

104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3110

Introduced 2/18/2025, by Rep. Jennifer Gong-Gershowitz -
Curtis J. Tarver, II

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-12024 new
55 ILCS 5/5-1005.10 rep.
65 ILCS 5/11-13-30 new
65 ILCS 5/1-2.1-5 rep.
310 ILCS 10/8.25 new

Amends the Counties Code and Illinois Municipal Code. Provides that a county or municipality may not adopt, enforce, or implement an ordinance, resolution, policy, program, or other regulation affecting a tenancy that (1) imposes or threatens to impose a penalty against a resident, property owner, tenant, landlord, or other person solely as a consequence of contact with a law enforcement agency or other emergency service, (2) requires or promotes a property owner or landlord to do, or imposes a penalty on a property owner or landlord for the failure to do, specified things, (3) defines as a nuisance, any contact with a law enforcement agency or other emergency service by a tenant or any request by a tenant, landlord, resident, or property owner for emergency assistance, (4) requires a tenant to obtain a certificate of occupancy as a condition of tenancy or turning on utilities, or (5) establishes, maintains, or promotes a registry of tenants for the purposes of discouraging or excluding a tenant on the registry from rental housing within the county or municipality. Allows an aggrieved party to file an action in circuit court, including for injunctive relief, monetary relief, attorney's fees, and costs, against a county or municipality to enforce the provisions. Provides that nothing in the provisions shall be construed to allow an aggrieved party to file or sustain an action against a landlord, owner, management company, leasing agent, or real estate agent or any other person or entity other than the county or municipality. Amends the Housing Authorities Act. Adds similar provisions concerning housing authorities. Defines terms. Repeals existing provisions about ordinances penalizing tenants who contact police or other emergency services in the Illinois Municipal Code and Counties Code. Limits the concurrent exercise of home rule powers. Effective immediately.

LRB104 09693 RTM 19759 b

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 5-12024 as follows:

6 (55 ILCS 5/5-12024 new)

7 Sec. 5-12024. Prohibition on crime-free housing
8 ordinances.

9 (a) As used in this Section:

10 "Contact with a law enforcement agency or other emergency
11 service" means any interaction with a law enforcement agency,
12 including, but not limited to, notice, stop, arrest or
13 detention, conviction or charge, or calls to or response by a
14 law enforcement agency or other emergency service.

15 "Penalty against a landlord" includes, but is not limited
16 to, an action against a landlord in response to a landlord
17 failing to implement or enforce an ordinance, resolution,
18 policy, program, or other regulation prohibited by this
19 Section, including, but not limited to, revoking, suspending,
20 or refusing to issue a permit or license otherwise required by
21 the county for a property owner or landlord to engage in the
22 business of leasing within the county.

23 (b) A county may not adopt, enforce, or implement an

1 ordinance, resolution, policy, program, or other regulation
2 affecting a tenancy that does any of the following:

3 (1) imposes or threatens to impose a penalty against a
4 resident, property owner, tenant, landlord, or other
5 person solely as a consequence of contact with a law
6 enforcement agency or other emergency service;

7 (2) requires or promotes a property owner or landlord
8 to do, or imposes a penalty on a property owner or landlord
9 for the failure to do, any of the following:

10 (A) evict or penalize a tenant because of the
11 tenant's association with another tenant or household
12 member who has had contact with a law enforcement
13 agency or other emergency service or has a criminal
14 conviction;

15 (B) evict, refuse to lease or renew a lease, or
16 otherwise penalize a tenant because of the tenant's
17 criminal history or alleged unlawful conduct or
18 arrest;

19 (C) include a provision in a lease or rental
20 agreement that provides as grounds for eviction any
21 cause that is in conflict with State or federal law; or

22 (D) conduct criminal background checks of
23 prospective or current tenants; however, nothing
24 limits a property owner or landlord from voluntarily
25 conducting a criminal background check;

26 (3) defines as a nuisance any contact with a law

1 enforcement agency or other emergency service by a tenant
2 or any request by a tenant, landlord, resident, or
3 property owner for emergency assistance;

4 (4) requires a tenant to obtain a certificate of
5 occupancy as a condition of tenancy or turning on
6 utilities; or

7 (5) establishes, maintains, or promotes a registry of
8 tenants for the purposes of discouraging or excluding a
9 tenant on the registry from rental housing within the
10 county.

