



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3100

Introduced 2/2/2024, by Sen. Karina Villa

SYNOPSIS AS INTRODUCED:

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

Creates the Landlord Retaliation Act. Provides that a landlord may not knowingly terminate a tenancy, increase rent, decrease services, bring or threaten to bring a lawsuit against a tenant for possession, or refuse to renew a lease or tenancy because the tenant has, in good faith: (1) complained of code violations applicable to the premises to a competent governmental agency, elected representative, or public official charged with the responsibility for enforcement of a building, housing, health, or similar code; (2) complained of a building, housing, health, or similar code violation or an illegal landlord practice to a community organization or the news media; (3) sought the assistance of a community organization or the news media to remedy a code violation or illegal landlord practice; (4) complained to or requested the landlord to make repairs to the premises as required by a building code, health ordinance, other rule or regulation, or residential rental agreement; (5) organized or become a member of a tenant's union or similar organization; (6) testified in any court or administrative proceeding concerning the condition of the premises; or (7) exercised any right or remedy provided by law. Sets forth remedies for a violation of the Act. Amends the Code of Civil Procedure to create an affirmative defense to an eviction action if the court finds that the tenant engaged in an action protected under the Landlord Retaliation Act. Repeals the Retaliatory Eviction Act.

LRB103 36017 LNS 66104 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 the public policy of this State
8 for a 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:

13 (1) complained of code violations applicable to the
14 premises to a competent governmental agency, elected
15 representative, or public official charged with the
16 responsibility for enforcement of a building, housing,
17 health, or similar code;

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

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

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

5 (5) organized or become a member of a tenant's union
6 or similar organization;

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

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

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

15 (1) Termination of the rental agreement and, if the
16 rental agreement is terminated, the landlord shall return
17 all security and interest recoverable under Section 1.2 of
18 the Security Deposit Return Act and all prepaid rent.

19 (2) Recovery of possession of the premises if the
20 landlord has dispossessed, threatened to dispossess, or is
21 in the process of dispossessing the premises.

22 (3) Recovery of an amount equal to and not more than 3
23 months' rent or 3 times the damages sustained by the
24 tenant, whichever is greater, and reasonable attorney's
25 fees.

1 (4) Punitive damages in an amount of not less than
2 \$100 nor more than \$2,000 for each retaliatory act where
3 the landlord has been guilty of fraud, oppression, or
4 malice with respect to that act.

5 Section 15. Rebuttable presumption. In an action by or
6 against the tenant, if there is evidence of tenant conduct
7 protected under this Act within one year prior to the alleged
8 act of retaliation, that evidence shall create a rebuttable
9 presumption that the landlord's conduct was retaliatory.

10 Section 20. The Code of Civil Procedure is amended by
11 adding Section 9-106.4 as follows:

12 (735 ILCS 5/9-106.4 new)

13 Sec. 9-106.4. Affirmative defenses for protected actions
14 under the Landlord Retaliation Act. It is an affirmative
15 defense to an action maintained under this Article if the
16 court finds that the tenant has engaged in an action protected
17 under Section 5 of the Landlord Retaliation Act.

18 (765 ILCS 720/Act rep.)

19 Section 25. The Retaliatory Eviction Act is repealed.