

**SB0077**



**101ST GENERAL ASSEMBLY**

**State of Illinois**

**2019 and 2020**

**SB0077**

Introduced 1/23/2019, by Sen. Patricia Van Pelt

**SYNOPSIS AS INTRODUCED:**

735 ILCS 5/9-102.5 new  
735 ILCS 5/9-104.2

from Ch. 110, par. 9-104.2

Amends the Eviction Article of the Code of Civil Procedure. Provides that eviction proceedings shall be sealed and remain so unless a final order of eviction in favor of the plaintiff is entered. Provides that unsealed records shall remain unsealed for a period of 7 years. Provides that after 7 years, access to the court records may be obtained only by specified parties. Provides that if a case is filed by a board of managers of a condominium association and names or joins a tenant of a condominium unit to the proceedings, the tenant's name shall be permanently suppressed by order of the court. Effective 90 days after becoming law.

LRB101 07113 LNS 52150 b

**A BILL FOR**

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  
5 changing Section 9-104.2 and by adding Section 9-102.5 as  
6 follows:

7 (735 ILCS 5/9-102.5 new)

8 Sec. 9-102.5. Sealing of records. Once an action under this  
9 Article is initiated, the clerk shall hold under seal all  
10 records under the action. The records shall be unsealed if the  
11 court enters a final order of eviction in favor of the  
12 plaintiff or plaintiffs and against the defendant or  
13 defendants. Once the records are unsealed, they shall remain  
14 part of the public record for a period of 7 years, at which  
15 time the clerk shall place the records under seal. The clerk  
16 shall provide access to the sealed files to:

17 (1) a named party to the action, including a party's  
18 attorney;

19 (2) any person who provides the clerk with the names of  
20 at least one plaintiff and one defendant and the address of  
21 the premises, including the apartment or unit number, if  
22 any;

23 (3) a resident of the premises who provides the clerk

1       with the name of one of the parties or the case number and  
2       shows any proof of residency of the premises; and  
3       (4) any person by order of the court upon a showing of  
4       good cause.

5           (735 ILCS 5/9-104.2) (from Ch. 110, par. 9-104.2)

6           Sec. 9-104.2. Condominiums: demand, notice, termination of  
7       lease, and eviction.

8           (a) Unless the Board of Managers is seeking to evict a  
9       tenant or other occupant of a unit under an existing lease or  
10      other arrangement with the owner of a unit, no demand nor  
11      summons need be served upon the tenant or other occupant in  
12      connection with an action brought under paragraph (7) of  
13      subsection (a) of Section 9-102 of this Article.

14          (a-5) The Board of Managers may seek to evict a tenant or  
15      other occupant of a unit under an existing lease or other  
16      arrangement between the tenant or other occupant and the  
17      defaulting owner of a unit, either within the same action  
18      against the unit owner under paragraph (7) of subsection (a) of  
19      Section 9-102 of this Article or independently thereafter under  
20      other paragraphs of that subsection. If a tenant or other  
21      occupant of a unit is joined within the same action against the  
22      defaulting unit owner under paragraph (7), only the unit owner  
23      and not the tenant or other occupant need to be served with 30  
24      days prior written notice as provided in this Article. The  
25      tenant or other occupant may be joined as additional defendants

1 at the time the suit is filed or at any time thereafter prior  
2 to execution of the eviction order by filing, with or without  
3 prior leave of the court, an amended complaint and summons for  
4 trial. If the complaint alleges that the unit is occupied or  
5 may be occupied by persons other than or in addition to the  
6 unit owner of record, that the identities of the persons are  
7 concealed and unknown, they may be named and joined as  
8 defendant "Unknown Occupants". Summons may be served on the  
9 defendant "Unknown Occupants" by the sheriff or court appointed  
10 process server by leaving a copy at the unit with any person  
11 residing at the unit of the age of 13 years or greater, and if  
12 the summons is returned without service stating that service  
13 cannot be obtained, constructive service may be obtained  
14 pursuant to Section 9-107 of this Code with notice mailed to  
15 "Unknown Occupants" at the address of the unit. If prior to  
16 execution of the eviction order the identity of a defendant or  
17 defendants served in this manner is discovered, his or her name  
18 or names and the record may be corrected upon hearing pursuant  
19 to notice of motion served upon the identified defendant or  
20 defendants at the unit in the manner provided by court rule for  
21 service of notice of motion. If, however, an action under  
22 paragraph (7) was brought against the defaulting unit owner  
23 only, and after obtaining an eviction order and expiration of  
24 the stay on enforcement the Board of Managers elects not to  
25 accept a tenant or occupant in possession as its own and to  
26 commence a separate action, written notice of the eviction

