



Sen. Don Harmon

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09600HB3690sam002

LRB096 09607 AJO 41778 a

1 AMENDMENT TO HOUSE BILL 3690

2 AMENDMENT NO. _____. Amend House Bill 3690, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Code of Civil Procedure is amended by
6 changing Section 9-106 as follows:

7 (735 ILCS 5/9-106) (from Ch. 110, par. 9-106)

8 Sec. 9-106. Pleadings and evidence. On complaint by the
9 party or parties entitled to the possession of such premises
10 being filed in the circuit court for the county where such
11 premises are situated, stating that such party is entitled to
12 the possession of such premises (describing the same with
13 reasonable certainty), and that the defendant (naming the
14 defendant) unlawfully withholds the possession thereof from
15 him, her or them, the clerk of the court shall issue a summons.

16 In counties with a population of 3,000,000 or more, the

1 complaint shall also state the following information, to the
2 extent the party or parties entitled to the possession of such
3 premises have actual knowledge of such information: (i) the
4 name of each known occupant of the premises, along with each
5 known occupant's date of birth; (ii) if the actual date of
6 birth is unknown, whether a known occupant is known to be under
7 the age of 18 or over the age of 65; and (iii) whether a known
8 occupant has a disability, as defined by Section 10 of the
9 Disabilities Services Act of 2003, but only to the extent that
10 the occupant has self-reported the disability to the person
11 claiming such possession. The failure to comply with the
12 requirement to provide such information shall not affect the
13 validity or the legal effect of any complaint or of any order
14 or judgment entered in the action.

15 The defendant may under a general denial of the allegations
16 of the complaint offer in evidence any matter in defense of the
17 action. Except as otherwise provided in Section 9-120, no
18 matters not germane to the distinctive purpose of the
19 proceeding shall be introduced by joinder, counterclaim or
20 otherwise. However, a claim for rent may be joined in the
21 complaint, and judgment may be entered for the amount of rent
22 found due.

23 The changes made by this amendatory Act of the 96th General
24 Assembly do not apply to public housing programs, assisted
25 under the United States Housing Act of 1937, as amended, 42
26 U.S.C. 1437 et seq., and its implementing regulations,

1 including the tenant-based Housing Choice Voucher program.
2 Public housing programs include premises assisted with housing
3 choice vouchers and dwelling units in mixed-finance projects
4 that are assisted through a public housing authority's capital,
5 operating, or other funds.

6 (Source: P.A. 90-360, eff. 1-1-98.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.".