



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB3320

Introduced 2/17/2023, by Rep. Thaddeus Jones

#### SYNOPSIS AS INTRODUCED:

5 ILCS 140/7.5

65 ILCS 5/3.1-35-91 new

65 ILCS 5/3.1-35-92 new

735 ILCS 5/9-102.5 new

735 ILCS 5/13-106

from Ch. 110, par. 13-106

Amends the Illinois Municipal Code. Provides that a municipal clerk must establish a residential lease depository. Each owner of a single-family house that is rented to a person other than the owner must file a copy of the lease agreement in the depository, and the lease must include all persons who are authorized to reside in the house. Provides that the lease agreements in the depository are not subject to the Freedom of Information Act. Allows the clerk to initiate an eviction action against a person residing at the house if the clerk receives a complaint or other notification that a person not authorized to reside in a house is residing in the house or is notified of a citation against the property or persons residing on the property and any person fails to provide verification that the person is authorized to reside in the house. Provides that a municipal clerk must establish an adverse possession notice depository. Provides that a person who wishes to establish a claim of adverse possession by wrongful ousting for property within the municipality must file a notice of adverse possession with the clerk. Requires a copy of the notice to be provided to the registered owner of the property. Amends the Freedom of Information Act and the Code of Civil Procedure to make conforming changes. Further amends the Code of Civil Procedure. Provides that the right to make an entry or bring a cause of action from a wrongful ouster on land within a municipality shall be deemed to have first accrued at the time of the wrongful ouster or the time a notice of adverse possession is filed with the municipal clerk, whichever is later. Provides that, prior to the initiation of an action for adverse possession for wrongful ousting of property located within a municipality, a person must first obtain a certified copy of the notice filed and attached the certified copy to the pleadings.

LRB103 30018 AWJ 56438 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 Freedom of Information Act is amended by  
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 Sec. 7.5. Statutory exemptions. To the extent provided for  
8 by the statutes referenced below, the following shall be  
9 exempt from inspection and copying:

10 (a) All information determined to be confidential  
11 under Section 4002 of the Technology Advancement and  
12 Development Act.

13 (b) Library circulation and order records identifying  
14 library users with specific materials under the Library  
15 Records Confidentiality Act.

16 (c) Applications, related documents, and medical  
17 records received by the Experimental Organ Transplantation  
18 Procedures Board and any and all documents or other  
19 records prepared by the Experimental Organ Transplantation  
20 Procedures Board or its staff relating to applications it  
21 has received.

22 (d) Information and records held by the Department of  
23 Public Health and its authorized representatives relating

1 to known or suspected cases of sexually transmissible  
2 disease or any information the disclosure of which is  
3 restricted under the Illinois Sexually Transmissible  
4 Disease Control Act.

5 (e) Information the disclosure of which is exempted  
6 under Section 30 of the Radon Industry Licensing Act.

7 (f) Firm performance evaluations under Section 55 of  
8 the Architectural, Engineering, and Land Surveying  
9 Qualifications Based Selection Act.

10 (g) Information the disclosure of which is restricted  
11 and exempted under Section 50 of the Illinois Prepaid  
12 Tuition Act.

13 (h) Information the disclosure of which is exempted  
14 under the State Officials and Employees Ethics Act, and  
15 records of any lawfully created State or local inspector  
16 general's office that would be exempt if created or  
17 obtained by an Executive Inspector General's office under  
18 that Act.

19 (i) Information contained in a local emergency energy  
20 plan submitted to a municipality in accordance with a  
21 local emergency energy plan ordinance that is adopted  
22 under Section 11-21.5-5 of the Illinois Municipal Code.

23 (j) Information and data concerning the distribution  
24 of surcharge moneys collected and remitted by carriers  
25 under the Emergency Telephone System Act.

26 (k) Law enforcement officer identification information

1 or driver identification information compiled by a law  
2 enforcement agency or the Department of Transportation  
3 under Section 11-212 of the Illinois Vehicle Code.

4 (l) Records and information provided to a residential  
5 health care facility resident sexual assault and death  
6 review team or the Executive Council under the Abuse  
7 Prevention Review Team Act.

8 (m) Information provided to the predatory lending  
9 database created pursuant to Article 3 of the Residential  
10 Real Property Disclosure Act, except to the extent  
11 authorized under that Article.

12 (n) Defense budgets and petitions for certification of  
13 compensation and expenses for court appointed trial  
14 counsel as provided under Sections 10 and 15 of the  
15 Capital Crimes Litigation Act. This subsection (n) shall  
16 apply until the conclusion of the trial of the case, even  
17 if the prosecution chooses not to pursue the death penalty  
18 prior to trial or sentencing.

