a landlord from  
22 renting to a tenant on the registry or excluding a tenant  
23 on the registry from rental housing within the  
24 municipality.

25 (c) A home rule municipality may not regulate tenancy in a  
26 manner inconsistent with this Section. This Section is a

1 limitation under subsection (i) of Section 6 of Article VII of  
2 the Illinois Constitution on the concurrent exercise by home  
3 rule units of powers and functions exercised by the State.

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.