11 (c) An aggrieved party may file an action in circuit
12 court, including for injunctive relief, monetary relief,
13 attorney's fees, and costs, against a county to enforce the
14 provisions of this Section. Nothing in this Section shall be
15 construed to allow an aggrieved party to file or sustain an
16 action against a landlord, owner, management company, leasing
17 agent, or real estate agent or any other person or entity other
18 than the county.

19 (d) A home rule county may not regulate tenancy in a manner
20 inconsistent with this Section. This Section is a limitation
21 under subsection (i) of Section 6 of Article VII of the
22 Illinois Constitution on the concurrent exercise by home rule
23 units of powers and functions exercised by the State.

24 (55 ILCS 5/5-1005.10 rep.)

25 Section 10. The Counties Code is amended by repealing

1 Section 5-1005.10.

2 Section 15. The Illinois Municipal Code is amended by
3 adding Section 11-13-30 as follows:

4 (65 ILCS 5/11-13-30 new)

5 Sec. 11-13-30. Prohibition on crime-free housing
6 ordinances.

7 (a) As used in this Section:

8 "Contact with a law enforcement agency or other emergency
9 service" means any interaction with a law enforcement agency,
10 including, but not limited to, notice, stop, arrest or
11 detention, conviction or charge, or calls to or response by a
12 law enforcement agency or other emergency service.

13 "Penalty against a landlord" includes, but is not limited
14 to, an action against a landlord in response to a landlord
15 failing to implement or enforce an ordinance, resolution,
16 policy, program, or other regulation prohibited by this
17 Section, including, but not limited to, revoking, suspending,
18 or refusing to issue a permit or license otherwise required by
19 the municipality for a property owner or landlord to engage in
20 the business of leasing within the municipality.

21 (b) A municipality may not adopt, enforce, or implement an
22 ordinance, resolution, policy, program, or other regulation
23 affecting a tenancy that does any of the following:

24 (1) imposes or threatens to impose a penalty against a

1 resident, property owner, tenant, landlord, or other
2 person solely as a consequence of contact with a law
3 enforcement agency or other emergency service;

4 (2) requires or promotes a property owner or landlord
5 to do, or imposes a penalty on a property owner or landlord
6 for the failure to do, any of the following:

7 (A) evict or penalize a tenant because of the
8 tenant's association with another tenant or household
9 member who has had contact with a law enforcement
10 agency or other emergency service or has a criminal
11 conviction;

12 (B) evict, refuse to lease or renew a lease, or
13 otherwise penalize a tenant because of the tenant's
14 criminal history or alleged unlawful conduct or
15 arrest;

16 (C) include a provision in a lease or rental
17 agreement that provides as grounds for eviction any
18 cause that is in conflict with State or federal law; or

19 (D) conduct criminal background checks of
20 prospective or current tenants; however, nothing
21 limits a property owner or landlord from voluntarily
22 conducting a criminal background check;

23 (3) defines as a nuisance any contact with a law
24 enforcement agency or other emergency service by a tenant
25 or any request by a tenant, landlord, resident, or
26 property owner for emergency assistance;

1 (4) requires a tenant to obtain a certificate of
2 occupancy as a condition of tenancy or turning on
3 utilities; or

4 (5) establishes, maintains, or promotes a registry of
5 tenants for the purposes of discouraging or excluding a
6 tenant on the registry from rental housing within the
7 municipality.

