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**LAW ALERT**

## **Amendment to The Code of Civil Procedure Allows Municipalities to Evict Tenants for Criminal Activities**

**October 13, 2011**

The Illinois Code of Civil Procedure has recently been amended by Public Act 97-236 to provide municipalities with an important new tool to enforce crime free housing ordinances and to help ensure safe communities.

Written leases between landlords and tenants are now required to provide tenants with notice that use of the leased premises for the commission of a felony or Class A misdemeanor shall entitle the landlord to void the lease and evict the tenant, though failure to include this language in a lease does not waive the right of the landlord to void the lease and evict tenants.

The most important part of the law for municipalities is that a municipality, through its corporation counsel, may bring eviction proceedings against a tenant for acts that constitute the commission of a felony or Class A misdemeanor. A landlord must first assign to the municipality the right to initiate eviction proceedings. The assignment must be in writing and on a form prepared by the corporation counsel for the municipality. The landlord remains liable for the cost of the eviction whether or not it has assigned the right to evict to the municipality. The law is silent concerning whether the landlord is responsible for a municipality's attorney fees.

For more information about this new law, please contact an RSNLT local government attorney.

M. Neal Smith of the firm's Joliet office prepared this *Law Alert*.

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