



Sen. Thomas Cullerton

Filed: 5/21/2014

09800HB1532sam001

LRB098 02803 HEP 59899 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, a criminal charge or a complaint  
10           or notice alleging an ordinance violation was filed or  
11           issued for the commission of the act.

12           (b) If a lessee, occupant, or any person lawfully upon the  
13           property calls the police for assistance and as a result of  
14           that call a criminal charge or citation is issued, any such  
15           charge or citation shall not constitute a qualifying act for  
16           purposes of this Section.

17           (c) A tenant or occupant may not be the subject of a  
18           forcible detainer under this Section in conjunction with a  
19           qualifying act in which that tenant or occupant is the victim  
20           of domestic violence, dating violence, sexual assault, or  
21           stalking.

22           (d) If the standard for offensive use of property has been  
23           met, then the tenancy may be terminated and the owner, lessor,  
24           or agent shall be entitled to bring a forcible entry and  
25           detainer action under this Section.

26           (e) If an owner, lessor, or agent terminates a tenancy

1 under this Section, the owner, lessor, or agent shall be  
2 required to deliver a 5-day notice to quit to the lessee,  
3 specifying the alleged acts and the date of occurrence for  
4 each. The notice shall be substantially in the following form:

5 "To .....(names of tenants) and all other unknown  
6 occupants. Because of the repeated use of the residence you  
7 rent at ..... (location of the premises) in a manner  
8 that disturbs your neighbors or threatens the health and  
9 safety of your neighbors, I have chosen to terminate your  
10 right to remain in the property. The specific acts, which  
11 took place in a 60-day period and resulted in a criminal  
12 charge or a complaint or notice alleging an ordinance  
13 violation, are: ..... (insert the alleged acts  
14 and the date of occurrence for each). You are hereby  
15 notified to return possession of your residence to me  
16 within 5 days of this date ..... (date of delivery  
17 of notice).

18 Any person identified in this notice who, because of an  
19 act listed in this notice, is a victim of domestic  
20 violence, dating violence, sexual assault, or stalking may  
21 present the court documentation to defend the victim's  
22 right to retain possession of the residence. Documentation  
23 may include, but is not limited to, medical, court, or  
24 police records documenting the violence or a statement from  
25 either an employee of a victim service organization or a  
26 medical professional from whom the victim sought services.

1           This demand is being made pursuant to Illinois law  
2           (Section 9-120.5 of the Code of Civil Procedure, 735 ILCS  
3           5/9-120.5, which can be found online for further  
4           information)."

5           The notice shall be signed by the owner, lessor, or agent.  
6           No other notice or demand of possession or termination of the  
7           tenancy is necessary.

8           (f) 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 no later than within 7  
14           days of the entry of the judgment for possession of the  
15           premises if the court determines such a stay is appropriate to  
16           preserve the peace.

17           (g) The court may stay a judgment for possession for up to  
18           6 months, provided:

19           (1) all parties agree to the stay;

20           (2) the court determines the lessee is willing and able  
21           to prevent the offensive use of the property from  
22           continuing; and

23           (3) none of the qualifying acts were of a violent  
24           nature.

25           The stay shall be lifted and judgment for possession shall  
26           be enforced if, prior to the expiration of the stay, the

1 plaintiff petitions the court to terminate the stay and the  
2 court finds that, subsequent to the issuance of the stay, an  
3 act has been committed on the property which qualifies as  
4 offensive use of property under subsection (a) of this Section.  
5 The judgment for possession shall otherwise be automatically  
6 vacated at the end of the period of the stay. Upon the lifting  
7 of the stay, the plaintiff shall be entitled to re-enter the  
8 premises immediately.

9 (h) The sheriff or other lawfully deputized officer shall  
10 execute an order under this Section within 7 days of its entry  
11 or within 7 days of the expiration of a stay of judgment.

12 (i) Nothing in this Section shall limit the rights of an  
13 owner, lessor, or agent to bring a forcible entry and detainer  
14 action on the basis of other applicable law.

15 (j) The governmental agencies in whose jurisdiction the  
16 leased premises are located shall provide the owner, lessor, or  
17 agent with the information reasonably necessary to  
18 substantiate the required elements of an action filed under  
19 this Section. A municipality or other governmental entity may  
20 not require an owner, lessor, or agent to bring a forcible  
21 entry and detainer action under this Section or impose a  
22 penalty on the owner, lessor, or agent for failure to evict  
23 when notification is made."