



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5437

Introduced 2/13/2026, by Rep. Curtis J. Tarver, II

SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-31-3 new

Amends the Illinois Municipal Code. Provides that, if a municipality, the corporate authorities of the municipality, an agent of the municipality, or an officer employed by the municipality orders the residents of a house or building containing rooms or groups of rooms used or intended to be used for living, sleeping, cooking, and eating to vacate the house or building for reasons of dangerous or unsafe conditions of the property due to deterioration, unpermitted work, or other cause, then the corporate authorities of the municipality may not penalize the residents of the house or building for remaining in the house or building until 7 days after the residents received the notice to vacate. Provides that, if a resident of the house or building remains in the house or building during the 7-day period the resident is allowed to remain in the house or building after the municipality, the corporate authorities of the municipality, an agent of the municipality, or an officer employed by the municipality orders the resident to vacate the house or building, then the municipality is not liable if the conditions of the house or municipality cause harm to the resident. Limits home rule powers.

LRB104 14503 RTM 27643 b

1 AN ACT concerning local government.

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

4 Section 5. The Illinois Municipal Code is amended by
5 adding Section 11-31-3 as follows:

6 (65 ILCS 5/11-31-3 new)

7 Sec. 11-31-3. Required notice for orders to vacate.

8 (a) If a municipality, the corporate authorities of the
9 municipality, an agent of the municipality, or an officer
10 employed by the municipality orders the residents of a house
11 or building containing rooms or groups of rooms used or
12 intended to be used for living, sleeping, cooking, and eating
13 to vacate the house or building for reasons of dangerous or
14 unsafe conditions of the property due to deterioration,
15 unpermitted work, or other cause, then the corporate
16 authorities of the municipality may not penalize the residents
17 of the house or building for remaining in the house or building
18 until 7 days after the residents received the notice to
19 vacate.

20 (b) This Section does not apply if the corporate
21 authorities of a municipality order the residents to vacate
22 the house or building because of dangerous or unsafe
23 conditions unrelated to the condition of the property,

1 including, but not limited to, fire, flooding, or severe
2 storms.

3 (c) If a resident of the house or building remains in the
4 house or building during the 7-day period the resident is
5 allowed to remain in the house or building after the
6 municipality, the corporate authorities of the municipality,
7 an agent of the municipality, or an officer employed by the
8 municipality orders the resident to vacate the house or
9 building, then the municipality is not liable if the
10 conditions of the house or municipality cause harm to the
11 resident.

12 (d) A home rule municipality may not regulate trespassing
13 in a manner inconsistent with this Section. This Section is a
14 limitation under subsection (i) of Section 6 of Article VII of
15 the Illinois Constitution on the concurrent exercise by home
16 rule units of powers and functions exercised by the State.