8 (c) An aggrieved party may file an action in circuit
9 court, including for injunctive relief, monetary relief,
10 attorney's fees, and costs, against a municipality to enforce
11 the provisions of this Section. Nothing in this Section shall
12 be construed to allow an aggrieved party to file or sustain an
13 action against a landlord, owner, management company, leasing
14 agent, or real estate agent or any other person or entity other
15 than the municipality.

16 (d) A home rule municipality may not regulate tenancy in a
17 manner inconsistent with this Section. This Section is a
18 limitation under subsection (i) of Section 6 of Article VII of
19 the Illinois Constitution on the concurrent exercise by home
20 rule units of powers and functions exercised by the State.

21 (65 ILCS 5/1-2.1-5 rep.)

22 Section 20. The Illinois Municipal Code is amended by
23 repealing Section 1-2.1-5.

24 Section 25. The Housing Authorities Act is amended by

1 adding Section 8.25 as follows:

2 (310 ILCS 10/8.25 new)

3 Sec. 8.25. Prohibition on crime-free housing ordinances.

4 (a) As used in this Section:

5 "Contact with a law enforcement agency or other emergency
6 service" means any interaction with a law enforcement agency,
7 including, but not limited to, notice, stop, arrest or
8 detention, conviction or charge, or calls to or response by a
9 law enforcement agency or other emergency service.

10 "Penalty against a landlord" includes, but is not limited
11 to, an action against a landlord, including an actual or
12 threatened denial or termination of a subsidized housing
13 contract, in response to a landlord failing to implement or
14 enforce an ordinance, resolution, policy, program, or other
15 regulation prohibited by this Section.

16 (b) Unless otherwise required by federal law, a housing
17 authority may not adopt their own, nor enforce or implement a
18 county's or municipality's ordinance, resolution, policy,
19 program, or other regulation affecting a tenancy that does any
20 of the following:

21 (1) imposes or threatens to impose a penalty against a
22 resident, property owner, tenant, landlord, or other
23 person solely as a consequence of contact with a law
24 enforcement agency or other emergency service;

25 (2) requires or promotes a property owner or landlord

1 to do, or imposes a penalty on a property owner or landlord
2 for the failure to do, any of the following:

3 (A) evict or penalize a tenant because of the
4 tenant's association with another tenant or household
5 member who has had contact with a law enforcement
6 agency or other emergency service or has a criminal
7 conviction;

8 (B) evict, refuse to lease or renew a lease, or
9 otherwise penalize a tenant because of the tenant's
10 criminal history or alleged unlawful conduct or
11 arrest; or

12 (C) include a provision in a lease or rental
13 agreement that provides as grounds for eviction any
14 cause that is in conflict with State or federal law;

15 (D) conduct criminal background checks of
16 prospective or current tenants; however, nothing
17 limits a property owner or landlord from voluntarily
18 conducting a criminal background check;

19 (3) requires a tenant to obtain a certificate of
20 occupancy as a condition of tenancy or turning on
21 utilities; or

22 (4) establishes, maintains, or promotes a registry of
23 tenants for the purposes of discouraging or excluding a
24 tenant on the registry from rental housing under the
25 housing authority's jurisdiction.

26 (c) An aggrieved party may file an action in circuit

1 court, including for injunctive relief, monetary relief,
2 attorney's fees, and costs, against a housing authority to
3 enforce the provisions of this Section. Nothing in this
4 Section shall be construed to allow an aggrieved party to file
5 or sustain an action against a landlord, owner, management
6 company, leasing agent, or real estate agent or any other
7 person or entity other than the housing authority.

8 (d) A home rule municipality may not have regulations that
9 encourage or require housing authorities to act in a manner
10 inconsistent with this Section. This Section is a limitation
11 under subsection (i) of Section 6 of Article VII of the
12 Illinois Constitution on the concurrent exercise by home rule
13 units of powers and functions exercised by the State.

14 Section 97. Severability. The provisions of this Act are
15 severable under Section 1.31 of the Statute on Statutes.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.