1 order against the unit owner and demand to quit the premises  
2 shall be served on the tenant or other occupant in the manner  
3 provided under Section 9-211 at least 10 days prior to bringing  
4 suit to evict the tenant or other occupant.

5 (b) If an eviction order is granted to the Board of  
6 Managers under Section 9-111, any interest of the unit owner to  
7 receive rents under any lease arrangement shall be deemed  
8 assigned to the Board of Managers until such time as the  
9 judgment is vacated.

10 (b-1) If a case filed under this Section names a tenant or  
11 joins a tenant of the condominium unit, that tenant's name  
12 shall be permanently suppressed by order of the court.

13 (c) If an eviction order is entered, the Board of Managers  
14 may obtain from the clerk of the court an informational  
15 certificate notifying any tenants not parties to the proceeding  
16 of the assignment of the unit owner's interest in the lease  
17 arrangement to the Board of Managers as a result of the entry  
18 of the eviction order and stating that any rent hereinafter due  
19 the unit owner or his agent under the lease arrangement should  
20 be paid to the Board of Managers until further order of court.  
21 If the tenant pays his rent to the association pursuant to the  
22 entry of such an eviction order, the unit owner may not sue  
23 said tenant for any such amounts the tenant pays the  
24 association. Upon service of the certificate on the tenant in  
25 the manner provided by Section 9-211 of this Code, the tenant  
26 shall be obligated to pay the rent under the lease arrangement

1 to the Board of Managers as it becomes due. If the tenant  
2 thereafter fails and refuses to pay the rent, the Board of  
3 Managers may bring an eviction action after making a demand for  
4 rent in accordance with Section 9-209 of this Code.

5 (c-5) In an action against the unit owner and lessee to  
6 evict a lessee for failure of the lessor/owner of the  
7 condominium unit to comply with the leasing requirements  
8 prescribed by subsection (n) of Section 18 of the Condominium  
9 Property Act or by the declaration, bylaws, and rules and  
10 regulations of the condominium, or against a lessee for any  
11 other breach by the lessee of any covenants, rules,  
12 regulations, or bylaws of the condominium, the demand shall  
13 give the lessee at least 10 days to quit and vacate the unit.  
14 The notice shall be substantially in the following form:

15 "TO A.B. You are hereby notified that in consequence of  
16 (here insert lessor-owner name) failure to comply with the  
17 leasing requirements prescribed by Section 18(n) of the  
18 Condominium Property Act or by the declaration, bylaws, and  
19 rules and regulations of the condominium, or your default  
20 of any covenants, rules, regulations or bylaws of the  
21 condominium, in (here insert the character of the default)  
22 of the premises now occupied by you, being (here described  
23 the premises) the Board of Managers of (here describe the  
24 condominium) Association elects to terminate your lease,  
25 and you are hereby notified to quit and vacate same within  
26 10 days of this date."

1           The demand shall be signed by the Board of Managers, its  
2 agent, or attorney and shall be served either personally upon  
3 the lessee with a copy to the unit owner or by sending the  
4 demand thereof by registered or certified mail with return  
5 receipt requested to the unit occupied by the lessee and to the  
6 last known address of the unit owner, and no other demand of  
7 termination of such tenancy shall be required. To be effective  
8 service under this Section, a demand sent by certified mail,  
9 return receipt requested, to the unit occupied by the lessee  
10 and to the last known address of the unit owner need not be  
11 received by the lessee or condominium unit owner.

12           (d) Nothing in this Section 9-104.2 is intended to confer  
13 upon a Board of Managers any greater authority with respect to  
14 possession of a unit after a judgment than was previously  
15 established by this Act.

16           (Source: P.A. 100-173, eff. 1-1-18.)

17           Section 99. Effective date. This Act takes effect 90 days  
18 after becoming law.