



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

**HB2667**

by Rep. Kelly M. Cassidy

#### SYNOPSIS AS INTRODUCED:

735 ILCS 5/9-102

from Ch. 110, par. 9-102

735 ILCS 5/9-104.3

from Ch. 110, par. 9-104.3

Amends the Forcible Entry and Detainer Article of the Code of Civil Procedure. Provides that when property is part of a master association or a common interest community association (instead of "subject to the provisions of a declaration establishing a common interest community and requiring the unit owner to pay regular or special assessments for the maintenance or repair of common areas owned in common by all of the owners of the common interest community or by the community association and maintained for the use of the unit owners or of any other expenses of the association lawfully agreed upon") and other specific conditions are met, the board may bring a forcible entry and detainer action. Provides that provisions governing actions to collect common expenses apply to any common interest community association that is subject to the Common Interest Community Association Act. Deletes language providing that the provisions do not apply to any common interest community unless specified conditions are met. Provides that "common interest community" and "common interest community association" have the meanings provided in the Common Interest Community Association Act. Makes other changes.

LRB100 08827 HEP 18968 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 Sections 9-102 and 9-104.3 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 or  
20 otherwise.

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

1 possession thereof, after demand in writing by the person  
2 entitled to such possession; provided, however, that any  
3 such agreement for residential real estate as defined in  
4 the Illinois Mortgage Foreclosure Law entered into on or  
5 after July 1, 1987 where the purchase price is to be paid  
6 in installments over a period in excess of 5 years and the  
7 amount unpaid under the terms of the contract at the time  
8 of the filing of a foreclosure complaint under Article XV,  
9 including principal and due and unpaid interest, is less  
10 than 80% of the original purchase price shall be foreclosed  
11 under the Illinois Mortgage Foreclosure Law.

12 This amendatory Act of 1993 is declarative of existing  
13 law.

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

24 (7) When any property is subject to the provisions of  
25 the Condominium Property Act, the owner of a unit fails or  
26 refuses to pay when due his or her proportionate share of

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

16 (8) When any property is part of a master association,  
17 as that term is defined in Section 2 of the Condominium  
18 Property Act, or a common interest community association,  
19 ~~subject to the provisions of a declaration establishing a~~  
20 ~~common interest community and requiring the unit owner to~~  
21 ~~pay regular or special assessments for the maintenance or~~  
22 ~~repair of common areas owned in common by all of the owners~~  
23 ~~of the common interest community or by the community~~  
24 ~~association and maintained for the use of the unit owners~~  
25 ~~or of any other expenses of the association lawfully agreed~~  
26 ~~upon, and the unit owner fails or refuses to pay when due~~

1        the unit owner's proportionate share of the assessments on  
2        the property, any other expenses of the association  
3        lawfully agreed upon, or any fine, his or her proportionate  
4        ~~share of such assessments or expenses~~ and the board or its  
5        agents have served the demand set forth in Section 9-104.1  
6        of this Article in the manner provided for in that Section  
7        and the unit owner has failed to pay the amount claimed  
8        within the time prescribed in the demand.

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

25        (c) For purposes of this Article:

26            (1) "Common interest community" has the meaning

1 provided in Section 1-5 of the Common Interest Community  
2 Association Act ~~means real estate other than a condominium~~  
3 ~~or cooperative with respect to which any person by virtue~~  
4 ~~of his or her ownership of a partial interest or unit~~  
5 ~~therein is obligated to pay for maintenance, improvement,~~  
6 ~~insurance premiums, or real estate taxes of other real~~  
7 ~~estate described in a declaration which is administered by~~  
8 ~~an association.~~

9 (1.5) "Common interest community association" has the  
10 meaning provided in Section 1-5 of the Common Interest  
11 Community Association Act.

12 (2) "Declaration" means any duly recorded instruments,  
13 however designated, that have created a common interest  
14 community and any duly recorded amendments to those  
15 instruments.

16 (3) "Unit" means a physical portion of the common  
17 interest community designated by separate ownership or  
18 occupancy by boundaries which are described in a  
19 declaration.

20 (4) "Unit owners' association" or "association" means  
21 the association of all owners of units in the common  
22 interest community acting pursuant to the declaration.

23 (d) If the board of a common interest community elects to  
24 have the provisions of this Article apply to such association  
25 or the declaration of the association is recorded after the  
26 effective date of this amendatory Act of 1985, the provisions

1 of subsections (c) through (h) of Section 18.5 of the  
2 Condominium Property Act applicable to a Master Association and  
3 condominium unit subject to such association under subsections  
4 (c) through (h) of Section 18.5 shall be applicable to the  
5 community associations and to its unit owners.

6 (Source: P.A. 99-41, eff. 7-14-15.)

7 (735 ILCS 5/9-104.3) (from Ch. 110, par. 9-104.3)

8 Sec. 9-104.3. Applicability of Article. This Article  
9 applies to master associations and all common interest  
10 community associations that are subject to the Common Interest  
11 Community Association Act. A master association or common  
12 interest community association ~~All common interest community~~  
13 ~~associations electing pursuant to paragraph (8) of subsection~~  
14 ~~(a) of Section 9-102 to have this Article made applicable to~~  
15 ~~such association~~ shall follow the same procedures and have the  
16 same rights and responsibilities as condominium associations  
17 under this Article.

18 (Source: P.A. 84-1308.)