



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2861

by Rep. Sam Yingling

SYNOPSIS AS INTRODUCED:

765 ILCS 160/1-37 new

Amends the Common Interest Community Association Act. Provides that the operation of a licensed day care home, as defined in the Child Care Act of 1969, in a residential dwelling, is incidental to the primary residential use of the dwelling and constitutes a valid residential use for the purpose of any community instrument. Provides that a common interest community association may not prohibit the use of a residential dwelling as a day care home unless a community instrument specifically prohibits that use. Provides that a condominium, timeshare, or cooperative is exempt from the provision.

LRB098 08511 HEP 38622 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 Common Interest Community Association Act is
5 amended by adding Section 1-37 as follows:

6 (765 ILCS 160/1-37 new)

7 Sec. 1-37. Community instruments; day care homes.

8 (a) The operation of a licensed day care home, as defined
9 in the Child Care Act of 1969, in a residential dwelling, is
10 incidental to the primary residential use of the dwelling and
11 constitutes a valid residential use for the purpose of any
12 community instrument. A community instrument may not be
13 interpreted so that the operation of a family day care home is
14 considered a business, commercial activity, or trade.

15 (b) An association may not prohibit the use of a
16 residential dwelling as a day care home unless a community
17 instrument specifically prohibits that use in the community.

18 (c) A condominium, timeshare, or cooperative is exempt from
19 this Section.