



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB1532

by Rep. Anthony DeLuca

SYNOPSIS AS INTRODUCED:

735 ILCS 5/9-120.5 new

Amends the Code of Civil Procedure. Defines "offensive use of property" as the repeated use of leased premises in a manner that disturbs the peace or is detrimental to the health and safety of the neighbors of the premises. Provides that in order to qualify as offensive use of property, all of the following conditions must exist: (1) on 3 or more separate occasions within a 60-day period, an act is committed on the property which is in violation of a State or municipal law intended to preserve the peace or to protect health and safety; (2) a lessee or his or her guest used, permitted the premises to be used, or knew or should have known that the premises would be used in the commission of the act; and (3) on each occasion, an arrest was made or a citation was issued for the commission of the act. Provides that if the standard for offensive use of property has been met, then the tenancy may be terminated and the owner, lessor, or agent shall be entitled to bring a forcible entry and detainer action. Contains provisions concerning procedure for terminating the lease and re-entering the premise. Provides that nothing in the new provisions shall limit the rights of an owner, lessor, or agent to bring a forcible entry and detainer action on the basis of other applicable law. Provides that governmental agencies shall provide the owner, lessor, or agent with the information reasonably necessary to substantiate the required elements of offensive use of property, but that a governmental entity may not require an owner, lessor, or agent to bring a forcible entry and detainer action under the new provisions or impose a penalty on the owner, lessor, or agent for failure to evict when notification is made. Provides that a tenant or occupant may not be the subject of a forcible detainer under the new provisions in conjunction with a qualifying act in which that tenant or occupant is the victim of domestic violence, dating violence, sexual assault, or stalking.

LRB098 02803 HEP 39857 b

1 AN ACT concerning civil law.

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

4 Section 5. The Code of Civil Procedure is amended by adding
5 Section 9-120.5 as follows:

6 (735 ILCS 5/9-120.5 new)

7 Sec. 9-120.5. Offensive Use of Property.

8 (a) As used in this Section, "offensive use of property"
9 means the repeated use of leased premises in a manner that
10 disturbs the peace or is detrimental to the health and safety
11 of the neighbors of the premises. To qualify as offensive use
12 of property, all of the following conditions must exist:

13 (1) on 3 or more separate occasions within a 60-day
14 period, an act is committed on the property which is in
15 violation of a State or municipal law intended to preserve
16 the peace or to protect health and safety;

17 (2) a lessee or his or her guest used, permitted the
18 premises to be used, or knew or should have known that the
19 premises would be used in the commission of the act; and

20 (3) on each occasion, an arrest was made or a citation
21 was issued for the commission of the act.

22 (b) If the standard for offensive use of property has been
23 met, then the tenancy may be terminated and the owner, lessor,

1 or agent shall be entitled to bring a forcible entry and
2 detainer action under this Section.

3 (c) If an owner, lessor, or agent terminates a tenancy
4 under this Section, the owner, lessor, or agent shall be
5 required to deliver a 5-day notice to quit to the lessee,
6 specifying the alleged acts and the date of occurrence for
7 each.

8 (d) A hearing shall be held not more than 14 days after
9 filing of the forcible entry and detainer action. If the court
10 finds that the standard for offensive use of property has been
11 met, it shall enter judgment for possession of the premises in
12 favor of the plaintiff. The plaintiff shall be entitled to
13 re-enter the premises immediately or at such a time as the
14 court determines is appropriate to preserve the peace.

15 (e) A judgment for possession under this Section shall not
16 be stayed any longer than 7 days, unless all parties agree to a
17 longer period. Thereafter, the plaintiff shall be entitled to
18 re-enter the premises immediately. The sheriff or other
19 lawfully deputized officer shall execute an order under this
20 Section within 7 days of its entry or within 7 days of the
21 expiration of a stay of judgment.

22 (f) Nothing in this Section shall limit the rights of an
23 owner, lessor, or agent to bring a forcible entry and detainer
24 action on the basis of other applicable law.

25 (g) The governmental agencies in whose jurisdiction the
26 leased premises are located shall provide the owner, lessor, or

1 agent with the information reasonably necessary to
2 substantiate the required elements of an action filed under
3 this Section. A municipality or other governmental entity may
4 not require an owner, lessor, or agent to bring a forcible
5 entry and detainer action under this Section or impose a
6 penalty on the owner, lessor, or agent for failure to evict
7 when notification is made.

8 (h) A tenant or occupant may not be the subject of a
9 forcible detainer under this Section in conjunction with a
10 qualifying act in which that tenant or occupant is the victim
11 of domestic violence, dating violence, sexual assault, or
12 stalking.