

AN ACT concerning civil law.

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

Section 1. Short title. This Act may be cited as the Immigrant Tenant Protection Act.

Section 5. Definitions. In this Act:

" Dwelling unit " means a room or suite of rooms, a manufactured home rental unit or lot as defined in Section 3 of the Mobile Home Landlord and Tenant Rights Act, or other residential real estate used for human habitation, and for which a landlord and a tenant have a written or oral lease agreement.

" Immigration or citizenship status " includes a person's actual or perceived immigration status or citizenship status.

" Landlord " means the owner, agent, lessor, or sublessor, or the successor in interest of any of them, of a dwelling unit, or the building of which it is part, and any person authorized to exercise any aspect of the management of the premises, including any person who directly or indirectly receives rents and has no obligation to deliver the whole of the receipts to another person. " Landlord " includes the owner of a mobile home park.

" Tenant " means a person entitled by written or oral

agreement, subtenancy approved by the landlord or by sufferance, or law to occupy a dwelling unit to the exclusion of others.

Section 10. Prohibited conduct.

(a) This Section does not prohibit a landlord from complying with any legal obligation under federal, State, or local law, including, but not limited to, any legal obligation under any government program that provides for rent limitations or rental assistance to a qualified tenant or a subpoena, warrant, or other court order.

(b) This Section does not prohibit a landlord from requesting information or documentation necessary to determine or verify the financial qualifications of a prospective tenant.

(c) This Section does not prohibit a landlord from delivering to the tenant an oral or written notice regarding conduct by the tenant that violates, may violate, or has violated an applicable rental agreement, including the lease or any rule, regulation, or law.

(d) This Section does not enlarge or diminish a landlord's right to terminate a tenancy pursuant to existing State or local law, nor does this Act enlarge or diminish the ability of a unit of local government to regulate or enforce a prohibition against a landlord's harassment of a tenant.

(e) Nothing in this Section prevents a landlord from seeking to collect rent due under the lease agreement.

(f) Except as otherwise provided in this Section, a landlord shall not:

(1) unless required by law or court order, threaten to disclose or actually disclose information regarding or relating to the immigration or citizenship status of a tenant to any person, entity, or any immigration or law enforcement agency with the intent of harassing or intimidating the tenant, retaliating against the tenant for exercising his or her rights, or influencing the tenant to surrender possession; or

(2) unless required by law or court order, bring an action to recover possession of a dwelling unit based solely or in part on the immigration or citizenship status of a tenant.

(g) Any waiver of a right under this Act by a tenant is void as a matter of public policy.

Section 15. Remedies.

(a) If a landlord engages in prohibited conduct described in subsection (f) of Section 10 against a tenant, the tenant may bring a civil action to seek any one or more of the following remedies:

(1) actual damages, as reasonably determined by the court, for injury or loss suffered;

(2) a civil penalty in an amount not to exceed \$2,000 for each violation, payable to the tenant;

(3) reasonable attorney's fees and court costs; and

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

(b) The immigration or citizenship status of any person is irrelevant to any issue of liability or remedy in a civil action involving a tenant's housing rights. In proceedings or discovery undertaken in a civil action involving a tenant's housing rights, no inquiry shall be permitted into the tenant's immigration or citizenship status, except if:

(1) unless otherwise provided in subsection (c), the claims or defenses raised by the tenant place the person's immigration or citizenship status directly in contention; or

(2) the person seeking to make the inquiry demonstrates by clear and convincing evidence that the inquiry is necessary in order to comply with federal law.

(c) The assertion of an affirmative defense to an eviction action under Section 9-106.3 of the Code of Civil Procedure does not constitute cause for discovery or other inquiry into a person's immigration or citizenship status.

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

Section 905. The Code of Civil Procedure is amended by adding Section 9-106.3 as follows:

(735 ILCS 5/9-106.3 new)

Sec. 9-106.3. Affirmative defenses for retaliation on the basis of immigration status.

(a) It is an affirmative defense to an action maintained under this Article if the court finds that:

(1) the landlord's demand for possession is based solely or in part on the citizenship or immigration status of the tenant; or

(2) the landlord's demand for possession is based solely or in part on the tenant's failure to provide a social security number, information required to obtain a consumer credit report, or a form of identification deemed acceptable by the landlord, and the lease with the tenant has commenced, and the tenant has taken possession.

(b) This Section does not prohibit a landlord from complying with any legal obligation under federal, State, or local law, including, but not limited to, any legal obligation under any government program that provides for rent limitations or rental assistance to a qualified tenant or a subpoena, warrant, or other court order.

(c) This Section does not prohibit a landlord from requesting information or documentation necessary to determine or verify the financial qualifications of a prospective tenant.

(d) This Section does not prohibit a landlord from delivering to the tenant an oral or written notice regarding

conduct by the tenant that violates, may violate, or has violated an applicable rental agreement, including the lease or any rule, regulation, or law.

(e) This Section does not enlarge or diminish a landlord's right to terminate a tenancy pursuant to existing State or local law, nor does this Section enlarge or diminish the ability of a unit of local government to regulate or enforce a prohibition against a landlord's harassment of a tenant.

Section 910. The Mobile Home Landlord and Tenant Rights Act is amended by changing Section 16 as follows:

(765 ILCS 745/16) (from Ch. 80, par. 216)

Sec. 16. Improper grounds for eviction. The following conduct by a tenant shall not constitute grounds for eviction or termination of the lease, nor shall an eviction order be entered against a tenant:

(a) As a reprisal for the tenant's effort to secure or enforce any rights under the lease or the laws of the State of Illinois, or its governmental subdivisions of the United States;

(b) As a reprisal for the tenant's good faith complaint to a governmental authority of the park owner's alleged violation of any health or safety law, regulation, code or ordinance, or State law or regulation which has as its objective the regulation of premises used for dwelling

purposes;

(c) As a reprisal for the tenant's being an organizer or member of, or involved in any activities relative to a home owners association; ~~+~~

(d) As a reprisal for or on the basis of the tenant's immigration or citizenship status.

(Source: P.A. 100-173, eff. 1-1-18.)

Section 999. Effective date. This Act takes effect upon becoming law.