

1 AN ACT in relation to civil procedure.

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 Sections 9-104, 9-209, and 9-211, and by adding
6 Section 9-107.5 as follows:

7 (735 ILCS 5/9-104) (from Ch. 110, par. 9-104)

8 Sec. 9-104. Demand - Notice - Return. The demand
9 required by Section 9-102 of this Act may be made by
10 delivering a copy thereof to the tenant, or by leaving such a
11 copy with some person of the age of 13 years or upwards,
12 residing on, or being in charge of, the premises; or in case
13 no one is in the actual possession of the premises or those
14 in possession are not parties to any written lease, rental
15 agreement, or right to possession agreement for the premises,
16 then by delivering a copy of the notice, directed to those
17 persons, to the tenant or by leaving a copy of the notice
18 with some person of the age of 13 years or upwards residing
19 on or in possession of the premises, or by sending a copy of
20 the notice to the tenant, directed to those persons, by
21 certified or registered mail with a returned receipt from the
22 addressee; or by posting the same on the premises. When such
23 demand is made by an officer authorized to serve process, his
24 or her return is prima facie evidence of the facts therein
25 stated, and if such demand is made by any person not an
26 officer, the return may be sworn to by the person serving the
27 same, and is then prima facie evidence of the facts therein
28 stated. The demand for possession may be in the following
29 form: To

30 I hereby demand immediate possession of the following
31 described premises: (describing the same.)

1 The demand shall be signed by the person claiming such
2 possession, his or her agent, or attorney.

3 (Source: P.A. 83-1362.)

4 (735 ILCS 5/9-107.5 new)

5 Sec. 9-107.5. Notice to others. Whenever, in any
6 forcible entry and detainer action, the plaintiff believes
7 that a person or persons having no rental agreement, lease,
8 or right to possession agreement with the plaintiff are or
9 may be occupying or possessing the premises, the plaintiff or
10 his or her attorney must file, simultaneously with the filing
11 of plaintiff's complaint against the tenant or at any time
12 before entry of the judgment for possession, at the office of
13 the clerk of the court in which the action is pending, an
14 affidavit indicating that the premises is or may be occupied
15 by one or more persons not having any rental agreement,
16 lease, or right to possession agreement with the plaintiff,
17 and upon filing of the affidavit the clerk must cause a
18 posting and mailing of notices to be made on the premises for
19 which possession is being sought. The posting and mailing of
20 notices must be effected, and must contain the information
21 required, consistent with Section 9-107 of this Act.

22 (735 ILCS 5/9-209) (from Ch. 110, par. 9-209)

23 Sec. 9-209. Demand for rent - Action for possession. A
24 landlord or his or her agent may, any time after rent is due,
25 demand payment thereof and notify the tenant, in writing,
26 that unless payment is made within a time mentioned in such
27 notice, not less than 5 days after service thereof, the lease
28 will be terminated. If the tenant does not within the time
29 mentioned in such notice, pay the rent due, the landlord may
30 consider the lease ended, and sue for the possession under
31 the statute in relation to forcible entry and detainer, or
32 maintain ejectment without further notice or demand. A claim

1 for rent may be joined in the complaint, and a judgment
2 obtained for the amount of rent found due, in any action or
3 proceeding brought, in an action of forcible entry and
4 detainer for the possession of the leased premises, under
5 this Section.

6 Notice made pursuant to this Section shall, as
7 hereinafter stated, not be invalidated by payments of past
8 due rent demanded in the notice, when the payments do not, at
9 the end of the notice period, total the amount demanded in
10 the notice. The landlord may, however, agree in writing to
11 continue the lease in exchange for receiving partial payment.
12 To prevent invalidation, the notice must prominently state:

13 "Only FULL PAYMENT of the rent demanded in this notice
14 will waive the landlord's right to terminate the lease under
15 this notice, unless the landlord agrees in writing to
16 continue the lease in exchange for receiving partial
17 payment."

18 Collection by the landlord of past rent due after the
19 filing of a suit for possession or ejectment pursuant to
20 failure of the tenant to pay the rent demanded in the notice
21 shall not invalidate the suit.

22 If additional rent accrues after the complaint is filed,
23 the plaintiff may amend the claim for rent in the complaint
24 at any time before the entry of judgment, without further
25 notice to the defendant.

26 (Source: P.A. 83-1398.)

27 (735 ILCS 5/9-211) (from Ch. 110, par. 9-211)

28 Sec. 9-211. Service of demand or notice. Any demand may
29 be made or notice served by delivering a written or printed,
30 or partly written and printed, copy thereof to the tenant, or
31 by leaving the same with some person of the age of 13 years
32 or upwards, residing on or in possession of the premises; or
33 by sending a copy of the notice to the tenant by certified or

1 registered mail, with a returned receipt from the addressee;
2 and in case no one is in the actual possession of the
3 premises, then by posting the same on the premises.

4 In addition, demand may be made or notice served on any
5 person or persons occupying, residing in, or possessing the
6 premises who are not parties to a written lease, rental
7 agreement, or right to possession agreement for the premises
8 by delivering a copy of the notice, directed to those
9 persons, to the tenant or by leaving a copy of the notice
10 with some person of the age of 13 years or upwards, residing
11 on or in possession of the premises; or by sending a copy of
12 the notice to the tenant, directed to those persons, by
13 certified or registered mail with a returned receipt from the
14 addressee; or by posting a copy of the notice on the
15 premises.

16 (Source: P.A. 83-355.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.