

**104TH GENERAL ASSEMBLY****State of Illinois****2025 and 2026****SB3599**

Introduced 2/5/2026, by Sen. Michael E. Hastings

SYNOPSIS AS INTRODUCED:

735 ILCS 5/9-401 new

Amends the Code of Civil Procedure. Provides a process for an operator of a hotel to evict an occupant of the hotel who fails to pay the full amount of lodging when due and remains on the premises without the consent of the operator. Provides that nothing in the Act may be construed to affect the rights or remedies of an occupant who is a tenant under a bona fide lease agreement governed by Illinois landlord-tenant law. Provides that an operator or employee of an operator who is acting in good faith and in substantial compliance with the Act to be civilly or criminally liable for requesting law-enforcement assistance or for the peaceful removal of a non-paying occupant. Provides that the Act does not apply to any occupant placed in a hotel under a government-funded emergency, disaster-relief, or transitional housing program if: (1) the cost of lodging is paid for, directly or indirectly, by a federal, State, or local agency; and (2) the lodging agreement or agency contract expressly specifies the occupant's temporary stay and removal procedures. Authorizes a peace officer to remove a non-paying occupant as a trespasser upon verification of the operator's documentation under the Act and arrest the person for criminal trespass to real property under the Criminal Code of 2012. Provides that nothing in the Act requires law enforcement to intervene in a bona fide lease dispute or a matter in which the occupant's payment status is genuinely contested. Authorizes the Illinois Law Enforcement Training and Standards Board to adopt model policies and training materials for law-enforcement agencies and operators regarding the application of the Act.

LRB104 16296 JRC 29681 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 adding Section 9-401 as follows:

6 (735 ILCS 5/9-401 new)

7 Sec. 9-401. Failure to pay for lodging.

8 (a) Definitions. As used in this Act:

9 (1) "Hotel" has the same meaning as used in the Hotel
10 Operators' Occupation Tax Act.

11 (2) "Operator" means the owner, manager, or authorized
12 agent in charge of a hotel.

13 (3) "Occupant" means any person who rents, uses, or
14 occupies a room or unit in a hotel for any period of time.

15 (4) "Bona fide lease agreement" means a written
16 agreement between a hotel and an occupant executed by both
17 parties that expressly grants a right of residential
18 tenancy under Illinois law for a fixed or periodic term
19 and specifies rent, term length, and notice provisions
20 consistent with the Landlord and Tenant Act.

21 (5) "Emergency housing program" means any temporary
22 lodging arrangement paid for directly or indirectly by a
23 federal, State, or local government agency, including, but

1 not limited to, emergency shelter, disaster relief,
2 transitional housing, or prevention programs for the
3 unhoused.

4 (b) Elements of trespassing. Except as provided in
5 subsections (f) and (g), an occupant of a hotel who fails to
6 pay the full amount of lodging charges when due and who remains
7 on the premises without the consent of the operator is a
8 trespasser and not a tenant. Upon written notice to vacate
9 issued by the operator, the occupant has no lawful right to
10 remain in possession of the premises and may be removed under
11 subsection (h). Nothing in this subsection may be construed to
12 affect the rights or remedies of an occupant who is a tenant
13 under a bona fide lease agreement governed by Illinois
14 landlord-tenant law.

15 (c) Safe harbor for operators. An operator or employee of
16 the operator acting in good faith and in substantial
17 compliance with this Section may not be civilly or criminally
18 liable for requesting law-enforcement assistance or for the
19 peaceful removal of a nonpaying occupant.

20 An operator acts in substantial compliance under this
21 Section if, before requesting removal, the operator:

22 (1) made a reasonable effort to collect payment,
23 including presenting an itemized invoice or folio;

24 (2) provided written notice to vacate stating the
25 reason for termination of occupancy; and

26 (3) retained written or electronic documentation

1 showing nonpayment, declined payment authorization, or
2 unauthorized continued occupancy.

3 This safe harbor does not extend to acts of willful
4 misconduct or the unlawful removal of an occupant covered by a
5 bona fide lease agreement or emergency housing program.

6 (d) Government-funded emergency housing. This Section does
7 not apply to any occupant placed in a hotel under a
8 government-funded emergency, disaster-relief, or transitional
9 housing program if:

10 (1) the cost of lodging is paid for, directly or
11 indirectly, by a federal, State, or local agency; and

12 (2) the lodging agreement or agency contract expressly
13 specifies the occupant's temporary stay and removal
14 procedures.

15 These occupants retain only the rights and protections
16 defined by the applicable government program agreement and are
17 not tenants unless the agreement expressly creates a
18 residential tenancy.

19 (e) Protection for tenants with bona fide lease
20 agreements. Nothing in this Section may be construed to limit,
21 impair, or abridge the rights of any tenant occupying a hotel
22 room under a bona fide lease agreement. These tenants may be
23 removed only through judicial proceedings under Article IX of
24 this Code or other applicable law and are entitled to all
25 notices, protections, and legal remedies given to residential
26 tenants.

1 (f) Law-enforcement assistance. Upon verification of the
2 operator's documentation under subsection (e), a peace officer
3 may remove the nonpaying occupant as a trespasser.

4 If the occupant refuses to vacate after lawful notice, the
5 officer may arrest the person for criminal trespass to real
6 property under Section 21-3 of the Criminal Code of 2012.

7 Nothing in this Section requires law enforcement to
8 intervene in a bona fide lease dispute or a matter in which the
9 occupant's payment status is genuinely contested.

10 (g) Preservation of other remedies. An operator may pursue
11 civil remedies for unpaid charges, damages to property, or
12 breach of contract. A tenant with a bona fide lease agreement
13 retains all rights and defenses available under Illinois law.

14 (h) Rules and guidance. The Illinois Law Enforcement
15 Training and Standards Board may adopt model policies and
16 training materials for law-enforcement agencies and operators
17 regarding the application of this Section.

18 (i) Construction. This Section is to be liberally
19 construed to protect law-abiding hotel operators from unlawful
20 occupancy and to preserve the rights of occupants with bona
21 fide lease agreements or government-funded housing placements.