

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 5-1005.10 as follows:

6 (55 ILCS 5/5-1005.10 new)

7 Sec. 5-1005.10. 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 "Disability" means, with respect to a person:

18 (1) a physical or mental impairment which
19 substantially limits one or more of such person's major life
20 activities;

21 (2) a record of having such an impairment; or

22 (3) being regarded as having such an impairment, but
23 such term does not include current, illegal use of or addiction

1 to a controlled substance, as defined in the federal Controlled
2 Substances Act, 21 U.S.C. 802.

3 "Domestic violence", "landlord", "sexual violence", and
4 "tenant" have the meanings provided under Section 10 of the
5 Safe Homes Act.

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

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

9 (1) assessment of fees or fines;

10 (2) revocation, suspension, or nonrenewal of any
11 license or permit required for the rental or occupancy of
12 any dwelling unit;

13 (3) termination or denial of a subsidized housing
14 contract or housing subsidy; and

15 (4) termination or nonrenewal of a residential lease
16 agreement.

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

19 (b) Protection.

20 (1) No county shall enact or enforce an ordinance or
21 regulation that penalizes tenants or landlords based on:

22 (A) contact made to police or other emergency
23 services, if (i) the contact was made with the intent
24 to prevent or respond to domestic violence or sexual
25 violence; (ii) the intervention or emergency
26 assistance was needed to respond to or prevent domestic

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

5 (B) an incident or incidents of actual or
6 threatened domestic violence or sexual violence
7 against a tenant, household member, or guest occurring
8 in the dwelling unit or on the premises; or

9 (C) criminal activity or a local ordinance
10 violation occurring in the dwelling unit or on the
11 premises that is directly relating to domestic
12 violence or sexual violence, engaged in by a tenant,
13 member of a tenant's household, guest, or other party,
14 and against a tenant, household member, guest, or other
15 party.

16 (2) Nothing with respect to this Section: (A) limits
17 enforcement of Section 15.2 of the Emergency Telephone
18 System Act, Article 26 of the Criminal Code of 2012, or
19 Article IX of the Code of Civil Procedure; (B) prohibits
20 counties from enacting or enforcing ordinances to penalize
21 landlords or tenants on the basis of the underlying
22 criminal activity or a local ordinance violation not
23 covered by paragraph (1) of subsection (b) of this Section
24 and to the extent otherwise permitted by State and federal
25 law; or (C) limits or prohibits the eviction of or
26 imposition of penalties against the perpetrator of the

1 domestic violence, sexual violence, or other criminal
2 activity.

3 (c) Remedies. If a county enacts or enforces an ordinance
4 or regulation against a tenant or landlord in violation of
5 subsection (b), the tenant or landlord may bring a civil action
6 to seek any one or more of the following remedies:

7 (1) an order invalidating the ordinance or regulation
8 to the extent required to bring the ordinance or regulation
9 into compliance with the requirements of subsection (b);

10 (2) compensatory damages;

11 (3) reasonable attorney fees and court costs; or

12 (4) other equitable relief as the court may deem
13 appropriate and just.

14 (d) Home rule. This Section is a denial and limitation of
15 home rule powers and functions under subsection (g) of Section
16 6 of Article VII of the Illinois Constitution.

17 Section 10. The Township Code is amended by adding Section
18 85-56 as follows:

19 (60 ILCS 1/85-56 new)

20 Sec. 85-56. Ordinances penalizing tenants who contact
21 police or other emergency services prohibited.

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

23 "Contact" includes any communication made by a tenant,
24 landlord, guest, neighbor, or other individual to police or

1 other emergency services.

2 "Criminal activity" means a violation of the Criminal Code
3 of 2012, of the Cannabis Control Act, of the Illinois
4 Controlled Substances Act, or of the Methamphetamine Control
5 and Community Protection Act.

6 "Disability" means, with respect to a person:

7 (1) a physical or mental impairment which
8 substantially limits one or more of such person's major life
9 activities;

10 (2) a record of having such an impairment; or

11 (3) being regarded as having such an impairment, but
12 such term does not include current, illegal use of or addiction
13 to a controlled substance, as defined in the federal Controlled
14 Substances Act, 21 U.S.C. 802.

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

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

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

21 (1) assessment of fees or fines;

22 (2) revocation, suspension, or nonrenewal of any
23 license or permit required for the rental or occupancy of
24 any dwelling unit;

25 (3) termination or denial of a subsidized housing
26 contract or housing subsidy; and

1 (4) termination or nonrenewal of a residential lease
2 agreement.

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

5 (b) Protection.

