



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5314

Introduced 2/9/2024, by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

55 ILCS 5/1005.11 new
55 ILCS 5/5-1005.10 rep.
65 ILCS 5/1-2-1.6 new
65 ILCS 5/1-2-1.5 rep.
310 ILCS 10/8.25 new

Amends the Counties Code and the Illinois Municipal Code. Repeals provisions prohibiting ordinances penalizing tenants who contact the police or other emergency services. Adds provisions prohibiting a county or municipality from enacting a program, ordinance, resolution, or other regulation that: (1) penalizes landlords or tenants, guests, or others for contact with a law enforcement agency; (2) requires or encourages landlords to evict or penalize tenants or household members for contact with a law enforcement agency, a criminal conviction, or alleged unlawful conduct, including through cooperating agreements with law enforcement agencies; (3) requires or promotes the use of criminal background checks of prospective and current tenants; (4) defines nuisance behavior to include contact with a law enforcement agency; (5) requires tenants to secure certificates of occupancy as a condition of leasing rental housing or turning on utilities; (6) creates or promotes the use of a registry of individual tenants for the purpose of discouraging landlords from renting to those tenants or otherwise excluding such individuals from rental housing within the subject jurisdiction; (7) penalizes tenants, guests, or others for contact made to police or other emergency services; or (8) requires or promotes the use of a lease addendum that penalizes tenants, guests or others for any of the above-listed conditions or is contrary to or inconsistent with requirements under federal law. Provides that a program, ordinance, resolution, or other regulation that violates the provisions is void and must be repealed no later than one year after the effective date of the amendatory Act. Allows for legal action to enforce the provisions. Limits the concurrent exercise of home rule powers. Amends the Housing Authorities Act to make similar changes for housing authorities. Effective immediately.

LRB103 38805 AWJ 68942 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 1005.11 as follows:

6 (55 ILCS 5/1005.11 new)

7 Sec. 1005.11. Regulations penalizing tenants for contact
8 with law enforcement agencies.

9 (a) As used in this Section:

10 "Certificate of occupancy" means a license or permit
11 required for the rental or occupancy of a dwelling unit.

12 "Contact" encompasses any interaction with a law
13 enforcement agency, including, but not limited to, notice,
14 stop, arrest or detention, conviction or charge, or calls to
15 or response by a law enforcement agency or other emergency
16 services.

17 "Law enforcement agency" means a department or agency of
18 the United States, a state, a local government, or other
19 political subdivision of the United States, a state, or a
20 local government authorized by law or regulation to engage in
21 or supervise the prevention, detection, investigation, or
22 prosecution of a violation of criminal or civil law,
23 including, but not limited to, United States Immigration and

1 Customs Enforcement and the State's Department of Human
2 Services or Department of Children and Family Services.

3 "Penalize" means any of the following:

4 (1) An actual or threatened assessment of fees, fines,
5 or other penalties.

6 (2) An actual or threatened eviction, termination of a
7 tenancy, or failure to renew a tenancy.

8 (3) An actual or threatened denial of a housing
9 subsidy or subsidized housing contract.

10 (4) An actual or threatened denial of housing.

11 (5) An actual or threatened revocation, suspension, or
12 nonrenewal of a certificate of occupancy.

13 (6) A designation of closure or a threatened closure
14 of a property, designation as a nuisance property or as a
15 perpetrator of criminal activity under local regulation,
16 or imposition or threatened imposition of a similar
17 designation.

18 (7) An actual or threatened nuisance action.

19 (8) A mandate or encouragement of the warrantless
20 installation of, or police access to, surveillance
21 equipment, such as cameras, recorders, or other similar
22 devices intended to monitor tenant activity.

23 (9) An actual or threatened restriction on the right
24 to quiet enjoyment, including, but not limited to, the
25 right to have guests.

26 (10) Any other action that has the effect of

1 materially interfering with the landlord's property or a
2 tenant's or applicant's housing, tenancy, or housing
3 opportunity.

4 "Subsidized housing" means any local, State, or federal
5 housing program intended to provide affordable housing or a
6 housing subsidy or rental assistance to low-income or
7 moderate-income persons.

8 "Program" means any voluntary or mandatory initiative
9 operated or endorsed by a local government, a housing
10 authority, or a law enforcement agency.

