

SB1563



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1563

Introduced 2/4/2025, by Sen. Lakesia Collins

SYNOPSIS AS INTRODUCED:

735 ILCS 5/9-102

from Ch. 110, par. 9-102

Amends the Code of Civil Procedure. Provides that nothing in the Eviction Article may be construed to: (i) prohibit law enforcement officials from enforcing the offense of criminal trespass under the Criminal Code of 1963 or any other violation of the Code; or (ii) to interfere with the ability of law enforcement officials to remove persons or property from the premises when there is a criminal trespass.

LRB104 09388 JRC 19447 b

A BILL FOR

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 9-102 as follows:

6 (735 ILCS 5/9-102) (from Ch. 110, par. 9-102)

7 Sec. 9-102. When action may be maintained.

8 (a) The person entitled to the possession of lands or
9 tenements may be restored thereto under any of the following
10 circumstances:

11 (1) When a forcible entry is made thereon.

12 (2) When a peaceable entry is made and the possession
13 unlawfully withheld.

14 (3) When entry is made into vacant or unoccupied lands
15 or tenements without right or title.

16 (4) When any lessee of the lands or tenements, or any
17 person holding under such lessee, holds possession without
18 right after the termination of the lease or tenancy by its
19 own limitation, condition or terms, or by notice to quit
20 or otherwise.

21 (5) When a vendee having obtained possession under a
22 written or verbal agreement to purchase lands or
23 tenements, and having failed to comply with the agreement,

1 withholds possession thereof, after demand in writing by
2 the person entitled to such possession; however, any
3 agreement for residential real estate entered into on or
4 after July 1, 1987 that is an installment sales contract,
5 as defined in the Installment Sales Contract Act, and the
6 amount unpaid under the terms of the contract at the time
7 of the filing of the foreclosure complaint, including
8 principal and due and unpaid interest, at the rate prior
9 to default, is less than 80% of the original purchase
10 price of the real estate as stated in the contract, as
11 required under paragraph (2) of subsection (a) of Section
12 15-1106 of the Illinois Mortgage Foreclosure Law, is
13 subject to foreclosure.

14 This amendatory Act of 1993 is declarative of existing
15 law.

16 (6) When lands or tenements have been conveyed by any
17 grantor in possession, or sold under the order or judgment
18 of any court in this State, or by virtue of any sale in any
19 mortgage or deed of trust contained and the grantor in
20 possession or party to such order or judgment or to such
21 mortgage or deed of trust, after the expiration of the
22 time of redemption, when redemption is allowed by law,
23 refuses or neglects to surrender possession thereof, after
24 demand in writing by the person entitled thereto, or his
25 or her agent.

26 (7) When any property is subject to the provisions of

1 the Condominium Property Act, the owner of a unit fails or
2 refuses to pay when due his or her proportionate share of
3 the common expenses of such property, or of any other
4 expenses lawfully agreed upon or any unpaid fine, the
5 Board of Managers or its agents have served the demand set
6 forth in Section 9-104.1 of this Article in the manner
7 provided for in that Section and the unit owner has failed
8 to pay the amount claimed within the time prescribed in
9 the demand; or if the lessor-owner of a unit fails to
10 comply with the leasing requirements prescribed by
11 subsection (n) of Section 18 of the Condominium Property
12 Act or by the declaration, by-laws, and rules and
13 regulations of the condominium, or if a lessee of an owner
14 is in breach of any covenants, rules, regulations, or
15 by-laws of the condominium, and the Board of Managers or
16 its agents have served the demand set forth in Section
17 9-104.2 of this Article in the manner provided in that
18 Section.

19 (8) When any property is subject to the provisions of
20 a declaration establishing a common interest community and
21 requiring the unit owner to pay regular or special
22 assessments for the maintenance or repair of common areas
23 owned in common by all of the owners of the common interest
24 community or by the community association and maintained
25 for the use of the unit owners or of any other expenses of
26 the association lawfully agreed upon, and the unit owner

1 fails or refuses to pay when due his or her proportionate
2 share of such assessments or expenses and the board or its
3 agents have served the demand set forth in Section 9-104.1
4 of this Article in the manner provided for in that Section
5 and the unit owner has failed to pay the amount claimed
6 within the time prescribed in the demand.

7 (b) The provisions of paragraph (8) of subsection (a) of
8 Section 9-102 and Section 9-104.3 of this Act shall not apply
9 to any common interest community unless (1) the association is
10 a not-for-profit corporation or a limited liability company,
11 (2) unit owners are authorized to attend meetings of the board
12 of directors or board of managers of the association in the
13 same manner as provided for condominiums under the Condominium
14 Property Act, and (3) the board of managers or board of
15 directors of the common interest community association has,
16 subsequent to the effective date of this amendatory Act of
17 1984 voted to have the provisions of this Article apply to such
18 association and has delivered or mailed notice of such action
19 to the unit owners or unless the declaration of the
20 association is recorded after the effective date of this
21 amendatory Act of 1985.

22 (c) For purposes of this Article:

23 (1) "Common interest community" means real estate
24 other than a condominium or cooperative with respect to
25 which any person by virtue of his or her ownership of a
26 partial interest or unit therein is obligated to pay for

1 maintenance, improvement, insurance premiums, or real
2 estate taxes of other real estate described in a
3 declaration which is administered by an association.

4 (2) "Declaration" means any duly recorded instruments,
5 however designated, that have created a common interest
6 community and any duly recorded amendments to those
7 instruments.

8 (3) "Unit" means a physical portion of the common
9 interest community designated by separate ownership or
10 occupancy by boundaries which are described in a
11 declaration.

12 (4) "Unit owners' association" or "association" means
13 the association of all owners of units in the common
14 interest community acting pursuant to the declaration.

15 (d) If the board of a common interest community elects to
16 have the provisions of this Article apply to such association
17 or the declaration of the association is recorded after the
18 effective date of this amendatory Act of 1985, the provisions
19 of subsections (c) through (h) of Section 18.5 of the
20 Condominium Property Act applicable to a Master Association
21 and condominium unit subject to such association under
22 subsections (c) through (h) of Section 18.5 shall be
23 applicable to the community associations and to its unit
24 owners.

25 (e) Nothing in this Article may be construed to prohibit
26 law enforcement officials from enforcing the offense of

1 criminal trespass under Section 21-3 of the Criminal Code of
2 1963 or any other violation of the Code or to interfere with
3 the ability of law enforcement officials to remove persons or
4 property from the premises when there is a criminal trespass.

5 (Source: P.A. 102-71, eff. 7-9-21.)