6 (1) No township shall enact or enforce an ordinance or
7 regulation that penalizes tenants or landlords based on:

8 (A) contact made to police or other emergency
9 services, if (i) the contact was made with the intent
10 to prevent or respond to domestic violence or sexual
11 violence; (ii) the intervention or emergency
12 assistance was needed to respond to or prevent domestic
13 violence or sexual violence; or (iii) the contact was
14 made by, on behalf of, or otherwise concerns an
15 individual with a disability and the purpose of the
16 contact was related to that individual's disability;

17 (B) an incident or incidents of actual or
18 threatened domestic violence or sexual violence
19 against a tenant, household member, or guest occurring
20 in the dwelling unit or on the premises; or

21 (C) criminal activity or a local ordinance
22 violation occurring in the dwelling unit or on the
23 premises that is directly relating to domestic
24 violence or sexual violence, engaged in by a tenant,
25 member of a tenant's household, guest, or other party,
26 and against a tenant, household member, guest, or other

1 party.

2 (2) Nothing with respect to this Section: (A) limits
3 enforcement of Section 15.2 of the Emergency Telephone
4 System Act, Article 26 of the Criminal Code of 2012, or
5 Article IX of the Code of Civil Procedure; (B) prohibits
6 townships from enacting or enforcing ordinances to
7 penalize landlords or tenants on the basis of the
8 underlying criminal activity or a local ordinance
9 violation not covered by paragraph (1) of subsection (b) of
10 this Section and to the extent otherwise permitted by State
11 and federal law; or (C) limits or prohibits the eviction of
12 or imposition of penalties against the perpetrator of the
13 domestic violence, sexual violence, or other criminal
14 activity.

15 (c) Remedies. If a township enacts or enforces an ordinance
16 or regulation against a tenant or landlord in violation of
17 subsection (b), the tenant or landlord may bring a civil action
18 to seek any one or more of the following remedies:

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

22 (2) compensatory damages;

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

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

1 Section 15. The Illinois Municipal Code is amended by
2 adding Section 1-2-1.5 as follows:

3 (65 ILCS 5/1-2-1.5 new)

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

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

7 "Contact" includes any communication made by a tenant,
8 landlord, guest, neighbor, or other individual to police or
9 other emergency services.

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

14 "Disability" means, with respect to a person:

15 (1) a physical or mental impairment which
16 substantially limits one or more of such person's major life
17 activities;

18 (2) a record of having such an impairment; or

19 (3) being regarded as having such an impairment, but
20 such term does not include current, illegal use of or addiction
21 to a controlled substance, as defined in the federal Controlled
22 Substances Act, 21 U.S.C. 802.

23 "Domestic violence", "landlord", "sexual violence", and
24 "tenant" have the meanings provided under Section 10 of the
25 Safe Homes Act.

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

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

4 (1) assessment of fees or fines;

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

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

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

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

14 (b) Protection.

15 (1) No municipality shall enact or enforce an ordinance
16 or regulation that penalizes tenants or landlords based on:

17 (A) contact made to police or other emergency
18 services, if (i) the contact was made with the intent
19 to prevent or respond to domestic violence or sexual
20 violence; (ii) the intervention or emergency
21 assistance was needed to respond to or prevent domestic
22 violence or sexual violence; or (iii) the contact was
23 made by, on behalf of, or otherwise concerns an
24 individual with a disability and the purpose of the
25 contact was related to that individual's disability;

26 (B) an incident or incidents of actual or

1 threatened domestic violence or sexual violence
2 against a tenant, household member, or guest occurring
3 in the dwelling unit or on the premises; or

4 (C) criminal activity or a local ordinance
5 violation occurring in the dwelling unit or on the
6 premises that is directly relating to domestic
7 violence or sexual violence, engaged in by a tenant,
8 member of a tenant's household, guest, or other party,
9 and against a tenant, household member, guest, or other
10 party.

11 (2) Nothing with respect to this Section: (A) limits
12 enforcement of Section 15.2 of the Emergency Telephone
13 System Act, Article 26 of the Criminal Code of 2012, or
14 Article IX of the Code of Civil Procedure; (B) prohibits
15 municipalities from enacting or enforcing ordinances to
16 penalize landlords or tenants on the basis of the
17 underlying criminal activity or a local ordinance
18 violation not covered by paragraph (1) of subsection (b) of
19 this Section and to the extent otherwise permitted by State
20 and federal law; or (C) limits or prohibits the eviction of
21 or imposition of penalties against the perpetrator of the
22 domestic violence, sexual violence, or other criminal
23 activity.

24 (c) Remedies. If a municipality enacts or enforces an
25 ordinance or regulation against a tenant or landlord in
26 violation of subsection (b), the tenant or landlord may bring a

1 civil action to seek any one or more of the following remedies:

2 (1) an order invalidating the ordinance or regulation
3 to the extent required to bring the ordinance or regulation
4 into compliance with the requirements of subsection (b);

5 (2) compensatory damages;

6 (3) reasonable attorney fees and court costs; or

7 (4) other equitable relief as the court may deem
8 appropriate and just.

9 (d) Home rule. This Section is a denial and limitation of
10 home rule powers and functions under subsection (g) of Section
11 6 of Article VII of the Illinois Constitution.

12 Section 99. Effective date. This Act takes effect 90 days
13 after becoming law.