



Sen. Cristina Castro

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10000SB3103sam002

LRB100 19922 HEP 39717 a

1 AMENDMENT TO SENATE BILL 3103

2 AMENDMENT NO. _____. Amend Senate Bill 3103 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Immigrant Tenant Protection Act.

6 Section 5. Definitions. In this Act:

7 "Dwelling unit" means a room or suite of rooms, a
8 manufactured home rental unit or lot as defined in Section 3 of
9 the Mobile Home Landlord and Tenant Rights Act, or other
10 residential real estate used for human habitation, and for
11 which a landlord and a tenant have a written or oral lease
12 agreement.

13 "Immigration or citizenship status" includes a person's
14 actual or perceived immigration status or citizenship status.

15 "Landlord" means the owner, agent, lessor, or sublessor, or
16 the successor in interest of any of them, of a dwelling unit,

1 or the building of which it is part, and any person authorized
2 to exercise any aspect of the management of the premises,
3 including any person who directly or indirectly receives rents
4 and has no obligation to deliver the whole of the receipts to
5 another person. "Landlord" includes the owner of a mobile home
6 park.

7 "Tenant" means a person entitled by written or oral
8 agreement, subtenancy approved by the landlord or by
9 sufferance, or law to occupy a dwelling unit to the exclusion
10 of others.

11 Section 10. Prohibited conduct.

12 (a) This Section does not prohibit a landlord from
13 complying with any legal obligation under federal, State, or
14 local law, including, but not limited to, any legal obligation
15 under any government program that provides for rent limitations
16 or rental assistance to a qualified tenant or a subpoena,
17 warrant, or other court order.

18 (b) This Section does not prohibit a landlord from
19 requesting information or documentation necessary to determine
20 or verify the financial qualifications of a prospective tenant.

21 (c) This Section does not prohibit a landlord from
22 delivering to the tenant an oral or written notice regarding
23 conduct by the tenant that violates, may violate, or has
24 violated an applicable rental agreement, including the lease or
25 any rule, regulation, or law.

1 (d) This Section does not enlarge or diminish a landlord's
2 right to terminate a tenancy pursuant to existing State or
3 local law, nor does this Act enlarge or diminish the ability of
4 a unit of local government to regulate or enforce a prohibition
5 against a landlord's harassment of a tenant.

6 (e) Nothing in this Section prevents a landlord from
7 seeking to collect rent due under the lease agreement.

8 (f) Except as otherwise provided in this Section, a
9 landlord shall not:

10 (1) as a condition of tenancy, require a tenant or
11 prospective tenant to make any statement, representation,
12 or certification concerning his or her, or another
13 person's, immigration or citizenship status;

14 (2) unless required by law or court order, threaten to
15 disclose or actually disclose information regarding or
16 relating to the immigration or citizenship status of a
17 tenant to any person, entity, or any immigration or law
18 enforcement agency with the intent of harassing or
19 intimidating the tenant, retaliating against the tenant
20 for exercising his or her rights, or influencing the tenant
21 to surrender possession; or

22 (3) unless required by law or court order, bring an
23 action to recover possession of a dwelling unit based
24 solely or in part on the immigration or citizenship status
25 of a tenant.

26 (g) Any waiver of a right under this Act by a tenant is

1 void as a matter of public policy.

2 Section 15. Remedies.

3 (a) If a landlord engages in prohibited conduct described
4 in subsection (f) of Section 10 against a tenant, the tenant
5 may bring a civil action to seek any one or more of the
6 following remedies:

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

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

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

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

14 (b) If a landlord engages in prohibited conduct described
15 in paragraph (1) of subsection (f) of Section 10 against a
16 prospective tenant, the prospective tenant may bring a civil
17 action to seek any one or more of the following remedies:

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

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

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

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

25 (c) An action for injunctive relief may be brought by a

1 nonprofit organization exempt from federal income taxation
2 under Section 501(c)(3) of the Internal Revenue Code of 1986,
3 as amended. Such an organization shall be considered a party
4 for purposes of this Act. An action brought by such an
5 organization shall require a demonstrable relationship to the
6 organization's mission and:

7 (1) a diversion of the organization's resources;

8 (2) a frustration of the organization's purpose; or

9 (3) an injury to the organization's membership.

10 (d) The immigration or citizenship status of any person is
11 irrelevant to any issue of liability or remedy in a civil
12 action involving a tenant's housing rights. In proceedings or
13 discovery undertaken in a civil action involving a tenant's
14 housing rights, no inquiry shall be permitted into the tenant's
15 immigration or citizenship status, except if:

16 (1) unless otherwise provided in subsection (e), the
17 claims or defenses raised by the tenant place the person's
18 immigration or citizenship status directly in contention;

19 or

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

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

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

3 Section 905. The Code of Civil Procedure is amended by
4 adding Section 9-106.3 as follows:

5 (735 ILCS 5/9-106.3 new)

6 Sec. 9-106.3. Affirmative defenses for retaliation on the
7 basis of immigration status.

8 (a) It is an affirmative defense to an action maintained
9 under this Article if the court finds that:

10 (1) the landlord's demand for possession is based
11 solely or in part on the citizenship or immigration status
12 of the tenant;

13 (2) the landlord's demand for possession is based
14 solely or in part on the tenant's failure to provide a
15 social security number, information required to obtain a
16 consumer credit report, or a form of identification deemed
17 acceptable by the landlord, the lease with the tenant has
18 commenced, and the tenant has taken possession.

19 (b) This Section does not prohibit a landlord from
20 complying with any legal obligation under federal, State, or
21 local law, including, but not limited to, any legal obligation
22 under any government program that provides for rent limitations
23 or rental assistance to a qualified tenant or a subpoena,

1 warrant, or other court order.

2 (c) This Section does not prohibit a landlord from
3 requesting information or documentation necessary to determine
4 or verify the financial qualifications of a prospective tenant.

5 (d) This Section does not prohibit a landlord from
6 delivering to the tenant an oral or written notice regarding
7 conduct by the tenant that violates, may violate, or has
8 violated an applicable rental agreement, including the lease or
9 any rule, regulation, or law.

10 (e) This Section does not enlarge or diminish a landlord's
11 right to terminate a tenancy pursuant to existing State or
12 local law, nor does this Section enlarge or diminish the
13 ability of a unit of local government to regulate or enforce a
14 prohibition against a landlord's harassment of a tenant.

15 Section 910. The Mobile Home Landlord and Tenant Rights Act
16 is amended by changing Section 16 as follows:

17 (765 ILCS 745/16) (from Ch. 80, par. 216)

18 Sec. 16. Improper grounds for eviction. The following
19 conduct by a tenant shall not constitute grounds for eviction
20 or termination of the lease, nor shall an eviction order be
21 entered against a tenant:

22 (a) As a reprisal for the tenant's effort to secure or
23 enforce any rights under the lease or the laws of the State
24 of Illinois, or its governmental subdivisions of the United

1 States;

2 (b) As a reprisal for the tenant's good faith complaint
3 to a governmental authority of the park owner's alleged
4 violation of any health or safety law, regulation, code or
5 ordinance, or State law or regulation which has as its
6 objective the regulation of premises used for dwelling
7 purposes;

8 (c) As a reprisal for the tenant's being an organizer
9 or member of, or involved in any activities relative to a
10 home owners association; -

11 (d) As a reprisal for or on the basis of the tenant's
12 immigration or citizenship status.

13 (Source: P.A. 100-173, eff. 1-1-18.)

14 Section 999. Effective date. This Act takes effect upon
15 becoming law."