



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB0065

Introduced 1/9/2025, by Rep. Sonya M. Harper

SYNOPSIS AS INTRODUCED:

New Act

720 ILCS 5/17-5.8 new

720 ILCS 5/21-3.1 new

Creates the Remedy to Remove Unauthorized Persons from Residential Real Property Act. Allows a property owner or authorized agent to request a law enforcement officer to remove an unlawful occupant of a residential dwelling if certain conditions are met. Creates a complaint form for the property owner to complete and give to a law enforcement officer to use when requesting the removal of an unlawful occupant. Provides that if the law enforcement officer verifies the information in the form, the law enforcement officer must serve a notice on the unlawful occupant to vacate the dwelling. Requires the unlawful occupant to vacate the dwelling within 3 business days of receiving the notice. Authorizes the law enforcement officer, if appropriate, to arrest any person for trespass, outstanding warrants, or any other legal cause. Authorizes the property owner to request the law enforcement officer to remain on the premises to keep the peace while the locks are changed or the personal property of the unlawful occupant is removed. Authorizes the law enforcement officer to charge reasonable fees to provide notice and remain on the premises. Allows a person to bring an action for wrongful removal, and allows the property owner to file an answer contesting the claims of the person bringing the action. Amends the Criminal Code of 2012. Provides that a person commits a Class 4 felony if he or she lists or advertises residential real property for sale knowing that the purported seller has no legal title or authority to sell the property, or rents or leases the property to another person knowing that he or she has no lawful ownership in the property or leasehold interest in the property. Provides that a person commits a Class A misdemeanor when he or she enters upon the land or premises of another and resides on such land or premises for any period of time knowingly acting without the knowledge or consent of the owner, rightful occupant, or an authorized representative of the owner.

LRB104 02915 LNS 12931 b

A BILL FOR

1 AN ACT concerning real property.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Remedy
5 to Remove Unauthorized Persons from Residential Real Estate
6 Act.

7 Section 5. Findings. The General Assembly finds that the
8 right to exclude others from entering and the right to direct
9 others to immediately vacate residential real property are the
10 most important real property rights. The General Assembly
11 further finds that existing remedies regarding unauthorized
12 persons who unlawfully remain on residential real property
13 fail to adequately protect the rights of the property owner
14 and fail to adequately discourage theft and vandalism. The
15 intent of this Act is to quickly restore possession of
16 residential real property to the lawful owner of the property
17 when the property is being unlawfully occupied and to preserve
18 property rights while limiting the opportunity for criminal
19 activity.

20 Section 10. Conditions of removal and statutory form.

21 (a) A property owner or authorized agent may request a law
22 enforcement officer to remove a person or persons unlawfully

1 occupying a residential dwelling under this Act if all of the
2 following conditions are met:

3 (1) The requesting person is the property owner or
4 authorized agent of the property owner.

5 (2) The real property that is being occupied includes
6 a residential dwelling.

7 (3) An unauthorized person or persons have unlawfully
8 entered and remain or continue to reside on the property
9 owner's property.

10 (4) The real property was not open to members of the
11 public at the time the unauthorized person or persons
12 entered.

13 (5) The property owner has directed the unauthorized
14 person to leave the property.

15 (6) The unauthorized person or persons are not current
16 or former tenants under a written or oral rental agreement
17 authorized by the property owner.

18 (7) The unauthorized person or persons are not
19 immediate family members of the property owner.

20 (8) There is no pending litigation related to the real
21 property between the property owner and any known
22 unauthorized person.

23 (b) To request the removal of an unlawful occupant of a
24 residential dwelling, the property owner or authorized agent
25 must submit a complaint by presenting a completed and verified
26 Complaint to Remove Persons Unlawfully Occupying Residential

1 Real Property to a law enforcement officer. The submitted
2 complaint must be in substantially the following form:

3 COMPLAINT TO REMOVE PERSONS UNLAWFULLY OCCUPYING
4 RESIDENTIAL REAL PROPERTY

5 I, the owner or authorized agent of the owner of the real
6 property located at, declare under the penalty of
7 perjury that (initial each box):

8 1. I am the owner of the real property or the
9 authorized agent of the owner of the real property.

10 2. I purchased the property on

11 3. The real property is a residential dwelling.

12 4. An unauthorized person or persons have
13 unlawfully entered and are remaining or residing
14 unlawfully on the real property.

15 5. The real property was not open to members of
16 the public at the time the unauthorized person or persons
17 entered.

18 6. I have directed the unauthorized person or
19 persons to leave the real property, but they have not done
20 so.

21 7. The person or persons are not current or
22 former tenants under any valid lease authorized by the
23 property owner, and any lease that may be produced by an
24 occupant is fraudulent.

25 8. The unauthorized person or persons sought to

1 be removed are not an owner or a co-owner of the property
2 and have not been listed on the title to the property
3 unless the person or persons have engaged in title fraud.

4 9. The unauthorized person or persons are not
5 immediate family members of the property owner.

6 10. There is no litigation related to the real
7 property pending between the property owner and any person
8 sought to be removed.

9 11. I understand that a person or persons removed
10 from the property under this procedure may bring an action
11 against me for any false statements made in this complaint
12 or for wrongfully using this procedure, and that as a
13 result of such action I may be held liable for actual
14 damages, penalties, costs, and reasonable attorney's fees.

15 12. I am requesting the law enforcement officer
16 to remove the unauthorized person or persons from the
17 residential property.

18 13. A copy of my valid government-issued
19 identification is attached, or I am an agent of the
20 property owner, and documents evidencing my authority to
21 act on the property owner's behalf are attached.

