



Sen. Karina Villa

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10300SB3680sam001

LRB103 38806 AWJ 71029 a

1 AMENDMENT TO SENATE BILL 3680

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3680 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."