



Rep. Anthony DeLuca

Filed: 3/19/2013

09800HB1532ham001

LRB098 02803 HEP 43464 a

1 AMENDMENT TO HOUSE BILL 1532

2 AMENDMENT NO. _____. Amend House Bill 1532 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Civil Procedure is amended by
5 adding 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:

15 (A) a felony or a Class A misdemeanor;

16 (B) a violation of subsection (a)(1) of Section

1 26-1 of the Criminal Code of 2012; or

2 (C) a violation of a public order regulation
3 adopted under Section 11-5-1, 11-5-2, or 11-5-10 of the
4 Illinois Municipal Code;

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

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

11 (b) If the standard for offensive use of property has been
12 met, then the tenancy may be terminated and the owner, lessor,
13 or agent shall be entitled to bring a forcible entry and
14 detainer action under this Section.

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

20 (d) A hearing shall be held not more than 14 days after
21 filing of the forcible entry and detainer action. If the court
22 finds that the standard for offensive use of property has been
23 met, it shall enter judgment for possession of the premises in
24 favor of the plaintiff. The plaintiff shall be entitled to
25 re-enter the premises immediately, or no later than within 7
26 days of the entry of the judgment for possession of the

1 premises if the court determines such a stay is appropriate to
2 preserve the peace.

3 (e) The court may stay a judgment for possession for up to
4 6 months, provided:

5 (1) all parties agree to the stay;

6 (2) the court determines the lessee is willing and able
7 to prevent the offensive use of the property from
8 continuing; and

9 (3) none of the qualifying acts were of a violent
10 nature.

11 The stay shall be lifted and judgment for possession shall
12 be enforced if, prior to the expiration of the stay, the
13 plaintiff petitions the court to terminate the stay. The
14 judgment for possession shall otherwise be automatically
15 vacated at the end of the period of the stay. Upon the lifting
16 of the stay, the plaintiff shall be entitled to re-enter the
17 premises immediately.

18 (f) The sheriff or other lawfully deputized officer shall
19 execute an order under this Section within 7 days of its entry
20 or within 7 days of the expiration of a stay of judgment.

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

24 (h) The governmental agencies in whose jurisdiction the
25 leased premises are located shall provide the owner, lessor, or
26 agent with the information reasonably necessary to

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

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