



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB0160

by Rep. André M. Thapedi

SYNOPSIS AS INTRODUCED:

735 ILCS 5/9-201.1 new

Amends the Forcible Entry and Detainer Article of the Code of Civil Procedure. Provides that the owner of lands or tenements may recover rent or a fair and reasonable satisfaction for use and occupation when the lands or tenements are held and occupied by a tenant who is a defendant in an eviction or possession action, or his or her grantees, assignees or representatives, and the tenant continues to maintain possession of the land or property throughout the duration of the pending eviction or possession action. Provides that: if an order for use and occupancy is granted to the plaintiff and the defendant violates the order by willfully failing to pay the ordered amount, the court shall set a firm trial date for the pending eviction possession action no less than 7 days from the date that the violation of the use and occupancy order is entered; the defendant is responsible to the plaintiff for all costs and attorney's fees incurred by the plaintiff while seeking a remedy for the violation of the use and occupancy order; and if the defendant is successful in the underlying eviction or possession action, the defendant is entitled to the return of any use and occupancy payments made to the plaintiff on his behalf, plus statutory interest. Provides that nothing in the new provisions shall be deemed to affect any property that is subject to the Condominium Property Act.

LRB099 03903 HEP 23919 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 9-201.1 as follows:

6 (735 ILCS 5/9-201.1 new)

7 Sec. 9-201.1. Defendant in possession during action. The
8 owner of lands or tenements or his or her executors or
9 administrators may sue for and recover rent, or a fair and
10 reasonable satisfaction for the use and occupation of the lands
11 or tenements, by a civil action when the lands or tenements are
12 held and occupied by a tenant who is a defendant in an eviction
13 or possession action, or his or her grantees, assignees or
14 representatives, and the tenant continues to maintain
15 possession of the land or property throughout the duration of
16 the pending eviction or possession action. If an order for use
17 and occupancy is granted to the plaintiff and the defendant
18 violates the order by willfully failing to pay the ordered
19 amount, the court shall set a firm trial date for the pending
20 eviction possession action no less than 7 days from the date
21 that the violation of the use and occupancy order is entered.
22 The defendant is responsible to the plaintiff for all costs and
23 attorney's fees incurred by the plaintiff while seeking a

1 remedy for the violation of the use and occupancy order. If the
2 defendant is successful in the underlying eviction or
3 possession action, the defendant is entitled to the return of
4 any use and occupancy payments made to the plaintiff on his
5 behalf, plus statutory interest.

6 Nothing in this Section shall be deemed to affect any
7 property that is subject to the provisions of the Condominium
8 Property Act.