

# HB2098



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2098

Introduced 2/7/2023, by Rep. Curtis J. Tarver, II

### SYNOPSIS AS INTRODUCED:

765 ILCS 77/5

Amends the Residential Real Property Disclosure Act. Provides that "seller" does not include a beneficiary who has both (i) never occupied the residential real property and (ii) never had management responsibility for the residential real property. Effective immediately.

LRB103 26964 LNS 53329 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 Residential Real Property Disclosure Act is  
5 amended by changing Section 5 as follows:

6 (765 ILCS 77/5)

7 Sec. 5. Definitions. As used in this Act, unless the  
8 context otherwise requires, the following terms have the  
9 meaning given in this Section:

10 "Residential real property" means real property improved  
11 with not less than one nor more than 4 residential dwelling  
12 units; units in residential cooperatives; or, condominium  
13 units, including the limited common elements allocated to the  
14 exclusive use thereof that form an integral part of the  
15 condominium unit. The term includes a manufactured home as  
16 defined in subdivision (53) of Section 9-102 of the Uniform  
17 Commercial Code that is real property as defined in the  
18 Conveyance and Encumbrance of Manufactured Homes as Real  
19 Property and Severance Act.

20 "Seller" means every person or entity who:

21 (1) is a beneficiary of an Illinois land trust; or

22 (2) has an interest, legal or equitable, in  
23 residential real property as:

- 1 (i) an owner;
- 2 (ii) a beneficiary of a trust;
- 3 (iii) a beneficiary pursuant to testate  
4 disposition, intestate succession, or a transfer on  
5 death instrument; or
- 6 (iv) a contract purchaser or lessee of a ground  
7 lease.

8 "Seller" does not include a party to a transfer that is  
9 exempt under Section 15 or a beneficiary who has both (i) never  
10 occupied the residential real property and (ii) never had  
11 management responsibility for the residential real property.

12 "Prospective buyer" means any person or entity negotiating  
13 or offering to become an owner or lessee of a ground lease of  
14 residential real property by means of a transfer for value to  
15 which this Act applies.

16 "Contract" means a written agreement by the seller and  
17 prospective buyer that would, subject to the satisfaction of  
18 any negotiated contingencies, require the prospective buyer to  
19 accept a transfer of the residential real property.

20 (Source: P.A. 102-765, eff. 5-13-22.)

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law.