19 (o) Information that is prohibited from being  
20 disclosed under Section 4 of the Illinois Health and  
21 Hazardous Substances Registry Act.

22 (p) Security portions of system safety program plans,  
23 investigation reports, surveys, schedules, lists, data, or  
24 information compiled, collected, or prepared by or for the  
25 Department of Transportation under Sections 2705-300 and  
26 2705-616 of the Department of Transportation Law of the

1 Civil Administrative Code of Illinois, the Regional  
2 Transportation Authority under Section 2.11 of the  
3 Regional Transportation Authority Act, or the St. Clair  
4 County Transit District under the Bi-State Transit Safety  
5 Act.

6 (q) Information prohibited from being disclosed by the  
7 Personnel Record Review Act.

8 (r) Information prohibited from being disclosed by the  
9 Illinois School Student Records Act.

10 (s) Information the disclosure of which is restricted  
11 under Section 5-108 of the Public Utilities Act.

12 (t) All identified or deidentified health information  
13 in the form of health data or medical records contained  
14 in, stored in, submitted to, transferred by, or released  
15 from the Illinois Health Information Exchange, and  
16 identified or deidentified health information in the form  
17 of health data and medical records of the Illinois Health  
18 Information Exchange in the possession of the Illinois  
19 Health Information Exchange Office due to its  
20 administration of the Illinois Health Information  
21 Exchange. The terms "identified" and "deidentified" shall  
22 be given the same meaning as in the Health Insurance  
23 Portability and Accountability Act of 1996, Public Law  
24 104-191, or any subsequent amendments thereto, and any  
25 regulations promulgated thereunder.

26 (u) Records and information provided to an independent

1 team of experts under the Developmental Disability and  
2 Mental Health Safety Act (also known as Brian's Law).

3 (v) Names and information of people who have applied  
4 for or received Firearm Owner's Identification Cards under  
5 the Firearm Owners Identification Card Act or applied for  
6 or received a concealed carry license under the Firearm  
7 Concealed Carry Act, unless otherwise authorized by the  
8 Firearm Concealed Carry Act; and databases under the  
9 Firearm Concealed Carry Act, records of the Concealed  
10 Carry Licensing Review Board under the Firearm Concealed  
11 Carry Act, and law enforcement agency objections under the  
12 Firearm Concealed Carry Act.

13 (v-5) Records of the Firearm Owner's Identification  
14 Card Review Board that are exempted from disclosure under  
15 Section 10 of the Firearm Owners Identification Card Act.

16 (w) Personally identifiable information which is  
17 exempted from disclosure under subsection (g) of Section  
18 19.1 of the Toll Highway Act.

19 (x) Information which is exempted from disclosure  
20 under Section 5-1014.3 of the Counties Code or Section  
21 8-11-21 of the Illinois Municipal Code.

22 (y) Confidential information under the Adult  
23 Protective Services Act and its predecessor enabling  
24 statute, the Elder Abuse and Neglect Act, including  
25 information about the identity and administrative finding  
26 against any caregiver of a verified and substantiated

1 decision of abuse, neglect, or financial exploitation of  
2 an eligible adult maintained in the Registry established  
3 under Section 7.5 of the Adult Protective Services Act.

4 (z) Records and information provided to a fatality  
5 review team or the Illinois Fatality Review Team Advisory  
6 Council under Section 15 of the Adult Protective Services  
7 Act.

8 (aa) Information which is exempted from disclosure  
9 under Section 2.37 of the Wildlife Code.

10 (bb) Information which is or was prohibited from  
11 disclosure by the Juvenile Court Act of 1987.

12 (cc) Recordings made under the Law Enforcement  
13 Officer-Worn Body Camera Act, except to the extent  
14 authorized under that Act.

15 (dd) Information that is prohibited from being  
16 disclosed under Section 45 of the Condominium and Common  
17 Interest Community Ombudsperson Act.

18 (ee) Information that is exempted from disclosure  
19 under Section 30.1 of the Pharmacy Practice Act.

20 (ff) Information that is exempted from disclosure  
21 under the Revised Uniform Unclaimed Property Act.

22 (gg) Information that is prohibited from being  
23 disclosed under Section 7-603.5 of the Illinois Vehicle  
24 Code.

25 (hh) Records that are exempt from disclosure under  
26 Section 1A-16.7 of the Election Code.

1           (ii) Information which is exempted from disclosure  
2 under Section 2505-800 of the Department of Revenue Law of  
3 the Civil Administrative Code of Illinois.

4           (jj) Information and reports that are required to be  
5 submitted to the Department of Labor by registering day  
6 and temporary labor service agencies but are exempt from  
7 disclosure under subsection (a-1) of Section 45 of the Day  
8 and Temporary Labor Services Act.

