



Rep. Robin Kelly

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LRB094 15382 AJ0 56544 a

1 AMENDMENT TO HOUSE BILL 4715

2 AMENDMENT NO. _____. Amend House Bill 4715, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 1. Short title. This Act may be cited as the Safe
6 Homes Act.

7 Section 5. Findings. The General Assembly finds and
8 declares the following:

9 (1) Domestic and sexual violence affect many persons
10 without regard to age, race, education, socioeconomic
11 status, religion, or occupation.

12 (2) Domestic and sexual violence have a devastating
13 effect on individuals, families, and communities.

14 (3) Domestic violence crimes account for approximately
15 15% of total crime costs in the United States each year.

16 (4) Violence against women has been reported to be the
17 leading cause of physical injury to women. This violence
18 has a devastating impact on women's physical and emotional
19 health.

20 (5) According to recent government surveys, from 1993
21 through 1998 the average annual number of violent
22 victimizations committed by intimate partners of the
23 victim was 1,082,110 and 87% of those were committed
24 against women.

1 (6) Female murder victims were substantially more
2 likely than male murder victims to have been killed by an
3 intimate partner. About one-third of female murder
4 victims, and about 4% of male murder victims, were killed
5 by an intimate partner.

6 (7) According to the Department of Justice, women
7 living in rental housing experience intimate partner
8 violence at 3 times the rate of women who own their homes.

9 (8) According to recent government estimates,
10 approximately 987,400 rapes occur annually in the United
11 States and 89% of the rapes are perpetrated against female
12 victims.

13 (9) One out of every 7 adult women, or more than
14 670,000 in Illinois, has been the victim of a forcible rape
15 sometime in her lifetime.

16 (10) In a survey of 600 women and men ages 16-24, 60%
17 of the respondents stated that they know a woman who has
18 been sexually assaulted.

19 (11) Eighty percent of women who are raped are raped by
20 acquaintances.

21 (12) Approximately 10,200,000 people have been stalked
22 at some time in their lives. Four out of every 5 stalking
23 victims are women. Stalkers harass and terrorize their
24 victims by spying on the victims, standing outside their
25 homes or work places, making unwanted phone calls, sending
26 or leaving unwanted letters or items, or vandalizing
27 property.

28 (13) Too often, victims of domestic and sexual violence
29 suffer not only physical and emotional abuse, but also the
30 devastation of being displaced from their homes because of
31 violence.

32 (14) The loss of a victim's home can, in turn, result
33 in the loss of employment, public benefits, and even the
34 custody of children.

1 (15) The problem is compounded by the fact that victims
2 of domestic and sexual violence are discriminated against
3 when attempting to access safe housing, make their current
4 housing more safe, or flee existing housing. Additionally,
5 victims of domestic and sexual violence are often evicted
6 because of the abuse that they have suffered.

7 (16) There is a strong link between domestic violence
8 and homelessness. Among cities surveyed, 50% identified
9 domestic violence as a primary cause of homelessness.

10 (17) Ninety-two percent of homeless women have
11 experienced severe physical or sexual abuse at some point
12 in their lives. Of all homeless women and children, 60% had
13 been abused by age 12, and 63% have been victims of
14 intimate partner violence as adults.

15 (18) Women who leave their abusers frequently lack
16 adequate emergency shelter options and this makes their
17 decisions concerning leaving their dwelling places more
18 difficult.

19 (19) Victims of domestic violence often return to
20 abusive partners because they cannot find long-term
21 housing.

22 (20) Because abusers frequently manipulate their
23 victims' finances in an effort to control their partners,
24 victims often lack a steady income, a credit history,
25 landlord references, and a current address, all of which
26 are necessary to obtain long-term permanent housing.

27 (21) Abusers also frequently manipulate the systems in
28 place meant to protect victims, by accusing the victim of
29 initiating the violence, calling the police, or attempting
30 to obtain an order for protection. Victims who attempt to
31 defend themselves or others from an abuser's violence are
32 particularly vulnerable to this practice.

33 (22) Victims of domestic and sexual violence in rural
34 areas face additional barriers, challenges, and unique

1 circumstances, such as geographic isolation, poverty, lack
2 of public transportation systems, shortage of health care
3 providers, and decreased access to safe housing resources.

4 Section 10. Purposes. The purposes of this Act are:

5 (1) To promote the State's interest in reducing
6 domestic violence, dating violence, sexual assault, and
7 stalking by enabling victims of domestic or sexual violence
8 and their families to access or maintain safe housing or
9 flee existing dangerous housing in order to leave violent
10 or abusive situations, achieve safety, and minimize the
11 physical and emotional injuries from domestic or sexual
12 violence, and to reduce the devastating economic
13 consequences to the State and victims.

14 (2) To address the failure of existing laws to protect
15 the housing rights of victims of domestic or sexual
16 violence, as well as family or household members affected
17 by the violence.

