



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1400

Introduced 1/31/2025, 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 has the right or legal standing to occupy or remain on or in any real property, residence, or structure if the person has no written property interest under a written lease or rental agreement with the owner of the property listed in county tax records or the owner's agent; no documentation of payment of rent made to the owner of the property or the owner's agent; or otherwise fails to provide any evidence of an oral or written agreement in which a property interest is claimed. 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 prohibits 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.

LRB104 08853 JRC 18908 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 if the person 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; has no documentation of payment
8 of rent made to the owner of the property or the owner's agent;
9 or otherwise fails to provide any evidence of an oral or
10 written agreement in which a property interest is claimed. All
11 persons legally occupying a property, residence, or structure
12 shall be listed by name and date of birth on a lease, rental
13 agreement, or rental application associated with the lease or
14 rental agreement or provide evidence that the person is an
15 invitee of a lessee or authorized occupant of the property. No
16 subleasing shall be allowed or deemed as legal in contrast to a
17 lease or rental agreement that specifically prohibits
18 subleases. A sublease made in violation of a lease or rental
19 agreement shall not establish legal standing to occupy or
20 remain on or in any real property, residence, or structure by
21 the sublessee and the sublessee shall vacate the property
22 after receiving notice from the property owner of record, or
23 the property owner's designee, to depart. If a person
24 occupying a property as an invitee of a lessee or an authorized
25 occupant of the property, the property owner shall comply with

1 the notification requirements of subsection (g) of Section
2 9-106.2 of the Code of Civil Procedure.