



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2360

by Rep. Kelly Burke

SYNOPSIS AS INTRODUCED:

735 ILCS 5/9-106

from Ch. 110, par. 9-106

Amends the Code of Civil Procedure. Provides that the failure of a condominium association, master association, or common interest community association to maintain, repair, or replace the common elements, common areas, common facilities, or any other property under its jurisdiction or control is not a defense to a forcible entry and detainer action.

LRB098 06631 HEP 36674 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 9-106 as follows:

6 (735 ILCS 5/9-106) (from Ch. 110, par. 9-106)

7 Sec. 9-106. Pleadings and evidence. On complaint by the
8 party or parties entitled to the possession of such premises
9 being filed in the circuit court for the county where such
10 premises are situated, stating that such party is entitled to
11 the possession of such premises (describing the same with
12 reasonable certainty), and that the defendant (naming the
13 defendant) unlawfully withholds the possession thereof from
14 him, her or them, the clerk of the court shall issue a summons.

15 The defendant may under a general denial of the allegations
16 of the complaint offer in evidence any matter in defense of the
17 action. The failure of a condominium association, master
18 association, or common interest community association to
19 maintain, repair, or replace the common elements, common areas,
20 common facilities, or any other property under its jurisdiction
21 or control is not a defense to an action maintained under
22 subdivisions (a) (7) and (a) (8) of Section 9-102 of this Code.
23 Except as otherwise provided in Section 9-120, no matters not

1 germane to the distinctive purpose of the proceeding shall be
2 introduced by joinder, counterclaim or otherwise. However, a
3 claim for rent may be joined in the complaint, and judgment may
4 be entered for the amount of rent found due.

5 (Source: P.A. 90-360, eff. 1-1-98.)