



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0367

Introduced 1/21/2005, by Rep. Chapin Rose

SYNOPSIS AS INTRODUCED:

765 ILCS 705/3 new

765 ILCS 705/4 new

Amends the Landlord and Tenant Act. Permits a landlord to perform a criminal background check on any person seeking to lease property from the landlord or sublease property from a tenant of the landlord. Provides that the landlord may refuse to lease the property or may refuse to allow the sublease if the criminal background check of the person contains any felony convictions or indicates that the person is a registered sex offender. Preempts home rule.

LRB094 02477 LCB 32478 b

HOME RULE NOTE
ACT MAY APPLY

1 AN ACT concerning landlords.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Landlord and Tenant Act is amended by adding
5 Sections 3 and 4 as follows:

6 (765 ILCS 705/3 new)

7 Sec. 3. Criminal background check. A landlord may perform
8 a criminal background check on any person seeking to lease
9 property from the landlord or sublease property from a tenant
10 of the landlord. The landlord may refuse to lease the property
11 or may refuse to allow the sublease if the criminal background
12 check of the person contains any felony convictions or
13 indicates that the person is a registered sex offender. The
14 landlord may not use the criminal background check to
15 discriminate against a protected class.

16 (765 ILCS 705/4 new)

17 Sec. 4. Home rule. A home rule unit may not require a
18 landlord to lease property to a person who has been convicted
19 of a felony or is a registered sex offender and may not
20 prohibit a landlord from performing a criminal background check
21 that he or she is authorized to perform under this Act. This
22 Section is a denial and limitation of home rule functions under
23 subsection (g) of Section 6 of Article VII of the Illinois
24 Constitution.