11 (b) A county may not enact a program, ordinance,
12 resolution, or other regulation that:

13 (1) penalizes landlords or tenants, guests, or others
14 for contact with a law enforcement agency;

15 (2) requires or encourages landlords to evict or
16 penalize tenants or household members for contact with a
17 law enforcement agency, a criminal conviction, or alleged
18 unlawful conduct, including through cooperating agreements
19 with law enforcement agencies;

20 (3) requires or promotes the use of criminal
21 background checks of prospective or current tenants;

22 (4) defines nuisance behavior to include contact with
23 a law enforcement agency;

24 (5) requires tenants to secure certificates of
25 occupancy as a condition of leasing rental housing or
26 turning on utilities;

1 (6) creates or promotes the use of a registry of
2 individual tenants for the purpose of discouraging
3 landlords from renting to those tenants or otherwise
4 excluding such individuals from rental housing within the
5 subject jurisdiction;

6 (7) penalizes tenants, guests, or others for contact
7 made to police or other emergency services; or

8 (8) requires or promotes the use of a lease addendum
9 that penalizes tenants, guests, or others for any of the
10 conditions listed in paragraphs (1) through (7) or is
11 contrary to or inconsistent with requirements under
12 federal law.

13 (c) A program, ordinance, resolution, or other regulation
14 that violates any of the provisions of this Section is void and
15 unenforceable and cannot serve as a basis to pursue an
16 eviction.

17 (d) A resident, tenant, prospective tenant, owner,
18 landlord, occupant, or any other aggrieved party may file an
19 action in circuit court, including for injunctive relief or
20 monetary relief, against a county to enforce the various
21 provisions of this Section, including, without limitation, an
22 order invalidating the subject program, ordinance, resolution,
23 or other regulation to the extent required to bring it into
24 compliance with the requirements of this Section. A person or
25 entity who is the prevailing party in an action under this
26 subsection shall also be entitled to reasonable attorney's

1 fees and costs.

2 (e) A county with a program, ordinance, resolution, or
3 other regulation that violates any of the provisions of this
4 Section shall repeal the program, ordinance, resolution, or
5 other regulation no later than one year after the effective
6 date of this amendatory Act of the 103rd General Assembly.

7 (f) A home rule county may not have regulations that are
8 inconsistent with this Section. This Section is a limitation
9 under subsection (i) of Section 6 of Article VII of the
10 Illinois Constitution on the concurrent exercise by home rule
11 units of powers and functions exercised by the State.

12 (55 ILCS 5/5-1005.10 rep.)

13 Section 10. The Counties Code is amended by repealing
14 Section 5-1005.10.

15 Section 15. The Illinois Municipal Code is amended by
16 adding Section 1-2-1.6 as follows:

17 (65 ILCS 5/1-2-1.6 new)

18 Sec. 1-2-1.6. Regulations penalizing tenants for contact
19 with law enforcement agencies.

20 (a) As used in this Section:

21 "Certificate of occupancy" means a license or permit
22 required for the rental or occupancy of a dwelling unit.

23 "Contact" encompasses any interaction with a law

1 enforcement agency, including, but not limited to, notice,
2 stop, arrest or detention, conviction or charge, or calls to
3 or response by a law enforcement agency or other emergency
4 services.

5 "Law enforcement agency" means a department or agency of
6 the United States, a state, a local government, or other
7 political subdivision of the United States, a state, or a
8 local government authorized by law or regulation to engage in
9 or supervise the prevention, detection, investigation, or
10 prosecution of a violation of criminal or civil law,
11 including, but not limited to, United States Immigration and
12 Customs Enforcement and the State's Department of Human
13 Services or Department of Children and Family Services.

14 "Penalize" means any of the following:

15 (1) An actual or threatened assessment of fees, fines,
16 or other penalties.

17 (2) An actual or threatened eviction, termination of a
18 tenancy, or failure to renew a tenancy.

19 (3) An actual or threatened denial of a housing
20 subsidy or subsidized housing contract.

21 (4) An actual or threatened denial of housing.

22 (5) An actual or threatened revocation, suspension, or
23 nonrenewal of a certificate of occupancy.

