



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB1401

Introduced 2/20/2015, by Sen. Patricia Van Pelt

#### SYNOPSIS AS INTRODUCED:

735 ILCS 5/9-102.5 new  
735 ILCS 5/9-104.2

from Ch. 110, par. 9-104.2

Amends the Forcible Entry and Detainer Article of the Code of Civil Procedure. Provides that eviction proceedings shall be sealed and remain so unless a final order of possession in favor of the plaintiff is entered. Provides that unsealed records shall remain unsealed for a period of 7 years. Provides that after 7 years, access to the court records may be obtained only by specified parties. Provides that if a case is filed by a board of managers of a condominium association and names or joins a tenant of a condominium unit to the proceedings, the tenant's name shall be permanently suppressed by order of the court. Effective 90 days after becoming law.

LRB099 08364 HEP 31073 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 9-104.2 and by adding Section 9-102.5 as  
6 follows:

7 (735 ILCS 5/9-102.5 new)

8 Sec. 9-102.5. Sealing of records. Once an action under this  
9 Article is initiated, the clerk shall hold under seal all  
10 records under the action. The records shall be unsealed if the  
11 court enters a final order of possession in favor of the  
12 plaintiff or plaintiffs and against the defendant or  
13 defendants. Once the records are unsealed, they shall remain  
14 part of the public record for a period of 7 years, at which  
15 time the clerk shall place the records under seal. The clerk  
16 shall provide access to the sealed files to:

17 (1) a named party to the action, including a party's  
18 attorney;

19 (2) any person who provides the clerk with the names of  
20 at least one plaintiff and one defendant and the address of  
21 the premises, including the apartment or unit number, if  
22 any;

23 (3) a resident of the premises who provides the clerk

1           with the name of one of the parties or the case number and  
2           shows any proof of residency of the premises; and  
3           (4) any person by order of the court upon a showing of  
4           good cause.

5           (735 ILCS 5/9-104.2) (from Ch. 110, par. 9-104.2)  
6           Sec. 9-104.2. Demand - Notice - Termination of Lease and  
7           Possession of a Condominium.

8           (a) Unless the Board of Managers is seeking to terminate  
9           the right of possession of a tenant or other occupant of a unit  
10          under an existing lease or other arrangement with the owner of  
11          a unit, no demand nor summons need be served upon the tenant or  
12          other occupant in connection with an action brought under  
13          paragraph (7) of subsection (a) of Section 9-102 of this  
14          Article.

15          (a-5) The Board of Managers may seek to terminate the right  
16          of possession of a tenant or other occupant of a unit under an  
17          existing lease or other arrangement between the tenant or other  
18          occupant and the defaulting owner of a unit, either within the  
19          same action against the unit owner under paragraph (7) of  
20          subsection (a) of Section 9-102 of this Article or  
21          independently thereafter under other paragraphs of that  
22          subsection. If a tenant or other occupant of a unit is joined  
23          within the same action against the defaulting unit owner under  
24          paragraph (7), only the unit owner and not the tenant or other  
25          occupant need to be served with 30 days prior written notice as

1 provided in this Article. The tenant or other occupant may be  
2 joined as additional defendants at the time the suit is filed  
3 or at any time thereafter prior to execution of judgment for  
4 possession by filing, with or without prior leave of the court,  
5 an amended complaint and summons for trial. If the complaint  
6 alleges that the unit is occupied or may be occupied by persons  
7 other than or in addition to the unit owner of record, that the  
8 identities of the persons are concealed and unknown, they may  
9 be named and joined as defendant "Unknown Occupants". Summons  
10 may be served on the defendant "Unknown Occupants" by the  
11 sheriff or court appointed process server by leaving a copy at  
12 the unit with any person residing at the unit of the age of 13  
13 years or greater, and if the summons is returned without  
14 service stating that service cannot be obtained, constructive  
15 service may be obtained pursuant to Section 9-107 of this Code  
16 with notice mailed to "Unknown Occupants" at the address of the  
17 unit. If prior to execution of judgment for possession the  
18 identity of a defendant or defendants served in this manner is  
19 discovered, his or her name or names and the record may be  
20 corrected upon hearing pursuant to notice of motion served upon  
21 the identified defendant or defendants at the unit in the  
22 manner provided by court rule for service of notice of motion.  
23 If however an action under paragraph (7) was brought against  
24 the defaulting unit owner only, and after obtaining judgment  
25 for possession and expiration of the stay on enforcement the  
26 Board of Managers elects not to accept a tenant or occupant in

1 possession as its own and to commence a separate action,  
2 written notice of the judgment against the unit owner and  
3 demand to quit the premises shall be served on the tenant or  
4 other occupant in the manner provided under Section 9-211 at  
5 least 10 days prior to bringing suit to recover possession from  
6 the tenant or other occupant.