18 (3) To accomplish the purposes described in paragraphs
19 (1) and (2) by providing victims of domestic or sexual
20 violence and their families with options to access or
21 maintain safe housing or to flee dangerous housing.

22 Section 15. Public housing excluded. This Act does not
23 apply to public housing.

24 Section 20. Definitions. For the purposes of this Act:

25 "Domestic violence" means abuse as defined in Section 103
26 of the Illinois Domestic Violence Act of 1986.

27 "Landlord" and "tenant" have the definitions stated in
28 Section 1.1 of the Rental Property Utility Service Act.

29 "Perpetrator" means an individual who commits or is alleged
30 to have committed or threatened any act of domestic or sexual
31 violence.

1 "Protected applicant" means a person who makes application
2 to the landlord of a building or mobile home to become an
3 occupant in the building or mobile home, whether under a lease
4 or periodic tenancy, who has been subjected to any act or
5 threat of domestic or sexual violence. A perpetrator is not
6 considered a protected applicant.

7 "Protected household member" means any member of a
8 household who has been subjected to any act or threat of
9 domestic or sexual violence, including but not limited to: any
10 minor child, any dependant adult, and any other person residing
11 with a victim of domestic or sexual violence. A perpetrator is
12 not considered a protected household member.

13 "Protected tenant" means an occupant of a building or
14 mobile home whether under a lease or periodic tenancy, who has
15 been subjected to any act or threat of domestic or sexual
16 violence, including but not limited to a tenant residing with a
17 victim of domestic or sexual violence. A perpetrator is not
18 considered a protected tenant.

19 "Sexual violence" means any act or threat of sexual
20 assault, abuse, or stalking of an adult or minor child
21 including, but not limited to, non-consensual sexual conduct or
22 non-consensual sexual penetration as defined in the Civil No
23 Contact Order Act and the offenses of stalking, aggravated
24 stalking, cyberstalking, criminal sexual assault, aggravated
25 criminal sexual assault, predatory criminal sexual assault of a
26 child, criminal sexual abuse, and aggravated criminal sexual
27 abuse as these offenses are described in the Criminal Code of
28 1961, including sexual violence committed by perpetrators who
29 are strangers to the victim and sexual violence committed by
30 perpetrators who are known or related by blood, marriage, or
31 law to the victim.

32 "Victim" means an individual who has been subjected to any
33 act or threat of domestic or sexual violence. A perpetrator is
34 not considered a victim.

1 Section 25. Victim protection when the perpetrator is not a
2 leaseholder.

3 (a) Change of locks. When the perpetrator is not a
4 leaseholder in the same dwelling unit as the victim, a
5 protected tenant in the same dwelling unit may request that the
6 landlord change the locks to the dwelling unit if the protected
7 tenant notifies the landlord that a protected household member
8 is a victim of domestic or sexual violence and provides at
9 least one form of the types of evidence to support that claim
10 as described in subsection (c).

11 (1) Once the landlord has received one form of evidence
12 indicating that a protected household member is a victim of
13 domestic or sexual violence the landlord shall, within 48
14 hours or such lesser time as required by court order,
15 change the locks to the protected tenant's dwelling unit or
16 give the protected tenant permission to change the locks
17 within 48 hours or such lesser time as required by a court
18 order.

19 (2) The landlord may charge a fee for the expense of
20 changing the locks. That fee must not exceed the reasonable
21 price customarily charged for the repair.

22 (3) If a landlord fails to change the locks within the
23 required time, after being provided with the evidence
24 indicating that a protected household member is a victim of
25 domestic or sexual violence, the protected tenant may
26 change the locks without the landlord's permission. If the
27 protected tenant changes the locks, the protected tenant
28 shall give a key to the new locks to the landlord within 48
29 hours of the locks being changed.

30 (b) Early termination of the rental agreement. When the
31 perpetrator is not a leaseholder, a protected tenant who is a
32 victim of domestic or sexual violence or whose dwelling unit
33 contains protected household members who are victims of

1 domestic or sexual violence may terminate his or her rental
2 agreement for the dwelling unit if it is necessary to protect
3 their physical or emotional safety and well being. The
4 protected tenant shall provide the landlord with a written
5 notice of termination to be effective on a date stated in the
6 notice that is at least 30 days after the landlord's receipt of
7 the notice. The notice to the landlord shall be accompanied by
8 at least one form of the types of evidence to support that
9 claim as described in subsection (c).

10 (1) If, pursuant to this Section, the protected tenant
11 terminates the rental agreement 14 days or more before
12 occupancy, the protected tenant is not subject to any
13 damages or penalties.

14 (2) The protected tenant shall vacate the dwelling on
15 or before the effective date of the notice.

