

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 Condominium Property Act is amended by  
5 changing Section 9.2 as follows:

6 (765 ILCS 605/9.2) (from Ch. 30, par. 309.2)

7 Sec. 9.2. Other remedies.

8 (a) In the event of any default by any unit owner, his  
9 tenant, invitee or guest in the performance of his obligations  
10 under this Act or under the declaration, bylaws, or the rules  
11 and regulations of the board of managers, the board of managers  
12 or its agents shall have such rights and remedies as provided  
13 in the Act or condominium instruments including the right to  
14 maintain an eviction action against such defaulting unit owner  
15 or his tenant for the benefit of all the other unit owners in  
16 the manner prescribed by Article IX of the Code of Civil  
17 Procedure.

18 (b) Any attorneys' fees incurred by the Association arising  
19 out of a default by any unit owner, his tenant, invitee or  
20 guest in the performance of any of the provisions of the  
21 condominium instruments, rules and regulations or any  
22 applicable statute or ordinance shall be added to, and deemed a  
23 part of, his respective share of the common expense.

1 (c) Other than attorney's fees, no fees pertaining to the  
2 collection of a unit owner's financial obligation to the  
3 Association, including fees charged by a manager or managing  
4 agent, shall be added to and deemed a part of an owner's  
5 respective share of the common expenses unless: (i) the  
6 managing agent fees relate to the costs to collect common  
7 expenses for the Association; (ii) the fees are set forth in a  
8 contract between the managing agent and the Association; and  
9 (iii) the authority to add the management fees to an owner's  
10 respective share of the common expenses is specifically stated  
11 in the declaration or bylaws of the Association.

12 (d) In any litigation or arbitration brought by a unit  
13 owner against the Association or its board of managers or any  
14 individual member of the Association or its board of managers  
15 regarding: (i) the enforcement of obligations of the board or  
16 the Association set forth in this Act, the condominium  
17 instruments, rules and regulations, or any applicable statute  
18 or ordinance; (ii) a disputed charge on the unit owner's  
19 account; or (iii) a purported default as described in  
20 subsection (a), the court or the arbitrator shall award to the  
21 prevailing party from the non-prevailing party reasonable  
22 attorney's fees and costs incurred by the prevailing party in  
23 the litigation or arbitration.

24 (Source: P.A. 100-173, eff. 1-1-18.)