7 (b) If a judgment for possession is granted to the Board of  
8 Managers under Section 9-111, any interest of the unit owner to  
9 receive rents under any lease arrangement shall be deemed  
10 assigned to the Board of Managers until such time as the  
11 judgment is vacated.

12 (b-1) If a case filed under this Section names a tenant or  
13 joins a tenant of the condominium unit, that tenant's name  
14 shall be permanently suppressed by order of the court.

15 (c) If a judgment for possession is entered, the Board of  
16 Managers may obtain from the clerk of the court an  
17 informational certificate notifying any tenants not parties to  
18 the proceeding of the assignment of the unit owner's interest  
19 in the lease arrangement to the Board of Managers as a result  
20 of the entry of the judgment for possession and stating that  
21 any rent hereinafter due the unit owner or his agent under the  
22 lease arrangement should be paid to the Board of Managers until  
23 further order of court. If the tenant pays his rent to the  
24 association pursuant to the entry of such a judgement for  
25 possession, the unit owner may not sue said tenant for any such  
26 amounts the tenant pays the association. Upon service of the

1 certificate on the tenant in the manner provided by Section  
2 9-211 of this Code, the tenant shall be obligated to pay the  
3 rent under the lease arrangement to the Board of Managers as it  
4 becomes due. If the tenant thereafter fails and refuses to pay  
5 the rent, the Board of Managers may bring an action for  
6 possession after making a demand for rent in accordance with  
7 Section 9-209 of this Code.

8 (c-5) In an action against the unit owner and lessee to  
9 evict a lessee for failure of the lessor/owner of the  
10 condominium unit to comply with the leasing requirements  
11 prescribed by subsection (n) of Section 18 of the Condominium  
12 Property Act or by the declaration, bylaws, and rules and  
13 regulations of the condominium, or against a lessee for any  
14 other breach by the lessee of any covenants, rules,  
15 regulations, or bylaws of the condominium, the demand shall  
16 give the lessee at least 10 days to quit and vacate the unit.  
17 The notice shall be substantially in the following form:

18 "TO A.B. You are hereby notified that in consequence of  
19 (here insert lessor-owner name) failure to comply with the  
20 leasing requirements prescribed by Section 18(n) of the  
21 Condominium Property Act or by the declaration, bylaws, and  
22 rules and regulations of the condominium, or your default  
23 of any covenants, rules, regulations or bylaws of the  
24 condominium, in (here insert the character of the default)  
25 of the premises now occupied by you, being (here described  
26 the premises) the Board of Managers of (here describe the

1 condominium) Association elects to terminate your lease,  
2 and you are hereby notified to quit and vacate same within  
3 10 days of this date.".

4 The demand shall be signed by the Board of Managers, its  
5 agent, or attorney and shall be served either personally upon  
6 the lessee with a copy to the unit owner or by sending the  
7 demand thereof by registered or certified mail with return  
8 receipt requested to the unit occupied by the lessee and to the  
9 last known address of the unit owner, and no other demand of  
10 termination of such tenancy shall be required. To be effective  
11 service under this Section, a demand sent by certified mail,  
12 return receipt requested, to the unit occupied by the lessee  
13 and to the last known address of the unit owner need not be  
14 received by the lessee or condominium unit owner.

15 (d) Nothing in this Section 9-104.2 is intended to confer  
16 upon a Board of Managers any greater authority with respect to  
17 possession of a unit after a judgment than was previously  
18 established by this Act.

19 (Source: P.A. 90-496, eff. 8-18-97; 91-196, eff. 7-20-99.)

20 Section 99. Effective date. This Act takes effect 90 days  
21 after becoming law.