

# ENDING HOUSING RETLIATORY BEHAVIOR

## HB4768

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State law requires landlords to maintain their tenants' dwellings in a safe and habitable condition. This includes ensuring access to running water, heat, and that common areas are free from obstructions alongside other requirements.

When these standards are not met, tenants may reach out to their landlords or municipalities' building or health departments for assistance. Unfortunately, requesting assistance to resolve habitability issues may result in retaliatory behavior from their landlords.

### ISSUE

Illinois' current statute narrowly provides that landlords are not permitted to retaliate against tenants *only* if tenants seek governmental intervention but does not provide for any affirmative resolution if a landlord reacts negatively or include other common situations that may lead to landlord retaliation.

Tenants may face evictions without cause, increases in rents, decreases in services, refusals to renew their leases, or lockouts at the hands of their landlord, simply for seeking safe and habitable living conditions.

- ▶ Tenants, in fearing retribution from their landlords, may face unsafe and unstable conditions or experience homelessness.



### SOLUTION

- ▶ Amend the statute to outline tenant-protected behaviors including:
  - ▶ Requesting the landlord make repairs to the premises, or
  - ▶ Reporting code violations to government agencies or elected officials, or
  - ▶ Seeking assistance or reporting code violations to a community organization or the news media; or
  - ▶ Becoming a member of a tenant's union or similar organization; or
  - ▶ Testifying in any court or administrative proceeding concerning the condition of the premises.

## SOLUTION

- ▶ Likewise, the legislation provides actions that constitute retaliation including:
  - ▶ terminating a tenancy,
  - ▶ increasing rent,
  - ▶ decreasing services,
  - ▶ bringing or threatening to bring a lawsuit against a tenant for possession or refusing to renew a lease or tenancy
- ▶ And finally, the legislation provides legal remedies available to tenants, including monetary as well as specific performance resolutions.



**FOR MORE  
INFORMATION**

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