24 (6) A designation of closure or a threatened closure
25 of a property, designation as a nuisance property or as a
26 perpetrator of criminal activity under local regulation,

1 or imposition or threatened imposition of a similar
2 designation.

3 (7) An actual or threatened nuisance action.

4 (8) A mandate or encouragement of the warrantless
5 installation of, or police access to, surveillance
6 equipment, such as cameras, recorders, or other similar
7 devices intended to monitor tenant activity.

8 (9) An actual or threatened restriction on the right
9 to quiet enjoyment, including, but not limited to, the
10 right to have guests.

11 (10) Any other action that has the effect of
12 materially interfering with the landlord's property or a
13 tenant's or applicant's housing, tenancy, or housing
14 opportunity.

15 "Subsidized housing" means any local, State, or federal
16 housing program intended to provide affordable housing or a
17 housing subsidy or rental assistance to low-income or
18 moderate-income persons.

19 "Program" means any voluntary or mandatory initiative
20 operated or endorsed by a local government, a housing
21 authority, or a law enforcement agency.

22 (b) A municipality may not enact a program, ordinance,
23 resolution, or other regulation that:

24 (1) penalizes landlords or tenants, guests, or others
25 for contact with a law enforcement agency;

26 (2) requires or encourages landlords to evict or

1 penalize tenants or household members for contact with a
2 law enforcement agency, a criminal conviction, or alleged
3 unlawful conduct, including through cooperating agreements
4 with law enforcement agencies;

5 (3) requires or promotes the use of criminal
6 background checks of prospective or current tenants;

7 (4) defines nuisance behavior to include contact with
8 a law enforcement agency;

9 (5) requires tenants to secure certificates of
10 occupancy as a condition of leasing rental housing or
11 turning on utilities;

12 (6) creates or promotes the use of a registry of
13 individual tenants for the purpose of discouraging
14 landlords from renting to those tenants or otherwise
15 excluding such individuals from rental housing within the
16 subject jurisdiction;

17 (7) penalizes tenants, guests, or others for contact
18 made to police or other emergency services; or

19 (8) requires or promotes the use of a lease addendum
20 that penalizes tenants, guests, or others for any of the
21 conditions listed in paragraphs (1) through (7) or is
22 contrary to or inconsistent with requirements under
23 federal law.

24 (c) A program, ordinance, resolution, or other regulation
25 that violates any of the provisions of this Section is void and
26 unenforceable and cannot serve as a basis to pursue an

1 eviction.

2 (d) A resident, tenant, prospective tenant, owner,
3 landlord, occupant, or any other aggrieved party may file an
4 action in circuit court, including for injunctive relief or
5 monetary relief, against a municipality to enforce the various
6 provisions of this Section, including, without limitation, an
7 order invalidating the subject program, ordinance, resolution,
8 or other regulation to the extent required to bring it into
9 compliance with the requirements of this Section. A person or
10 entity who is the prevailing party in an action under this
11 subsection shall also be entitled to reasonable attorney's
12 fees and costs.

13 (e) A municipality with a program, ordinance, resolution,
14 or other regulation that violates any of the provisions of
15 this Section shall repeal the program, ordinance, resolution,
16 or other regulation no later than one year after the effective
17 date of this amendatory Act of the 103rd General Assembly.

18 (f) A home rule municipality may not have regulations that
19 are inconsistent with this Section. This Section is a
20 limitation under subsection (i) of Section 6 of Article VII of
21 the Illinois Constitution on the concurrent exercise by home
22 rule units of powers and functions exercised by the State.

23 (65 ILCS 5/1-2-1.5 rep.)

24 Section 20. The Illinois Municipal Code is amended by
25 repealing Section 1-2-1.5.

1 Section 25. The Housing Authorities Act is amended by
2 adding Section 8.25 as follows:

3 (310 ILCS 10/8.25 new)

4 Sec. 8.25. Regulations penalizing tenants for contact with
5 law enforcement agencies.

6 (a) As used in this Section:

7 "Certificate of occupancy" means a license or permit
8 required for the rental or occupancy of a dwelling unit.

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

14 "Law enforcement agency" means a department or agency of
15 the United States, a state, a local government, or other
16 political subdivision of the United States, a state, or a
17 local government authorized by law or regulation to engage in
18 or supervise the prevention, detection, investigation, or
19 prosecution of a violation of criminal or civil law,
20 including, but not limited to, United States Immigration and
21 Customs Enforcement and the State's Department of Human
22 Services or Department of Children and Family Services.

