

Tenant's Rights Regarding Rent Strikes and Organizing
Uptown People's Law Center
March 2020

Going on a Rent Strike

You can get evicted for going on a rent strike. Even in extraordinary times like these, going on a rent strike is a lease violation that can lead to a 5-day Eviction Notice.

- The situation is completely different when a tenant purposely withholds all or some of rent because the landlord failed to do repairs in time. [Chicago law provides a specific process for when poor conditions are an issue.](#)
- If an eviction gets filed against the tenant and the landlord wins, the tenant might have to pay the court costs, which range between \$300-\$500. That's on top of having to pay back rent, losing your home, and having an eviction on your record.

BUT, here's a big-picture strategy sidenote: If enough people in a building go on a rent strike, it might overwhelm a landlord and place pressure on elected officials as well.

- Filing multiple evictions all at once is time-consuming and expensive for the landlord.
- Even if the evictions go through, the landlord would be losing out on income from multiple units and would have to immediately fill multiple vacancies.

ALSO, you can "cure" the Eviction Notice by paying whatever the Notice says you owe within the 5 day period! This, of course, assumes that you can afford to pay your rent.

- The landlord shouldn't bring an eviction case after you "cure" the Notice. But if the landlord decides to take you to court anyway, you will have an extremely strong defense.
- To "cure" the notice, the tenant must pay exactly what the notice says is owed, even if the tenant disagrees with the amount.
- Tenants should do everything they can to document the "cure" (e.g. send a confirmation email, take a photo of yourself giving the check to the landlord, get a receipt, etc.).

LASTLY, any major code violations in the unit. If striking tenants get eviction notices, they can help themselves by showing evidence that their unit, in fact, is not worth full rent.

- Look at the building code for examples. The strongest cases involve violations that truly interfere with your ability to live your life.

Organizing Tenants in Your Building

The law protects tenants from retaliation! In general, if you take protective action, the landlord cannot evict you within a year of that action. Chicago and Illinois law forbids it.

- Examples: going to the media, seeking assistance from a community organization, and forming a tenants union.

CANVASSING is a gray area. See if your lease bans door-to-door canvassing.

- **If the lease forbids going door-to-door**, the landlord can give you a 10-day eviction notice for violating the terms of the lease.
- **If it doesn't**, the landlord could **MAYBE** try to argue that it's disturbing your neighbors' peaceful enjoyment of their homes. This is hard for the landlord to prove.
 - Flyering is better than door-knocking, but don't deluge each unit.
 - One caveat: We don't know what to expect with the Stay-at-Home order.

You can "cure" the Eviction Notice for canvassing if you stop the canvassing. As long as you stop doing exactly what the eviction notice accuses you of doing within the 10-day period.

- The landlord shouldn't bring an eviction case after you "cure" the Notice. But if the landlord decides to take you to court anyway, you will have an extremely strong defense.
- Tenants who take this route should document the "cure." For instance, send an email to the landlord confirming that you are no longer canvassing.

PRO TIP: Mention that you are forming a tenants union on every single flyer. The landlord cannot retaliate against you for forming a tenants union. Couch all canvassing activities as a tenant union organizing effort.

Canvassing is allowed in HUD-subsidized housing not owned by tenants. If the tenant owns it, the tenant should look at the lease.