

HB3489



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3489

by Rep. Aaron M. Ortiz

SYNOPSIS AS INTRODUCED:

New Act

Creates the Immigrant-Owned Property Protection Act. Provides that no municipality or financial institution shall bring an action to recover possession of a dwelling unit based solely or in part on the immigration or citizenship status of a homeowner. Provides that if a municipality or financial institution engages in prohibited conduct against a homeowner, the homeowner may bring a civil action to seek remedies. Provides that the immigration or citizenship status of any person is irrelevant to any issue of liability or remedy in a civil action involving a homeowner's housing rights.

LRB101 10605 LNS 55711 b

A BILL FOR

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 Immigrant-Owned Property Protection Act.

6 Section 5. Definitions. As used in this Act, "immigration
7 or citizenship status" means a person's actual immigration
8 status or citizenship status.

9 Section 10. Immigrant-owned property. Unless required by
10 law or court order, no municipality or financial institution
11 shall bring an action to recover possession of a dwelling unit
12 based solely or in part on the immigration or citizenship
13 status of a homeowner. The following applies to immigrant
14 homeowners:

15 (1) If he or she owns a house, he or she shall continue to
16 own the house, and may allow others to live in it or arrange,
17 through a representative, to lease or sell the house as he or
18 she sees fit.

19 (2) If the house is vacant due to all residents being
20 removed from the United States, the house shall stand vacant
21 until (i) the owner decides to sell or lease the house, (ii)
22 the house becomes a public hazard and is condemned, (iii) the

1 owner fails to pay property taxes and the house is subject to a
2 tax sale, or (iv) the owner fails to satisfy a mortgage
3 obligation, the mortgage is foreclosed, and the house is
4 repossessed.

5 (3) The fact that the reason for the person's absence is
6 removal from the United States is irrelevant to the homeowner's
7 rights with respect to his or her real property interests.

8 Section 15. Remedies.

9 (a) If a municipality or financial institution engages in
10 prohibited conduct described in Section 10 against a homeowner,
11 the homeowner may bring a civil action to seek any one or more
12 of the following remedies:

13 (1) actual damages, as reasonably determined by the
14 court, for injury or loss suffered;

15 (2) a civil penalty in an amount not to exceed \$2,000
16 for each violation;

17 (3) reasonable attorney's fees and court costs; and

18 (4) other equitable relief as the court may deem
19 appropriate and just.

20 (b) The immigration or citizenship status of any person is
21 irrelevant to any issue of liability or remedy in a civil
22 action involving a homeowner's rights under this Act. In
23 proceedings or discovery undertaken in a civil action involving
24 a homeowner's housing rights, no inquiry shall be permitted
25 into the homeowner's immigration or citizenship status, except

1 if:

2 (1) unless otherwise provided in subsection (c), the
3 claims or defenses raised by the homeowner place the person's
4 immigration or citizenship status directly in contention; or

5 (2) the person seeking to make the inquiry demonstrates
6 by clear and convincing evidence that the inquiry is necessary
7 in order to comply with federal law.

8 (c) The assertion of an affirmative defense to an eviction
9 action under Section 9-106.3 of the Code of Civil Procedure
10 does not constitute cause for discovery or other inquiry into a
11 person's immigration or citizenship status.