



Rep. Jennifer Gong-Gershowitz

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10300HB5432ham001

LRB103 38130 AWJ 71745 a

1 AMENDMENT TO HOUSE BILL 5432

2 AMENDMENT NO. _____. Amend House Bill 5432 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by adding Section
5 5-12022 as follows:

6 (55 ILCS 5/5-12022 new)

7 Sec. 5-12022. 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

1 failing to implement or enforce an ordinance, resolution,
2 policy, program, or other regulation prohibited by this
3 Section, including, but not limited to, revoking, suspending,
4 or refusing to issue a permit or license otherwise required by
5 the county for a property owner or landlord to engage in the
6 business of leasing within the county.

7 (b) A county may not adopt, enforce, or implement an
8 ordinance, resolution, policy, program, or other regulation
9 affecting a tenancy that does any of the following:

10 (1) imposes or threatens to impose a penalty against a
11 resident, property owner, tenant, landlord, or other
12 person solely as a consequence of contact with a law
13 enforcement agency or other emergency service;

14 (2) requires or promotes a property owner or landlord
15 to do, or imposes a penalty on a property owner or landlord
16 for the failure to do, any of the following:

17 (A) evict or penalize a tenant because of the
18 tenant's association with another tenant or household
19 member who has had contact with a law enforcement
20 agency or other emergency service or has a criminal
21 conviction;

22 (B) evict, refuse to lease or renew a lease, or
23 otherwise penalize a tenant because of the tenant's
24 criminal history or alleged unlawful conduct or
25 arrest,

26 (C) include a provision in a lease or rental

1 agreement that provides as grounds for eviction any
2 cause that is in conflict with State or federal law; or

3 (D) conduct criminal background checks of
4 prospective or current tenants; however, nothing
5 limits a property owner or landlord from voluntarily
6 conducting a criminal background check;

7 (3) defines as a nuisance any contact with a law
8 enforcement agency or other emergency service by a tenant
9 or any request by a tenant, landlord, resident, or
10 property owner for emergency assistance;

11 (4) requires a tenant to obtain a certificate of
12 occupancy as a condition of tenancy or turning on
13 utilities; or

14 (5) establishes, maintains, or promotes a registry of
15 tenants for the purposes of discouraging or excluding a
16 tenant on the registry from rental housing within the
17 county.

18 (c) An aggrieved party may file an action in circuit
19 court, including for injunctive relief, monetary relief,
20 attorney's fees, and costs, against a county to enforce the
21 provisions of this Section. Nothing in this Section shall be
22 read to allow an aggrieved party to file or sustain an action
23 against a landlord, owner, management company, leasing agent,
24 or real estate agent or any other person or entity other than
25 the county.

26 (d) A home rule county may not regulate tenancy in a manner

1 inconsistent with this Section. This Section is a limitation
2 under subsection (i) of Section 6 of Article VII of the
3 Illinois Constitution on the concurrent exercise by home rule
4 units of powers and functions exercised by the State.

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

6 Section 10. The Counties Code is amended by repealing
7 Section 5-1005.10.

8 Section 15. The Illinois Municipal Code is amended by
9 adding Section 11-13-28 as follows:

10 (65 ILCS 5/11-13-28 new)

11 Sec. 11-13-28. Prohibition on crime-free housing
12 ordinances.

13 (a) As used in this Section:

14 "Contact with a law enforcement agency or other emergency
15 service" means any interaction with a law enforcement agency,
16 including, but not limited to, notice, stop, arrest or
17 detention, conviction or charge, or calls to or response by a
18 law enforcement agency or other emergency service.

19 "Penalty against a landlord" includes, but is not limited
20 to, an action against a landlord in response to a landlord
21 failing to implement or enforce an ordinance, resolution,
22 policy, program, or other regulation prohibited by this
23 Section, including, but not limited to, revoking, suspending,

1 or refusing to issue a permit or license otherwise required by
2 the municipality for a property owner or landlord to engage in
3 the business of leasing within the municipality.

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

7 (1) imposes or threatens to impose a penalty against a
8 resident, property owner, tenant, landlord, or other
9 person solely as a consequence of contact with a law
10 enforcement agency or other emergency service;

11 (2) requires or promotes a property owner or landlord
12 to do, or imposes a penalty on a property owner or landlord
13 for the failure to do, any of the following:

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

19 (B) evict, refuse to lease or renew a lease, or
20 otherwise penalize a tenant because of the tenant's
21 criminal history or alleged unlawful conduct or
22 arrest;

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

26 (D) conduct criminal background checks of

1 prospective or current tenants; however, nothing
2 limits a property owner or landlord from voluntarily
3 conducting a criminal background check;

4 (3) defines as a nuisance any contact with a law
5 enforcement agency or other emergency service by a tenant
6 or any request by a tenant, landlord, resident, or
7 property owner for emergency assistance;

8 (4) requires a tenant to obtain a certificate of
9 occupancy as a condition of tenancy or turning on
10 utilities; or

11 (5) establishes, maintains, or promotes a registry of
12 tenants for the purposes of discouraging or excluding a
13 tenant on the registry from rental housing within the
14 municipality.

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

23 (d) A home rule municipality may not regulate tenancy in a
24 manner inconsistent with this Section. This Section is a
25 limitation under subsection (i) of Section 6 of Article VII of
26 the Illinois Constitution on the concurrent exercise by home

1 rule units of powers and functions exercised by the State.

2 (65 ILCS 5/1-2.1-5 rep.)

3 Section 20. The Illinois Municipal Code is amended by
4 repealing Section 1-2.1-5.

5 Section 25. The Housing Authorities Act is amended by
6 adding Section 8.25 as follows:

7 (310 ILCS 10/8.25 new)

8 Sec. 8.25. Prohibition on crime-free housing 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, including an actual or
17 threatened denial or termination of a subsidized housing
18 contract, in response to a landlord failing to implement or
19 enforce an ordinance, resolution, policy, program, or other
20 regulation prohibited by this Section.

21 (b) Unless otherwise required by federal law, a housing
22 authority may not adopt their own, nor enforce or implement a
23 county's or municipality's ordinance, resolution, policy,

1 program, or other regulation affecting a tenancy that does any
2 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; or

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) requires a tenant to obtain a certificate of

1 occupancy as a condition of tenancy or turning on
2 utilities; or

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

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

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

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

23 Section 99. Effective date. This Act takes effect upon
24 becoming law."