23 "Penalize" means any of the following:

24 (1) An actual or threatened assessment of fees, fines,

1 or other penalties.

2 (2) An actual or threatened eviction, termination of a
3 tenancy, or failure to renew a tenancy.

4 (3) An actual or threatened denial of a housing
5 subsidy or subsidized housing contract.

6 (4) An actual or threatened denial of housing.

7 (5) An actual or threatened revocation, suspension, or
8 nonrenewal of a certificate of occupancy.

9 (6) A designation of closure or a threatened closure
10 of a property, designation as a nuisance property or as a
11 perpetrator of criminal activity under local regulation,
12 or imposition or threatened imposition of a similar
13 designation.

14 (7) An actual or threatened nuisance action.

15 (8) A mandate or encouragement of the warrantless
16 installation of, or police access to, surveillance
17 equipment, such as cameras, recorders, or other similar
18 devices intended to monitor tenant activity.

19 (9) An actual or threatened restriction on the right
20 to quiet enjoyment, including, but not limited to, the
21 right to have guests.

22 (10) Any other action that has the effect of
23 materially interfering with the landlord's property or a
24 tenant's or applicant's housing, tenancy, or housing
25 opportunity.

26 "Subsidized housing" means any local, State, or federal

1 housing program intended to provide affordable housing or a
2 housing subsidy or rental assistance to low-income or
3 moderate-income persons.

4 "Program" means any voluntary or mandatory initiative
5 operated or endorsed by a local government, a housing
6 authority, or a law enforcement agency.

7 (b) A housing authority may not enact a program,
8 ordinance, resolution, or other regulation that:

9 (1) penalizes landlords or tenants, guests, or others
10 for contact with a law enforcement agency;

11 (2) requires or encourages landlords to evict or
12 penalize tenants or household members for contact with a
13 law enforcement agency, a criminal conviction, or alleged
14 unlawful conduct, including through cooperating agreements
15 with law enforcement agencies;

16 (3) requires or promotes the use of criminal
17 background checks of prospective or current tenants;

18 (4) defines nuisance behavior to include contact with
19 a law enforcement agency;

20 (5) requires tenants to secure certificates of
21 occupancy as a condition of leasing rental housing or
22 turning on utilities;

23 (6) creates or promotes the use of a registry of
24 individual tenants for the purpose of discouraging
25 landlords from renting to those tenants or otherwise
26 excluding such individuals from rental housing within the

1 subject jurisdiction;

2 (7) penalizes tenants, guests, or others for contact
3 made to police or other emergency services; or

4 (8) requires or promotes the use of a lease addendum
5 that penalizes tenants, guests, or others for any of the
6 conditions listed in paragraphs (1) through (7) or is
7 contrary to or inconsistent with requirements under
8 federal law.

9 (c) A program, ordinance, resolution, or other regulation
10 that violates any of the provisions of this Section is void and
11 unenforceable and cannot serve as a basis to pursue an
12 eviction.

13 (d) A resident, tenant, prospective tenant, owner,
14 landlord, occupant, or any other aggrieved party may file an
15 action in circuit court, including for injunctive relief or
16 monetary relief, against a housing authority to enforce the
17 various provisions of this Section, including, without
18 limitation, an order invalidating the subject program,
19 ordinance, resolution, or other regulation to the extent
20 required to bring it into compliance with the requirements of
21 this Section. A person or entity who is the prevailing party in
22 an action under this subsection shall also be entitled to
23 reasonable attorney's fees and costs.

24 (e) A housing authority with a program, ordinance,
25 resolution, or other regulation that violates any of the
26 provisions of this Section shall repeal the program,

1 ordinance, resolution, or other regulation no later than one
2 year after the effective date of this amendatory Act of the
3 103rd General Assembly.

4 (f) A home rule municipality may not have regulations that
5 are inconsistent with this Section. This Section is a
6 limitation under subsection (i) of Section 6 of Article VII of
7 the Illinois Constitution on the concurrent exercise by home
8 rule units of powers and functions exercised by the State.

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

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.