



ILLINOIS RENTAL PROPERTY OWNERS ASSOCIATION
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IRPOA Proposal: Senate Bill 3299: Evictions for Criminal Conduct

SB3299 is legislation intended to correct the dysfunction that exists in 735 ILCS 5/9-120. This section of the state law defines a procedure for eviction of a tenant who is accused of having criminal activity occur, either a felony or class A misdemeanor, on the property that they rent.

In order for a property owner to successfully evict under this section, the property owner must prove that the crime is likely to have occurred. The evidence required is in the possession of whatever unit of government has made the allegation of the criminal activity. Existing FOIA law allows information about a crime to be withheld from a property owner in an ongoing investigation.

In 2011 legislation was passed to mandate that every residential lease in Illinois include citation of section 120 as a provision of the lease. Lease enforcement is an obligation of the property owner and many municipalities mandate lease enforcement by the imposition of penalties for failure to evict tenants accused of crimes. The legislation passed is pointing housing providers to a dead end.

735 ILCS 5/9-120 is dysfunctional because it expects the property owner to act, yet in order to act the property owner needs the evidence. That evidence is not reliably made available by government.

SB3299 would require that when a unit of government takes the initiative to notify a property owner of an alleged criminal act, that notification must also include the information necessary for the property owner to prove that the criminal conduct occurred. If the evidence cannot be shared then there should be no expectation that a property owner evict the accused individual.

The second provision of SB3299 is a prohibition of penalties against the property owner that can be triggered by notification alone. If a property owner determines that displacing a tenant and their family is not necessary to ensure the quiet enjoyment of the property by other residents, then there should be no eviction. It is not appropriate for government to use forced eviction as an alternative to obtaining criminal convictions nor are penalties for failure to evict necessary to create accountability for housing providers. In 720 ILCS 5/37-1 state law already provides for criminal penalties for a property owner that permits criminal activity to continue on a property they own.

To see the text of SB3299 click [SB3299](#).

Please call your Senator and ask for their support of SB3299.

To find contact information for your Senator click [Legislator Look Up](#)

Sincerely,

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