22 I HAVE READ EVERY STATEMENT MADE IN THIS COMPLAINT AND
23 EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE
24 STATEMENTS MADE IN THIS COMPLAINT ARE BEING MADE UNDER PENALTY
25 OF PERJURY.

26 ... (Signature of Property Owner or Agent of Owner)

1 Section 15. Law enforcement officer's duties and fees.

2 (a) Upon receipt of the complaint, the law enforcement
3 officer shall verify that the person submitting the complaint
4 is the record owner of the real property or the authorized
5 agent of the owner and appears otherwise entitled to relief
6 under this Act. If verified, the law enforcement officer
7 shall, without delay, serve a notice to vacate on all the
8 unlawful occupants and shall put the owner in possession of
9 the real property. Service may be accomplished by hand
10 delivery of the notice to an occupant or by posting the notice
11 on the front door or entrance of the dwelling. The law
12 enforcement officer shall also attempt to verify the
13 identities of all persons occupying the dwelling and note the
14 identities on the return of service.

15 (b) The law enforcement officer is entitled to the same
16 fee for service of the notice to vacate as if the law
17 enforcement officer were serving an eviction order under
18 Article IX of the Code of Civil Procedure. After the law
19 enforcement officer serves the notice to vacate and after the
20 3-day waiting period described in Section 20, the property
21 owner or authorized agent may request that the law enforcement
22 officer stand by to keep the peace while the property owner or
23 agent of the owner changes the locks and removes the personal
24 property of the unlawful occupants from the premises to or
25 near the property line. When such a request is made, the law

1 enforcement officer may charge a reasonable hourly rate to the
2 person requesting the law enforcement officer's services. The
3 law enforcement officer is not liable to the unlawful occupant
4 or any other party for loss, destruction, or damage of
5 property. The property owner or his or her authorized agent is
6 not liable to an unlawful occupant or any other party for the
7 loss, destruction, or damage to the personal property unless
8 the removal was wrongful.

9 Section 20. Time limit to vacate after notice. Any person
10 who receives a notice to vacate from a law enforcement officer
11 under Section 15 shall vacate the real property within 3
12 business days of receiving the notice. If any person fails to
13 vacate the real property within 3 business days of receiving
14 such notice, the law enforcement officer shall remove such
15 person. If appropriate, the law enforcement officer may arrest
16 any person found in the dwelling for trespass, outstanding
17 warrants, or any other legal cause.

18 Section 25. Action for wrongful removal; counter
19 affidavit.

20 (a) A person may bring a civil action for wrongful removal
21 under this Act by filing a complaint that is accompanied by an
22 affidavit which establishes that the person was wrongfully
23 removed. A person harmed by a wrongful removal under this Act
24 may be restored to possession of the real property and may

1 recover actual costs and damages incurred, statutory damages
2 equal to triple the fair market rent of the dwelling, court
3 costs, and reasonable attorney's fees. The court is requested
4 to give such an action priority on its calendar. This Act does
5 not limit the rights of a property owner or limit the authority
6 of a law enforcement officer to arrest an unlawful occupant
7 for trespassing, vandalism, theft, or other crimes.

8 (b) The property owner who submitted the complaint to have
9 the person removed may file an answer contesting the claims of
10 the person bringing an action under subsection (a). The court,
11 upon review of both affidavits, shall make a finding of who is
12 the most likely and true lawful possessor of the real
13 property.

14 Section 90. The Criminal Code of 2012 is amended by adding
15 Sections 17-5.8 and 21-3.1 as follows:

16 (720 ILCS 5/17-5.8 new)

17 Sec. 17-5.8. Unlawful listing or advertising of
18 residential real property. A person who lists or advertises
19 residential real property for sale knowing that the purported
20 seller has no legal title or authority to sell the property, or
21 rents or leases the property to another person knowing that he
22 or she has no lawful ownership in the property or leasehold
23 interest in the property, commits a Class 4 felony.

1 (720 ILCS 5/21-3.1 new)

2 Sec. 21-3.1. Unlawful squatting.

3 (a) A person commits unlawful squatting when he or she
4 enters upon the land or premises of another and resides on such
5 land or premises for any period of time knowingly acting
6 without the knowledge or consent of the owner, rightful
7 occupant, or an authorized representative of the owner. For
8 the purposes of this Section, "resides" means to inhabit or
9 live on or within any land or premises.

10 (b) Any person who commits or is accused of committing
11 unlawful squatting shall receive a citation advising him or
12 her that he or she must present to the issuing law enforcement
13 agency, within 3 business days of receipt of the citation,
14 properly executed documentation, including a properly executed
15 lease or rental agreement or proof of rental payments, that
16 authorizes the person's entry on such land or premises or
17 submit proof that the person has obtained adverse possession
18 of the land or premises under Section 13-101, 13-107,
19 13-107.1, 13-109, or 13-109.1 of the Code of Civil Procedure.
20 If the person is unable to provide the documentation or proof
21 required under this subsection, he or she shall be subject to
22 arrest for unlawful squatting. If the person is able to
23 provide the documentation or proof required under this
24 subsection, a hearing shall be set within 7 days of submission
25 of such documentation and if the court finds that the
26 submitted documentation was not properly executed or is not

1 meritorious, he or she shall be subject to demand for
2 possession, removal, and arrest, and, upon conviction, shall
3 be assessed an additional fine based on the fair market
4 monthly rental rate of the land or premises.

5 (c) Sentence. A violation of this Section is a Class A
6 misdemeanor.