9           (kk) Information prohibited from disclosure under the  
10 Seizure and Forfeiture Reporting Act.

11           (ll) Information the disclosure of which is restricted  
12 and exempted under Section 5-30.8 of the Illinois Public  
13 Aid Code.

14           (mm) Records that are exempt from disclosure under  
15 Section 4.2 of the Crime Victims Compensation Act.

16           (nn) Information that is exempt from disclosure under  
17 Section 70 of the Higher Education Student Assistance Act.

18           (oo) Communications, notes, records, and reports  
19 arising out of a peer support counseling session  
20 prohibited from disclosure under the First Responders  
21 Suicide Prevention Act.

22           (pp) Names and all identifying information relating to  
23 an employee of an emergency services provider or law  
24 enforcement agency under the First Responders Suicide  
25 Prevention Act.

26           (qq) Information and records held by the Department of



1 Public Health and its authorized representatives collected  
2 under the Reproductive Health Act.

3 (rr) Information that is exempt from disclosure under  
4 the Cannabis Regulation and Tax Act.

5 (ss) Data reported by an employer to the Department of  
6 Human Rights pursuant to Section 2-108 of the Illinois  
7 Human Rights Act.

8 (tt) Recordings made under the Children's Advocacy  
9 Center Act, except to the extent authorized under that  
10 Act.

11 (uu) Information that is exempt from disclosure under  
12 Section 50 of the Sexual Assault Evidence Submission Act.

13 (vv) Information that is exempt from disclosure under  
14 subsections (f) and (j) of Section 5-36 of the Illinois  
15 Public Aid Code.

16 (ww) Information that is exempt from disclosure under  
17 Section 16.8 of the State Treasurer Act.

18 (xx) Information that is exempt from disclosure or  
19 information that shall not be made public under the  
20 Illinois Insurance Code.

21 (yy) Information prohibited from being disclosed under  
22 the Illinois Educational Labor Relations Act.

23 (zz) Information prohibited from being disclosed under  
24 the Illinois Public Labor Relations Act.

25 (aaa) Information prohibited from being disclosed  
26 under Section 1-167 of the Illinois Pension Code.

1 (bbb) Information that is prohibited from disclosure  
2 by the Illinois Police Training Act and the Illinois State  
3 Police Act.

4 (ccc) Records exempt from disclosure under Section  
5 2605-304 of the Illinois State Police Law of the Civil  
6 Administrative Code of Illinois.

7 (ddd) Information prohibited from being disclosed  
8 under Section 35 of the Address Confidentiality for  
9 Victims of Domestic Violence, Sexual Assault, Human  
10 Trafficking, or Stalking Act.

11 (eee) Information prohibited from being disclosed  
12 under subsection (b) of Section 75 of the Domestic  
13 Violence Fatality Review Act.

14 (fff) Images from cameras under the Expressway Camera  
15 Act. This subsection (fff) is inoperative on and after  
16 July 1, 2023.

17 (ggg) Information prohibited from disclosure under  
18 paragraph (3) of subsection (a) of Section 14 of the Nurse  
19 Agency Licensing Act.

20 (hhh) Information submitted to the Illinois Department  
21 ~~of~~ State Police in an affidavit or application for an  
22 assault weapon endorsement, assault weapon attachment  
23 endorsement, .50 caliber rifle endorsement, or .50 caliber  
24 cartridge endorsement under the Firearm Owners  
25 Identification Card Act.

26 (iii) Documents submitted to the municipal clerk under

1           Section 3.1-35-91 of the Illinois Municipal Code.

2           (Source: P.A. 101-13, eff. 6-12-19; 101-27, eff. 6-25-19;  
3           101-81, eff. 7-12-19; 101-221, eff. 1-1-20; 101-236, eff.  
4           1-1-20; 101-375, eff. 8-16-19; 101-377, eff. 8-16-19; 101-452,  
5           eff. 1-1-20; 101-466, eff. 1-1-20; 101-600, eff. 12-6-19;  
6           101-620, eff. 12-20-19; 101-649, eff. 7-7-20; 101-652, eff.  
7           1-1-22; 101-656, eff. 3-23-21; 102-36, eff. 6-25-21; 102-237,  
8           eff. 1-1-22; 102-292, eff. 1-1-22; 102-520, eff. 8-20-21;  
9           102-559, eff. 8-20-21; 102-813, eff. 5-13-22; 102-946, eff.  
10          7-1-22; 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; revised  
11          2-13-23.)

12           Section 10. The Illinois Municipal Code is amended by  
13          adding Sections 3.1-35-91 and 3.1-35-92 as follows:

14           (65 ILCS 5/3.1-35-91 new)

15           Sec. 3.1-35-91. Residential lease depository; eviction of  
16          unauthorized resident.

17           (a) As used in this Section, "house" means a single-family  
18          house.

