



Sen. Cristina Castro

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10000SB3103sam003

LRB100 19922 HEP 39895 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 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) unless required by law or court order, threaten to
11 disclose or actually disclose information regarding or
12 relating to the immigration or citizenship status of a
13 tenant to any person, entity, or any immigration or law
14 enforcement agency with the intent of harassing or
15 intimidating the tenant, retaliating against the tenant
16 for exercising his or her rights, or influencing the tenant
17 to surrender possession; or

18 (2) unless required by law or court order, bring an
19 action to recover possession of a dwelling unit based
20 solely or in part on the immigration or citizenship status
21 of a tenant.

22 (g) Any waiver of a right under this Act by a tenant is
23 void as a matter of public policy.

24 Section 15. Remedies.

25 (a) If a landlord engages in prohibited conduct described

1 in subsection (f) of Section 10 against a tenant, the tenant
2 may bring a civil action to seek any one or more of the
3 following remedies:

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

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

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

9 (4) other equitable relief as the court may deem
10 appropriate and just.

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

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

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

24 (c) The assertion of an affirmative defense to an eviction
25 action under Section 9-106.3 of the Code of Civil Procedure
26 does not constitute cause for discovery or other inquiry into a

1 person's immigration or citizenship status.

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

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

6 (735 ILCS 5/9-106.3 new)

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

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

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

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

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

1 or rental assistance to a qualified tenant or a subpoena,
2 warrant, or other court order.

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

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

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

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

18 (765 ILCS 745/16) (from Ch. 80, par. 216)

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

23 (a) As a reprisal for the tenant's effort to secure or
24 enforce any rights under the lease or the laws of the State

1 of Illinois, or its governmental subdivisions of the United
2 States;

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

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

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

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

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