

1 AN ACT in relation to property.

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 Residential Tenants' Right to Repair Act.

6 Section 5. Repair; deduction from rent. If a repair is
7 required under a residential lease agreement or required under
8 a law, administrative rule, or local ordinance or regulation,
9 and the reasonable cost of the repair does not exceed the
10 lesser of \$500 or one-half of the monthly rent, the tenant may
11 notify the landlord in writing by registered or certified mail
12 or other restricted delivery service to the address of the
13 landlord or an agent of the landlord as indicated on the lease
14 agreement; if an address is not listed, the tenant may send
15 notice to the landlord's last known address of the tenant's
16 intention to have the repair made at the landlord's expense. If
17 the landlord fails to make the repair within 14 days after
18 being notified by the tenant as provided above or more promptly
19 as conditions require in the case of an emergency, the tenant
20 may have the repair made in a workmanlike manner and in
21 compliance with the appropriate law, administrative rule, or
22 local ordinance or regulation. Emergencies include conditions
23 that will cause irreparable harm to the apartment or any
24 fixture attached to the apartment if not immediately repaired
25 or any condition that poses an immediate threat to the health
26 or safety of any occupant of the dwelling or any common area.
27 After submitting to the landlord a paid bill from an
28 appropriate tradesman or supplier unrelated to the tenant, the
29 tenant may deduct from his or her rent the amount of the bill,
30 not to exceed the limits specified by this Section and not to
31 exceed the reasonable price then customarily charged for the
32 repair. If not clearly indicated on the bill submitted by the

1 tenant, the tenant shall also provide to the landlord in
2 writing, at the time of the submission of the bill, the name,
3 address, and telephone number for the tradesman or supplier
4 that provided the repair services. A tenant may not repair at
5 the landlord's expense if the condition was caused by the
6 deliberate or negligent act or omission of the tenant, a member
7 of the tenant's family, or another person on the premises with
8 the tenant's consent.

9 Section 10. Exceptions.

10 (a) This Act does not apply to public housing as defined in
11 Section 3(b) of the United States Housing Act of 1937, as
12 amended from time to time, and any successor Act.

13 (b) This Act does not apply to condominiums.

14 (c) This Act does not apply to not-for-profit corporations
15 organized for the purpose of residential cooperative housing.

16 (d) This Act does not apply to tenancies other than
17 residential tenancies.

18 (e) This Act does not apply to owner-occupied rental
19 property containing 6 or fewer dwelling units.

20 (f) This Act does not apply to any dwelling unit that is
21 subject to the Mobile Home Landlord and Tenant Rights Act.

22 Section 15. Tenant liabilities and responsibilities. The
23 tenant is responsible for ensuring that:

24 (1) the repairs are performed in a workmanlike manner in
25 compliance with the appropriate law, administrative rule, or
26 local ordinance or regulation;

27 (2) the tradesman or supplier that is hired by the tenant
28 to perform the repairs holds the appropriate valid license or
29 certificate required by State or municipal law to make the
30 repair; and

31 (3) the tradesman or supplier is adequately insured to
32 cover any bodily harm or property damage that is caused by the
33 negligence or substandard performance of the repairs by the
34 tradesman or supplier.

1 The tenant is responsible for any damages to the premises
2 caused by a tradesman or supplier hired by the tenant. A tenant
3 shall not be entitled to exercise the remedies provided for in
4 this Act if the tenant does not comply with the requirements of
5 this Section.

6 Section 20. Defense to eviction. A tenant may not assert as
7 a defense to an action for rent or eviction that rent was
8 withheld under this Act unless the tenant meets all the
9 requirements provided for in this Act.

10 Section 25. Mechanics lien laws. For purposes of mechanics
11 lien laws, repairs performed or materials furnished pursuant to
12 this Act shall not be construed as having been performed or
13 furnished pursuant to authority of or with permission of the
14 landlord.

15 Section 30. Home rule. A home rule unit may not regulate
16 residential lease agreements in a manner that diminishes the
17 rights of tenants under this Act. This Section is a limitation
18 under subsection (i) of Section 6 of Article VII of the
19 Illinois Constitution on the concurrent exercise by home rule
20 units of powers and functions exercised by the State.