19           (b) A municipal clerk must establish a residential lease  
20          depository. Each owner of a house that is rented to a person  
21          other than the owner must file a copy of the lease agreement in  
22          the depository, and the lease must include all persons who are  
23          authorized to reside in the house. The lease agreements in the  
24          depository are not subject to the Freedom of Information Act.

1       (c) If the clerk (i) receives a complaint or other  
2 notification that a person not authorized to reside in a house  
3 or is notified of citations issued on the property indicating  
4 that is residing in the house or (ii) is notified of a citation  
5 against the property or persons residing on the property, the  
6 clerk may require any person residing at the house to verify  
7 that the person has authorization to reside at the house. A  
8 person may verify to the clerk that the person is authorized to  
9 reside at the house by the person's name being on a lease in  
10 the lease depository, by showing ownership, or by showing a  
11 recent local tax bill or utility bill at the address with the  
12 person's name on it. If the person failed to provide proof of  
13 authorization to reside at that house within 30 days after the  
14 date of the request by the clerk, the clerk may initiate an  
15 eviction action against the person as provided in Article IX  
16 of the Code of Civil Procedure.

17       An action may only be commenced by the clerk under this  
18 subsection if the municipality has a crime-free housing  
19 program.

20       (65 ILCS 5/3.1-35-92 new)

21       Sec. 3.1-35-92. Adverse possession notice depository. A  
22 municipal clerk must establish an adverse possession notice  
23 depository. A person who wishes to establish a claim of  
24 adverse possession by wrongful ousting for property within the  
25 municipality must file a notice of adverse possession with the

1 clerk. Upon filing, the municipal clerk must send a copy of the  
2 notice to the registered owner of the property.

3 Section 15. The Code of Civil Procedure is amended by  
4 changing Section 13-106 and by adding Section 9-102.5 as  
5 follows:

6 (735 ILCS 5/9-102.5 new)

7 Sec. 9-102.5. Eviction by the municipal clerk.  
8 Notwithstanding any other provision of law, the municipal  
9 clerk may initiate an eviction action for the benefit of the  
10 property owner of a single-family house as provided in Section  
11 3.1-35-91 of the Illinois Municipal Code. The procedures for  
12 an eviction action under this Article for a municipal clerk  
13 are the same as those requirements for a person entitled to the  
14 possession of the house.

15 (735 ILCS 5/13-106) (from Ch. 110, par. 13-106)

16 Sec. 13-106. Accrual of right of entry or to bring action.  
17 The right to make an entry or bring an action to recover land  
18 shall be deemed to have first accrued at the times  
19 respectively hereinafter provided:

20 (a) When any person is wrongfully ousted from possession,  
21 his or her right of entry or of action shall be deemed to have  
22 accrued at the time of such wrongful ouster; except, if the  
23 land is within a municipality, his or her right of entry or of

1 action shall be deemed to have accrued at the time of the  
2 wrongful ouster or the time a notice of adverse possession is  
3 filed with the municipal clerk under Section 3.1-35-92 of the  
4 Illinois Municipal code, whichever is later. Prior to the  
5 initiation of an action for adverse possession for wrongful  
6 ousting of property located within a municipality under this  
7 Article, a person must first obtain a certified copy of the  
8 notice filed under Section 3.1-35-92 of the Illinois Municipal  
9 Code and attach the certified copy to the pleadings.

10 (b) When he or she claims as heir or legatee of an owner in  
11 possession who died, his or her right shall be deemed to have  
12 accrued at the time of such death, unless there is an estate  
13 intervening after the death of such ancestor or testator; in  
14 which case his or her right shall be deemed to accrue when such  
15 intermediate estate expires, or when it would have expired by  
16 its own limitations.

17 (c) When there is such an intermediate estate, and in all  
18 other cases when the party claims by force of any remainder or  
19 reversion, his or her right, so far as it is affected by the  
20 limitation herein prescribed, shall be deemed to accrue when  
21 the intermediate or precedent estate would have expired by its  
22 own limitation, notwithstanding any forfeiture thereof for  
23 which he or she might have entered at an earlier time.

24 (d) Paragraph (c) of this Section shall not prevent a  
25 person from entering when entitled to do so by reason of any  
26 forfeiture or breach of condition; but if he or she claims

1 under such a title, his or her right shall be deemed to have  
2 accrued when the forfeiture was incurred or the condition was  
3 broken.

4 (e) In all cases not otherwise specially provided for, the  
5 right shall be deemed to have accrued when the claimant, or the  
6 person under whom he or she claims, first became entitled to  
7 the possession of the premises under the title upon which the  
8 entry or the action is founded.

9 (Source: P.A. 84-549.)