



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3658

Introduced 2/9/2024, by Sen. Dave Syverson

SYNOPSIS AS INTRODUCED:

735 ILCS 5/13-102
765 ILCS 705/21 new

from Ch. 110, par. 13-102

Amends the Code of Civil Procedure to provide that illegal possession of land during a 7-year period may not be used for a claim of adverse possession. Amends the Landlord and Tenant Act. Provides that no person shall have a right or legal standing to occupy or remain on or in any real property, residence, or structure where he or she has no written property interest under a written lease or rental agreement with the owner of the property listed in county tax records or no documentation of payment of rent made to the owner of the property. Provides that all persons legally occupying a property, residence, or structure shall be listed by name and date of birth on a lease, rental agreement, or rental application associated with the lease or rental agreement or provide evidence that the person is an invitee of a lessee or authorized occupant of the property. Provides that no subleasing shall be allowed or deemed as legal in contrast to a lease or rental agreement that specifically prohibit subleases. Provides that a sublease made in violation of a lease or rental agreement shall not establish legal standing to occupy or remain on or in any real property, residence, or structure by the sublessee and the sublessee shall vacate the property after receiving notice from the property owner of record to depart.

LRB103 39454 JRC 69648 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 13-102 as follows:

6 (735 ILCS 5/13-102) (from Ch. 110, par. 13-102)

7 Sec. 13-102. Breach of condition subsequent. No person
8 shall commence an action for the recovery of lands, nor make an
9 entry thereon, by reason of the breach of a condition
10 subsequent, unless within 7 years after the time that
11 condition is first broken. Continuing, successive or recurring
12 breaches shall not extend the time for commencing the action
13 or making the entry. Possession shall be deemed to be adverse
14 and hostile from and after the first breach of a condition
15 subsequent, notwithstanding the occurrence of successive or
16 recurrent breaches. Possession is not adverse and hostile for
17 any time during a 7-year period the person was in possession of
18 lands in violation of Section 21 of the Landlord and Tenant
19 Act.

20 (Source: P.A. 82-280.)

21 Section 10. The Landlord and Tenant Act is amended by
22 adding Section 21 as follows:

1 (765 ILCS 705/21 new)

2 Sec. 21. Illegal possession of property. No person shall
3 have a right or legal standing to occupy or remain on or in any
4 real property, residence, or structure where he or she has no
5 written property interest under a written lease or rental
6 agreement with the owner of the property listed in county tax
7 records, or the owner's agent, or no documentation of payment
8 of rent made to the owner of the property, or the owner's
9 agent. All persons legally occupying a property, residence, or
10 structure shall be listed by name and date of birth on a lease,
11 rental agreement, or rental application associated with the
12 lease or rental agreement or provide evidence that the person
13 is an invitee of a lessee or authorized occupant of the
14 property. No subleasing shall be allowed or deemed as legal in
15 contrast to a lease or rental agreement that specifically
16 prohibit subleases. A sublease made in violation of a lease or
17 rental agreement shall not establish legal standing to occupy
18 or remain on or in any real property, residence, or structure
19 by the sublessee and the sublessee shall vacate the property
20 after receiving notice from the property owner of record, or
21 the property owner's designee, to depart. If a person
22 occupying a property as an invitee of a lessee or a authorized
23 occupant of the property, the property owner shall comply with
24 the notification requirements of subsection (g) of Section
25 9-106.2 of the Code of Civil Procedure.