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09600HB5523ham001

LRB096 18361 AJ0 37859 a

1 AMENDMENT TO HOUSE BILL 5523

2 AMENDMENT NO. _____. Amend House Bill 5523 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 9-106.2 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) based solely on the tenant's, lessee's, or
12 household member's status as a victim of domestic violence
13 or sexual violence as those terms are defined in Section 10
14 of the Safe Homes Act, stalking as that term is defined in
15 the Criminal Code of 1961, or dating violence;

16 (2) based solely upon an incident of actual or

1 threatened domestic violence, dating violence, stalking,
2 or sexual violence against a tenant, lessee, or household
3 member; or

4 (3) based solely upon criminal activity directly
5 relating to domestic violence, dating violence, stalking,
6 or sexual violence engaged in by a member of a tenant's or
7 lessee's household or any guest or other person under the
8 tenant's, lessee's, or household member's control, and
9 against the tenant, lessee, or household member.

10 (b) When asserting the affirmative defense, at least one
11 form of the following types of evidence shall be provided to
12 support the affirmative defense: medical, court, or police
13 records documenting the violence or a statement from an
14 employee of a victim service organization, attorney, or medical
15 professional from whom the tenant, lessee, or household member
16 has sought services.

17 (c) Nothing in subsection (a) shall prevent the landlord
18 from seeking possession solely against a tenant, household
19 member, or lessee of the premises who perpetrated the violence
20 that was the cause of the action for possession.

21 (d) Nothing in subsection (a) shall prevent the landlord
22 from seeking possession against the entire household,
23 including the tenant, lessee, or household member who is a
24 victim of domestic violence, dating violence, stalking, or
25 sexual violence if the tenant, lessee, or household member's
26 continued tenancy would pose an actual and imminent threat to

1 other tenants, lessees, household members, the landlord or
2 their agents at the property.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.".