



Rep. Anthony DeLuca

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09800HB1532ham003

LRB098 02803 HEP 44739 a

1 AMENDMENT TO HOUSE BILL 1532

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1532, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Code of Civil Procedure is amended by  
6 adding Section 9-120.5 as follows:

7 (735 ILCS 5/9-120.5 new)

8 Sec. 9-120.5. Offensive use of property.

9 (a) As used in this Section, "offensive use of property"  
10 means the repeated use of leased premises in a manner that is  
11 seriously detrimental to the health and safety of the neighbors  
12 of the premises. To qualify as offensive use of property, all  
13 of the following conditions must exist:

14 (1) during 3 or more separate and unrelated incidents  
15 within a 60-day period, an act is committed on the property  
16 which is:

1                   (A) a felony or a Class A misdemeanor; or  
 2                   (B) a violation of subsection (a)(1) of Section  
 3                   26-1 of the Criminal Code of 2012.

4                   (2) for each incident, a lessee used or permitted the  
 5                   premises to be used in the commission of the acts; and

6                   (3) for each incident, a criminal charge for the  
 7                   commission of the act resulted.

8                   (b) If the standard for offensive use of property has been  
 9                   met, then the tenancy may be terminated and the lessor shall be  
 10                   entitled to bring a forcible entry and detainer action under  
 11                   this Section.

12                   (c) If a lessor terminates a tenancy under this Section,  
 13                   the lessor shall be required to serve a 5-day notice to quit to  
 14                   the lessee, specifying the alleged acts and the date of  
 15                   occurrence for each. The notice shall be substantially in the  
 16                   following form:

17                   "To .....(names of tenants) and all other unknown  
 18                   occupants. Because of the repeated use of the residence you  
 19                   rent at ..... (location of the premises) in a manner  
 20                   that is seriously detrimental to the health and safety of  
 21                   your neighbors, I have chosen to terminate your right to  
 22                   remain in the property. The specific acts, which took place  
 23                   in a 60-day period and resulted in a criminal charge, are:  
 24                   ..... (insert the alleged acts and the date of  
 25                   occurrence for each). You are hereby notified to return  
 26                   possession of your residence to me within 5 days of this

1        date ..... (date of delivery of notice).

2        If a person identified in this notice is a victim of  
3        domestic violence, dating violence, sexual violence, or  
4        stalking, that person cannot be evicted except based on his  
5        or her own conduct that is unrelated to the violence  
6        against the person. Acts of domestic violence, dating  
7        violence, sexual violence, or stalking cannot be the basis  
8        for an eviction unless the person being evicted is the  
9        person who committed those acts. Other criminal activity  
10       related to acts of domestic violence, dating violence,  
11       sexual violence, or stalking also cannot be the basis for  
12       an eviction unless the person being evicted is the person  
13       who committed the criminal activity.

14       You may wish to contact a lawyer or your local legal  
15       aid agency to discuss any rights that you may have. This  
16       demand is being made pursuant to Illinois law (Section  
17       9-120.5 of the Code of Civil Procedure, 735 ILCS 5/9-120.5,  
18       which can be found online for further information).".

19       The notice shall be signed by the lessor. No other notice  
20       or demand of possession or termination of the tenancy is  
21       necessary.

22       (d) After a trial, if the court finds by a preponderance of  
23       the evidence that the allegations of the complaint have been  
24       proven and the standard for offensive use of property has been  
25       met, it shall enter judgment for possession of the premises in  
26       favor of the plaintiff.

1       (e) The court may stay a judgment for possession, subject  
2 to Section 9-117 of this Code. The stay may be lifted and  
3 judgment for possession may be enforced if, prior to the  
4 expiration of the stay, the plaintiff petitions the court to  
5 terminate the stay and the court finds that, subsequent to the  
6 issuance of the stay, an act has been committed on the property  
7 which qualifies as offensive use of property under subsection  
8 (a) of this Section. The judgment for possession shall  
9 otherwise be automatically vacated at the end of the period of  
10 the stay.

11       (f) The sheriff or other lawfully deputized officer shall  
12 execute an order under this Section within 7 days of its entry  
13 or within 7 days of the expiration of a stay of judgment.

14       (g) Nothing in this Section shall limit the rights of a  
15 lessor to bring a forcible entry and detainer action on the  
16 basis of, and pursuant to, other applicable law.

17       (h) The governmental agencies in whose jurisdiction the  
18 leased premises are located shall provide the lessor with the  
19 information reasonably necessary to substantiate the required  
20 elements of an action filed under this Section. A municipality  
21 or other governmental entity may not require a lessor to bring  
22 a forcible entry and detainer action under this Section or  
23 impose a penalty on the lessor for failure to evict when  
24 notification is made."