



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB1209

Introduced 02/08/11, by Rep. LaShawn K. Ford

#### SYNOPSIS AS INTRODUCED:

735 ILCS 5/9-110

from Ch. 110, par. 9-110

Amends the Code of Civil Procedure. Provides that if an action is brought for possession of the residential premises of a tenant and the court finds that the tenant is more than 90 days in arrears on his or her rent, the court may order a stay of the enforcement of the judgment for no more than 10 days, or if the court finds that there is good cause for a longer stay, then the court may grant a stay in excess of 10 days, but in that event the court shall require that the tenant pay a pro rata amount of rent under terms established in the stay order.

LRB097 07717 AJ0 47828 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  
5 changing Section 9-110 as follows:

6 (735 ILCS 5/9-110) (from Ch. 110, par. 9-110)

7 Sec. 9-110. Judgment for whole premises - Stay of  
8 enforcement. If it appears on the trial that the plaintiff is  
9 entitled to the possession of the whole of the premises  
10 claimed, judgment for the possession thereof and for costs  
11 shall be entered in favor of the plaintiff. However, if the  
12 action is brought for possession of residential premises of a  
13 tenant and the court finds that the defendant tenant is more  
14 than 90 days in arrears on his or her rent, the court, by  
15 order, may stay the enforcement of the judgment for a period  
16 not to exceed 10 days from the date of the judgment, or if the  
17 court finds that there is good cause for a longer stay, then  
18 the court may stay the enforcement of the judgment for a period  
19 in excess of 10 days, but in that event the court shall  
20 condition the stay of the judgment on the defendant tenant  
21 paying a pro rata amount of rent under terms established in the  
22 stay order. However, if the action is brought under Article IX  
23 of this Code and is based upon a breach of a contract entered

1 into on or after July 1, 1962 for the purchase of such  
2 premises, the court, by order, may stay the enforcement of the  
3 judgment for a period not to exceed 60 days from the date of  
4 the judgment, or if the court finds that the amount unpaid on  
5 the contract is less than 75% of the original purchase price,  
6 then the court shall stay the enforcement of the judgment for a  
7 period of 180 days from the date of the judgment. The court may  
8 order a stay of less than 180 days (but in no event less than 60  
9 days) if it is shown that the plaintiff, prior to the filing of  
10 the action under Article IX of this Act, granted the defendant  
11 previous extensions of time to pay the amounts due under the  
12 contract, or for other good cause shown. If during such period  
13 of stay the defendant pays the entire amount then due and  
14 payable under the terms of the contract other than such portion  
15 of the principal balance due under the contract as would not be  
16 due had no default occurred and costs and, if the contract  
17 provides therefor, reasonable attorney's fees as fixed by the  
18 court, and cures all other defaults then existing, the contract  
19 shall remain in force the same as if no default had occurred.  
20 The relief granted to a defendant by this Section shall not be  
21 exhausted by a single use thereof but shall not be again  
22 available with respect to the same contract for a period of 5  
23 years from the date of such judgment. Whenever defendant cures  
24 the default under the contract pursuant to this Section, the  
25 defendant may within the period of stay file a motion to vacate  
26 the judgment in the court in which the judgment was entered,

1 and, if the court, upon the hearing of such motion, is  
2 satisfied that such default has been cured, such judgment shall  
3 be vacated. Unless defendant files such motion to vacate in the  
4 court or the judgment is otherwise stayed, enforcement of the  
5 judgment may proceed immediately upon the expiration of such  
6 period of stay and all rights of the defendant in and to the  
7 premises and in and to the real estate described in the  
8 contract are terminated.

9       Nothing herein contained shall be construed as affecting  
10 the right of a seller of such premises to any lawful remedy or  
11 relief other than that provided by Part 1 of Article IX of this  
12 Act.

13 (Source: P.A. 85-907.)