



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5502

by Rep. Monique D. Davis

SYNOPSIS AS INTRODUCED:

735 ILCS 5/9-118

from Ch. 110, par. 9-118

Amends the Code of Civil Procedure. Provides that a landlord may evict a tenant under the Section concerning emergency housing eviction proceedings if the tenant has failed to make any payment of rent in over 90 days.

LRB098 17533 HEP 52642 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 9-118 as follows:

6 (735 ILCS 5/9-118) (from Ch. 110, par. 9-118)

7 Sec. 9-118. Emergency housing eviction proceedings.

8 (a) As used in this Section:

9 "Cannabis" has the meaning ascribed to that term in the
10 Cannabis Control Act.

11 "Narcotics" and "controlled substance" have the meanings
12 ascribed to those terms in the Illinois Controlled Substances
13 Act.

14 (b) This Section applies only if all of the following
15 conditions are met:

16 (1) The complaint seeks possession of premises that are
17 owned or managed by a housing authority established under
18 the Housing Authorities Act or privately owned and managed.

19 (2) The verified complaint alleges that there is direct
20 evidence of any of the following:

21 (A) unlawful possessing, serving, storing,
22 manufacturing, cultivating, delivering, using,
23 selling, giving away, or trafficking in cannabis,

1 methamphetamine, narcotics, or controlled substances
2 within or upon the premises by or with the knowledge
3 and consent of, or in concert with the person or
4 persons named in the complaint; or

5 (B) the possession, use, sale, or delivery of a
6 firearm which is otherwise prohibited by State law
7 within or upon the premises by or with the knowledge
8 and consent of, or in concert with, the person or
9 persons named in the complaint; or

10 (C) murder, attempted murder, kidnapping,
11 attempted kidnapping, arson, attempted arson,
12 aggravated battery, criminal sexual assault, attempted
13 criminal sexual assault, aggravated criminal sexual
14 assault, predatory criminal sexual assault of a child,
15 or criminal sexual abuse within or upon the premises by
16 or with the knowledge and consent of, or in concert
17 with, the person or persons named in the complaint; or

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19 (D) failure of the tenant to make any payment of
20 rent in over 90 days.

21 (3) Notice by verified complaint setting forth the
22 relevant facts, and a demand for possession of the type
23 specified in Section 9-104 is served on the tenant or
24 occupant of the premises at least 14 days before a hearing
25 on the complaint is held, and proof of service of the
26 complaint is submitted by the plaintiff to the court.

1 (b-5) In all actions brought under this Section 9-118, no
2 predicate notice of termination or demand for possession shall
3 be required to initiate an eviction action.

4 (c) When a complaint has been filed under this Section, a
5 hearing on the complaint shall be scheduled on any day after
6 the expiration of 14 days following the filing of the
7 complaint. The summons shall advise the defendant that a
8 hearing on the complaint shall be held at the specified date
9 and time, and that the defendant should be prepared to present
10 any evidence on his or her behalf at that time.

11 If a plaintiff which is a public housing authority accepts
12 rent from the defendant after an action is initiated under this
13 Section, the acceptance of rent shall not be a cause for
14 dismissal of the complaint.

15 (d) If the defendant does not appear at the hearing,
16 judgment for possession of the premises in favor of the
17 plaintiff shall be entered by default. If the defendant
18 appears, a trial shall be held immediately as is prescribed in
19 other proceedings for possession. The matter shall not be
20 continued beyond 7 days from the date set for the first hearing
21 on the complaint except by agreement of both the plaintiff and
22 the defendant. After a trial, if the court finds, by a
23 preponderance of the evidence, that the allegations in the
24 complaint have been proven, the court shall enter judgment for
25 possession of the premises in favor of the plaintiff and the
26 court shall order that the plaintiff shall be entitled to

1 re-enter the premises immediately.

2 (d-5) If cannabis, methamphetamine, narcotics, or
3 controlled substances are found or used anywhere in the
4 premises, there is a rebuttable presumption either (1) that the
5 cannabis, methamphetamine, narcotics, or controlled substances
6 were used or possessed by a tenant or occupant or (2) that a
7 tenant or occupant permitted the premises to be used for that
8 use or possession, and knew or should have reasonably known
9 that the substance was used or possessed.

10 (e) A judgment for possession entered under this Section
11 may not be stayed for any period in excess of 7 days by the
12 court. Thereafter the plaintiff shall be entitled to re-enter
13 the premises immediately. The sheriff or other lawfully
14 deputized officers shall give priority to service and execution
15 of orders entered under this Section over other possession
16 orders.

17 (f) This Section shall not be construed to prohibit the use
18 or possession of cannabis, methamphetamine, narcotics, or a
19 controlled substance that has been legally obtained in
20 accordance with a valid prescription for the personal use of a
21 lawful occupant of a dwelling unit.

22 (Source: P.A. 94-556, eff. 9-11-05.)