

AN ACT concerning local government.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Counties Code is amended by adding Section 5-1005.10 as follows:

(55 ILCS 5/5-1005.10 new)

Sec. 5-1005.10. Ordinances penalizing tenants who contact police or other emergency services prohibited.

(a) Definitions. As used in this Section:

"Contact" includes any communication made by a tenant, landlord, guest, neighbor, or other individual to police or other emergency services.

"Criminal activity" means a violation of the Criminal Code of 2012, of the Cannabis Control Act, of the Illinois Controlled Substances Act, or of the Methamphetamine Control and Community Protection Act.

"Disability" means, with respect to a person:

(1) a physical or mental impairment which substantially limits one or more of such person's major life activities;

(2) a record of having such an impairment; or

(3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction

to a controlled substance, as defined in the federal Controlled Substances Act, 21 U.S.C. 802.

"Domestic violence", "landlord", "sexual violence", and "tenant" have the meanings provided under Section 10 of the Safe Homes Act.

"Dwelling unit" has the meaning provided under subsection (a) of Section 15 of the Landlord and Tenant Act.

"Penalizes" includes, but is not limited to:

(1) assessment of fees or fines;

(2) revocation, suspension, or nonrenewal of any license or permit required for the rental or occupancy of any dwelling unit;

(3) termination or denial of a subsidized housing contract or housing subsidy; and

(4) termination or nonrenewal of a residential lease agreement.

"Subsidized housing" has the meaning provided under subsection (a) of Section 9-119 of the Code of Civil Procedure.

(b) Protection.

(1) No county shall enact or enforce an ordinance or regulation that penalizes tenants or landlords based on:

(A) contact made to police or other emergency services, if (i) the contact was made with the intent to prevent or respond to domestic violence or sexual violence; (ii) the intervention or emergency assistance was needed to respond to or prevent domestic

violence or sexual violence; or (iii) the contact was made by, on behalf of, or otherwise concerns an individual with a disability and the purpose of the contact was related to that individual's disability;

(B) an incident or incidents of actual or threatened domestic violence or sexual violence against a tenant, household member, or guest occurring in the dwelling unit or on the premises; or

(C) criminal activity or a local ordinance violation occurring in the dwelling unit or on the premises that is directly relating to domestic violence or sexual violence, engaged in by a tenant, member of a tenant's household, guest, or other party, and against a tenant, household member, guest, or other party.

(2) Nothing with respect to this Section: (A) limits enforcement of Section 15.2 of the Emergency Telephone System Act, Article 26 of the Criminal Code of 2012, or Article IX of the Code of Civil Procedure; (B) prohibits counties from enacting or enforcing ordinances to impose penalties on the basis of the underlying criminal activity or a local ordinance violation not covered by paragraph (1) of subsection (b) of this Section and to the extent otherwise permitted by existing State and federal law; or (C) limits or prohibits the eviction of or imposition of penalties against the perpetrator of the domestic

violence, sexual violence, or other criminal activity.

(c) Remedies. If a county enacts or enforces an ordinance or regulation against a tenant or landlord in violation of subsection (b), the tenant or landlord may bring a civil action to seek any one or more of the following remedies:

(1) an order invalidating the ordinance or regulation to the extent required to bring the ordinance or regulation into compliance with the requirements of subsection (b);

(2) compensatory damages;

(3) reasonable attorney fees and court costs; or

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

(d) Home rule. This Section is a denial and limitation of home rule powers and functions under subsection (g) of Section 6 of Article VII of the Illinois Constitution.

Section 15. The Illinois Municipal Code is amended by adding Section 1-2-1.5 as follows:

(65 ILCS 5/1-2-1.5 new)

Sec. 1-2-1.5. Ordinances penalizing tenants who contact police or other emergency services prohibited.

(a) Definitions. As used in this Section:

"Contact" includes any communication made by a tenant, landlord, guest, neighbor, or other individual to police or other emergency services.

"Criminal activity" means a violation of the Criminal Code of 2012, of the Cannabis Control Act, of the Illinois Controlled Substances Act, or of the Methamphetamine Control and Community Protection Act.

"Disability" means, with respect to a person:

(1) a physical or mental impairment which substantially limits one or more of such person's major life activities;

(2) a record of having such an impairment; or

(3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance, as defined in the federal Controlled Substances Act, 21 U.S.C. 802.

"Domestic violence", "landlord", "sexual violence", and "tenant" have the meanings provided under Section 10 of the Safe Homes Act.

"Dwelling unit" has the meaning provided under subsection (a) of Section 15 of the Landlord and Tenant Act.

"Penalizes" includes, but is not limited to:

(1) assessment of fees or fines;

(2) revocation, suspension, or nonrenewal of any license or permit required for the rental or occupancy of any dwelling unit;

(3) termination or denial of a subsidized housing contract or housing subsidy; and

(4) termination or nonrenewal of a residential lease

agreement.

"Subsidized housing" has the meaning provided under subsection (a) of Section 9-119 of the Code of Civil Procedure.

(b) Protection.

(1) No municipality shall enact or enforce an ordinance or regulation that penalizes tenants or landlords based on:

(A) contact made to police or other emergency services, if (i) the contact was made with the intent to prevent or respond to domestic violence or sexual violence; (ii) the intervention or emergency assistance was needed to respond to or prevent domestic violence or sexual violence; or (iii) the contact was made by, on behalf of, or otherwise concerns an individual with a disability and the purpose of the contact was related to that individual's disability;

(B) an incident or incidents of actual or threatened domestic violence or sexual violence against a tenant, household member, or guest occurring in the dwelling unit or on the premises; or

(C) criminal activity or a local ordinance violation occurring in the dwelling unit or on the premises that is directly relating to domestic violence or sexual violence, engaged in by a tenant, member of a tenant's household, guest, or other party, and against a tenant, household member, guest, or other party.

(2) Nothing with respect to this Section: (A) limits enforcement of Section 15.2 of the Emergency Telephone System Act, Article 26 of the Criminal Code of 2012, or Article IX of the Code of Civil Procedure; (B) prohibits municipalities from enacting or enforcing ordinances to impose penalties on the basis of the underlying criminal activity or a local ordinance violation not covered by paragraph (1) of subsection (b) of this Section and to the extent otherwise permitted by existing State and federal law; or (C) limits or prohibits the eviction of or imposition of penalties against the perpetrator of the domestic violence, sexual violence, or other criminal activity.

(c) Remedies. If a municipality enacts or enforces an ordinance or regulation against a tenant or landlord in violation of subsection (b), the tenant or landlord may bring a civil action to seek any one or more of the following remedies:

(1) an order invalidating the ordinance or regulation to the extent required to bring the ordinance or regulation into compliance with the requirements of subsection (b);

(2) compensatory damages;

(3) reasonable attorney fees and court costs; or

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

(d) Home rule. This Section is a denial and limitation of home rule powers and functions under subsection (g) of Section

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6 of Article VII of the Illinois Constitution.

Section 99. Effective date. This Act takes effect 90 days after becoming law.