



Rep. Anthony DeLuca

**Filed: 5/19/2009**

09600SB1783ham002

LRB096 11147 RLJ 27150 a

1 AMENDMENT TO SENATE BILL 1783

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1783, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Illinois Municipal Code is amended by  
6 adding Section 11-5.4-1 as follows:

7 (65 ILCS 5/11-5.4-1 new)

8 Sec. 11-5.4-1. Landlord regulation. The corporate  
9 authorities of any municipality may regulate landlords, as  
10 defined by the corporate authorities of the municipality,  
11 within that municipality by requiring landlords to make an  
12 addendum to any and all leases to include prohibitions of  
13 criminal activity and eviction for engaging in such activity.

14 For the purposes of this Section, "criminal activity"  
15 means, but is not limited to:

16 (i) Disorderly conduct as defined in Section 26-1 of

1 the Criminal Code of 1961.

2 (ii) Unlawful use of weapons as defined in Section 24-1  
3 of the Criminal Code of 1961.

4 (iii) Mob action as defined in Section 25-1 of the  
5 Criminal Code of 1961.

6 (iv) Aggravated discharge of a firearm as defined in  
7 Sections 24-1.2 and 24-1.2-5 of the Criminal Code of 1961.

8 (v) Gambling as defined in Section 28-1 of the Criminal  
9 Code of 1961.

10 (vi) Possession, manufacture, or delivery of a  
11 controlled substance as defined in Section 401 of the  
12 Illinois Controlled Substances Act.

13 (vii) Assault or battery or any related offense as  
14 defined in Article 12 of the Criminal Code of 1961.

15 (viii) Criminal sexual abuse or related offenses as  
16 defined in Sections 12-15 and 12-16 of the Criminal Code of  
17 1961.

18 (ix) Public indecency as defined in Section 11-9 of the  
19 Criminal Code of 1961.

20 (x) Prostitution as defined in Section 11-14 of the  
21 Criminal Code of 1961.

22 (xi) Criminal damage to property as defined in Section  
23 21-1 of the Criminal Code of 1961.

24 (xii) Possession, cultivation, manufacture, or  
25 delivery of cannabis as defined in the Cannabis Control  
26 Act.

1           (xiii) Illegal consumption or possession of alcohol as  
2           defined in the Liquor Control Act of 1934.

3           (xiv) Violation of any municipal ordinance or State of  
4           Illinois statute controlling or regulating the sale or use  
5           of alcoholic beverages.

6           Section 10. The Code of Civil Procedure is amended by  
7           changing Section 9-120 as follows:

8           (735 ILCS 5/9-120)

9           Sec. 9-120. Leased premises used in furtherance of a  
10          criminal offense; lease void at option of lessor or assignee.

11          (a) If any lessee or occupant, on one or more occasions,  
12          uses or permits the use of leased premises for the commission  
13          of any act that would constitute a felony or a Class A  
14          misdemeanor under the laws of this State, the lease or rental  
15          agreement shall, at the option of the lessor or the lessor's  
16          assignee become void, and the owner or lessor shall be entitled  
17          to recover possession of the leased premises as against a  
18          tenant holding over after the expiration of his or her term.

19          (a-5) In all actions brought under this Section, no  
20          predicate notice of termination or demand for possession shall  
21          be required to initiate an eviction action. Notice specifying  
22          the alleged violations of the lease to be considered by the  
23          court shall be delivered to the lessee by sending a copy by  
24          certified mail and by posting the notice on the premise.

1           (b) The owner or lessor may bring a forcible entry and  
2     detrainer action, or, if the State's Attorney of the county in  
3     which the real property is located agrees, assign to that  
4     State's Attorney the right to bring a forcible entry and  
5     detrainer action on behalf of the owner or lessor, against the  
6     lessee and all occupants of the leased premises. The assignment  
7     must be in writing on a form prepared by the State's Attorney  
8     of the county in which the real property is located. If the  
9     owner or lessor assigns the right to bring a forcible entry and  
10    detrainer action, the assignment shall be limited to those  
11    rights and duties up to and including delivery of the order of  
12    eviction to the sheriff for execution. The owner or lessor  
13    shall remain liable for the cost of the eviction whether or not  
14    the right to bring the forcible entry and detrainer action has  
15    been assigned.

16           (c) A person does not forfeit any part of his or her  
17    security deposit due solely to an eviction under the provisions  
18    of this Section, except that a security deposit may be used to  
19    pay fees charged by the sheriff for carrying out an eviction.

20           (d) ~~If a lessor or the lessor's assignee voids a lease or~~  
21    ~~contract under the provisions of this Section and the tenant or~~  
22    ~~occupant has not vacated the premises within 5 days after~~  
23    ~~receipt of a written notice to vacate the premises, the lessor~~  
24    ~~or lessor's assignee may seek relief under this Article IX.~~  
25    Notwithstanding Sections 9-112, 9-113, and 9-114 of this Code,  
26    judgment for costs against a plaintiff seeking possession of

1 the premises under this Section shall not be awarded to the  
2 defendant unless the action was brought by the plaintiff in bad  
3 faith. An action to possess premises under this Section shall  
4 not be deemed to be in bad faith when the plaintiff based his  
5 or her cause of action on information provided to him or her by  
6 a law enforcement agency or the State's Attorney.

7 (e) After a trial, if the court finds, by a preponderance  
8 of the evidence, that the allegations in the complaint have  
9 been proven or that a default has been proven in any other term  
10 of the lease, the court shall enter judgment for possession of  
11 the premises in favor of the plaintiff and the court shall  
12 order that the plaintiff shall be entitled to re-enter the  
13 premises immediately.

14 (f) A judgment for possession of the premises entered in an  
15 action brought by a lessor or lessor's assignee, if the action  
16 was brought as a result of a lessor or lessor's assignee  
17 declaring a lease void pursuant to this Section, may not be  
18 stayed for any period in excess of 7 days by the court unless  
19 all parties agree to a longer period. Thereafter the plaintiff  
20 shall be entitled to re-enter the premises immediately. The  
21 sheriff or other lawfully deputized officers shall execute an  
22 order entered pursuant to this Section within 7 days of its  
23 entry, or within 7 days of the expiration of a stay of  
24 judgment, if one is entered.

25 (g) Nothing in this Section shall limit the rights of an  
26 owner or lessor to bring a forcible entry and detainer action

1 on the basis of other applicable law.

2 (Source: P.A. 90-360, eff. 1-1-98.)

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