



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB1547

Introduced 2/20/2015, by Sen. Toi W. Hutchinson - David Koehler

#### SYNOPSIS AS INTRODUCED:

65 ILCS 5/1-2-1.5 new

Amends the Illinois Municipal Code. Creates a new Section prohibiting all units of local government from enacting or enforcing ordinances or regulations that penalize tenants who contact police or other emergency services if (1) the contact was made with the intent to prevent the perpetration or escalation of domestic violence, sexual violence, criminal activity, or any other emergency situation; (2) the contact was made with the intent to respond to domestic violence, sexual violence, criminal activity, or other emergency situation; (3) the intervention or emergency assistance was needed to respond to the perpetration or escalation of domestic violence, sexual violence, criminal activity, or other emergency situation; or (4) the contact was concerning an individual with a disability. Requires any ordinances inconsistent with this Section to be repealed or modified. Provides that a landlord or tenant may bring a civil suit seeking to invalidate the ordinance, compensatory damages, attorney fees, court costs, and other equitable relief. Provides that the new Section is a denial and limitation of home rule powers and functions. Provides that this Section does not limit enforcement of provisions of the Emergency Telephone System Act, the Criminal Code of 2012, and the Forcible Entry and Detainer Article of the Code of Civil Procedure, or does not limit or prohibit any unit of local government from enacting or enforcing an ordinance that does not penalize landlords or tenants on the basis of contact made to police or other emergency service. Effective immediately.

LRB099 10920 AWJ 31259 b

HOME RULE NOTE  
ACT MAY APPLY

A BILL FOR

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 Illinois Municipal Code is amended by adding  
5 Section 1-2-1.5 as follows:

6 (65 ILCS 5/1-2-1.5 new)

7 Sec. 1-2-1.5. Ordinances penalizing tenants who contact  
8 police or other emergency services prohibited.

9 (a) Definitions. As used in this Section:

10 "Contact" includes any communication made by a tenant,  
11 landlord, guest, neighbor, or other individual to police or  
12 other emergency services.

13 "Criminal activity" means a violation of the Criminal Code  
14 of 2012, of the Cannabis Control Act, of the Illinois  
15 Controlled Substances Act, or of the Methamphetamine Control  
16 and Community Protection Act.

17 "Domestic violence", "landlord", "sexual violence", and  
18 "tenant", have the meanings provided under Section 10 of the  
19 Safe Homes Act.

20 "Dwelling unit" has the meaning provided under subsection  
21 (a) of Section 15 of the Landlord and Tenant Act.

22 "Emergency situation" means a threat of, or events causing,  
23 physical harm or death to a person or damage or destruction to

1 property.

2 "Penalizes" includes, but is not limited to:

3 (1) assessment of fees or fines;

4 (2) revocation, suspension or nonrenewal of any  
5 license or permit required for the rental or occupancy of  
6 any dwelling unit;

7 (3) termination or denial of a subsidized housing  
8 contract or housing subsidy; and

9 (4) termination or nonrenewal of a residential lease  
10 agreement.

11 "Subsidized housing" has the meaning provided under  
12 subsection (a) of Section 9-119 of the Code of Civil Procedure.

13 (b) Protection. No unit of local government shall enact or  
14 enforce an ordinance or regulation that penalizes tenants or  
15 landlords based in whole or in part on contact made to police  
16 or other emergency services, if:

17 (1) the contact was made with the intent to prevent the  
18 perpetration or escalation of domestic violence, sexual  
19 violence, criminal activity, or any other emergency  
20 situation;

21 (2) the contact was made with the intent to respond to  
22 domestic violence, sexual violence, criminal activity, or  
23 other emergency situation; or

24 (3) the intervention or emergency assistance was  
25 needed to respond to or prevent the perpetration or  
26 escalation of domestic violence, sexual violence, criminal

1 activity, or other emergency situation.

2 (4) the contact was made by, on behalf of, or otherwise  
3 concerns an individual with a disability and the purpose of  
4 the contact was related to that individual's disability.

5 (c) Repeal or modification of ordinances. Should a  
6 municipality have enacted an ordinance that is inconsistent  
7 with subsection (b) of this Section prior to the effective date  
8 of this amendatory Act of the 99th General Assembly, the  
9 municipality shall within 90 days of the effective date of this  
10 amendatory Act of the 99th General Assembly repeal the  
11 ordinance or modify the ordinance so that it is in compliance  
12 with subsection (b) of this Section.

13 (d) Remedies. If a unit of local government enacts,  
14 enforces, or fails to repeal or modify an ordinance or  
15 regulation against a tenant or landlord in violation of  
16 subsections (b) or (c), the tenant or landlord may bring a  
17 civil action to seek any one or more of the following remedies:

18 (1) an order invalidating the ordinance or regulation  
19 in whole or in part to the extent required to bring the  
20 ordinance or regulation into in compliance with the  
21 requirements of subsection (b);

22 (2) compensatory damages;

23 (3) reasonable attorney fees and court costs; and

24 (4) other equitable relief as the court may deem  
25 appropriate and just.

26 (e) Home rule. This Section is a denial and limitation of

1 home rule powers and functions under subsection (g) of Section  
2 6 of Article VII of the Illinois Constitution.

3 (f) Effect.

4 (1) Nothing with respect to this Section limits  
5 enforcement of Section 15.2 of the Emergency Telephone  
6 System Act, Article 26 of the Criminal Code of 2012, and  
7 Article IX of the Code of Civil Procedure.

8 (2) Nothing in this Section shall be interpreted to  
9 limit or prohibit any unit of local government from  
10 enacting or enforcing an ordinance that does not penalize  
11 landlords or tenants on the basis of contact made to police  
12 or other emergency service.

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.