



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3316

Introduced 2/24/2011, by Rep. William Cunningham

SYNOPSIS AS INTRODUCED:

735 ILCS 5/9-106

from Ch. 110, par. 9-106

Amends provisions of the Code of Civil Procedure setting forth the required contents of a forcible entry and detainer complaint. Adds language requiring a complaint filed in a county with a population of 3,000,000 or more to state, if known to the parties entitled to the possession of the premises: the name of each known occupant of the premises, along with each known occupant's date of birth and, if the actual date of birth is unknown, whether a known occupant is known to be younger than 18 years of age or 65 years of age or older; and whether a known occupant has a disability, as defined by the Disabilities Services Act of 2003, but only to the extent that the occupant has self-reported the disability to the person claiming possession. Provides that the failure to comply with the requirement to provide such information shall not affect the validity or the legal effect of any complaint or of any order or judgment entered in the action. Provides that the changes made by the amendatory Act do not apply to specified public housing programs. Effective immediately.

LRB097 07093 AJO 47191 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 9-106 as follows:

6 (735 ILCS 5/9-106) (from Ch. 110, par. 9-106)

7 Sec. 9-106. Pleadings and evidence. On complaint by the
8 party or parties entitled to the possession of such premises
9 being filed in the circuit court for the county where such
10 premises are situated, stating that such party is entitled to
11 the possession of such premises (describing the same with
12 reasonable certainty), and that the defendant (naming the
13 defendant) unlawfully withholds the possession thereof from
14 him, her or them, the clerk of the court shall issue a summons.

15 In counties with a population of 3,000,000 or more, the
16 complaint shall also state the following information, to the
17 extent the party or parties entitled to the possession of such
18 premises have actual knowledge of such information: (i) the
19 name of each known occupant of the premises, along with each
20 known occupant's date of birth; (ii) if the actual date of
21 birth is unknown, whether a known occupant is known to be
22 younger than 18 years of age or 65 years of age or older; and
23 (iii) whether a known occupant has a disability, as defined by

1 Section 10 of the Disabilities Services Act of 2003, but only
2 to the extent that the occupant has self-reported the
3 disability to the person claiming such possession. The failure
4 to comply with the requirement to provide such information
5 shall not affect the validity or the legal effect of any
6 complaint or of any order or judgment entered in the action.

7 The defendant may under a general denial of the allegations
8 of the complaint offer in evidence any matter in defense of the
9 action. Except as otherwise provided in Section 9-120, no
10 matters not germane to the distinctive purpose of the
11 proceeding shall be introduced by joinder, counterclaim or
12 otherwise. However, a claim for rent may be joined in the
13 complaint, and judgment may be entered for the amount of rent
14 found due.

15 The changes made by this amendatory Act of the 97th General
16 Assembly do not apply to public housing programs, assisted
17 under the United States Housing Act of 1937, as amended, 42
18 U.S.C. 1437 et seq., and its implementing regulations,
19 including the tenant-based Housing Choice Voucher program.
20 Public housing programs include premises assisted with housing
21 choice vouchers and dwelling units in mixed-finance projects
22 that are assisted through a public housing authority's capital,
23 operating, or other funds.

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

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.