



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB5523

Introduced 2/9/2010, by Rep. Karen A. Yarbrough

#### SYNOPSIS AS INTRODUCED:

735 ILCS 5/9-106.2 new

Amends the Code of Civil Procedure. Provides that it is an affirmative defense to a forcible entry action if the demand for possession is based on: the status of the tenant, lessee, or household member as a victim of domestic violence, dating violence, stalking, or sexual violence; an incident of domestic violence, dating violence, stalking, or sexual violence against a tenant, lessee, or household member; or criminal activity engaged in by a member of a tenant's or lessee's household or any guest or other person under the tenant's, lessee's, or household member's control directly relating to domestic violence, dating violence, stalking, or sexual violence and against the tenant, lessee, or household member. Provides that the existence of the affirmative defense does not prevent a landlord from seeking possession solely against a tenant, household member, or lessee who perpetrated the violence. Effective immediately.

LRB096 18361 AJO 35596 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 9-106.2 as follows:

6 (735 ILCS 5/9-106.2 new)

7 Sec. 9-106.2. Affirmative defense for violence.

8 (a) It shall be an affirmative defense to an action  
9 maintained under this Article IX if the demand for possession  
10 is:

11 (1) predicated on the tenant's, lessee's, or household  
12 member's status as a victim of domestic violence or sexual  
13 violence as those terms are defined in Section 10 of the  
14 Safe Homes Act, stalking as that term is defined in the  
15 Criminal Code of 1961, or dating violence;

16 (2) based upon one or more incidents of actual or  
17 threatened domestic violence, dating violence, stalking,  
18 or sexual violence against a tenant, lessee, or household  
19 member; or

20 (3) based upon criminal activity directly relating to  
21 domestic violence, dating violence, stalking, or sexual  
22 violence, engaged in by a member of a tenant's or lessee's  
23 household or any guest or other person under the tenant's

1       lessee's, or household member's control, and against the  
2       tenant, lessee, or household member.

3       (b) Nothing in subsection (a) shall prevent the landlord  
4       from seeking possession solely against a tenant, household  
5       member, or lessee of the premises who perpetrated the violence  
6       that was the cause of the action for possession.

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