16 (c) Evidence of domestic or sexual violence. Notice to the
17 landlord requesting a change of locks or early termination of
18 the rental agreement shall be accompanied by at least one form
19 of the following types of evidence to support a claim of
20 domestic or sexual violence under this Section: medical, court
21 or police evidence of domestic or sexual violence; or a
22 statement from an employee of a victim services, domestic
23 violence, or rape crisis organization from whom the protected
24 tenant or protected household member has sought services.

25 Section 30. Victim protection when the perpetrator is a
26 leaseholder.

27 (a) Change of locks. If the perpetrator of the domestic
28 violence or sexual violence is a leaseholder in the same
29 dwelling unit as the victim, a protected tenant of the same
30 dwelling unit may request that the landlord change the locks if
31 the protected tenant notifies the landlord that a protected
32 household member is a victim of domestic or sexual violence and
33 provides the landlord with at least one form of the types of

1 evidence to support that claim as described in subsection (c).

2 (1) A landlord who receives a request under this
3 subsection shall, within 72 hours or such lesser time as
4 required by a court order, change the locks to the dwelling
5 unit or give the protected tenant permission to change the
6 locks.

7 (2) The landlord may charge a fee for the expense of
8 changing the locks. That fee must not exceed the reasonable
9 price customarily charged for the repair.

10 (3) If a landlord fails to change the locks within the
11 required time, after being provided with the evidence
12 indicating that a protected household member is a victim of
13 domestic or sexual violence, the protected tenant may
14 change the locks without the landlord's permission. If the
15 protected tenant changes the locks, the protected tenant
16 shall give a key to the new locks to the landlord within 48
17 hours of the locks being changed.

18 (4) Unless a court order allows the perpetrator to
19 return to the dwelling unit to retrieve personal
20 belongings, the landlord has no duty under the rental
21 agreement or by law to allow the perpetrator access to the
22 dwelling unit, to provide keys to the perpetrator, or to
23 provide the perpetrator access to the perpetrator's
24 personal property within the dwelling unit. If a landlord
25 complies with this Section, the landlord is not liable for
26 civil damages to a perpetrator excluded from the dwelling
27 unit for loss of use of the dwelling unit or loss of use or
28 damage to the perpetrator's personal property.

29 (b) Early termination of the rental agreement. When the
30 perpetrator is a leaseholder in the same dwelling unit, a
31 protected tenant who is a victim of domestic or sexual violence
32 or whose dwelling unit contains protected household members who
33 are victims of domestic or sexual violence may terminate his or
34 her rental agreement for the dwelling unit if it is necessary

1 to protect their physical or emotional safety and well being.
2 The protected tenant shall provide the landlord with a written
3 notice of termination to be effective on a date stated in the
4 notice that is at least 30 days after the landlord's receipt of
5 the notice. The notice to the landlord shall be accompanied by
6 at least one form of the types of evidence to support that
7 claim as described in subsection (c).

8 (1) If, pursuant to this Section, the protected tenant
9 terminates the rental agreement 14 days or more before
10 occupancy, the protected tenant is not subject to any
11 damages or penalties.

12 (2) The protected tenant shall vacate the dwelling on
13 or before the effective date of the notice.

14 (c) Evidence of domestic or sexual violence. Notice to the
15 landlord requesting a change of locks or early termination of
16 the rental agreement shall be accompanied by at least one form
17 of the following types of evidence to support a claim of
18 domestic or sexual violence under this Section: a copy of an
19 order issued by a court, which may be incorporated into any
20 form of court order including but not limited to an Order Of
21 Protection pursuant to the Illinois Domestic Violence Act of
22 1986 or Article 112A of the Code of Criminal Procedure of 1963.

23 Section 35. Enforceability. In addition to any other
24 remedies provided in this Act or under other laws, any
25 protected household member, protected tenant, or victim
26 adversely affected by an act or omission of the landlord that
27 violates this Act may file an action against the landlord in
28 the circuit court. If the court finds that a violation of this
29 Act occurred or is about to occur by an act or omission of the
30 landlord, the court may award to the plaintiff actual damages,
31 reasonable attorney's fees, and costs and may grant as relief,
32 as the court deems appropriate, any permanent or preliminary
33 injunction, temporary restraining order, or other order,

1 including an order enjoining the landlord from engaging in
2 violations of this Act or ordering such affirmative action as
3 may be appropriate.

4 Section 40. Effect on other laws.

5 (a) More protective laws. Nothing in this Act shall be
6 construed to supersede any provision of any federal, State, or
7 local law that provides greater protections for victims of
8 domestic or sexual violence than the rights established under
9 this Act.

10 (b) Less protective laws. The rights established for
11 victims of domestic or sexual violence under this Act shall not
12 be diminished by any State or local law.

13 Section 45. Prohibition on waiver or modification.
14 Sections 5, 10, 15, 20, 25, 30, 35, and 40 may not be waived or
15 modified by an agreement of the parties.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law."