



Sen. Laura M. Murphy

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10000SB2556sam001

LRB100 19516 HEP 37202 a

1 AMENDMENT TO SENATE BILL 2556

2 AMENDMENT NO. _____. Amend Senate Bill 2556 by replacing
3 everything after the enacting clause with the following:

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

1 Procedure.

2 (b) Any attorneys' fees incurred by the Association arising
3 out of a default by any unit owner, his tenant, invitee or
4 guest in the performance of any of the provisions of the
5 condominium instruments, rules and regulations or any
6 applicable statute or ordinance shall be added to, and deemed a
7 part of, his respective share of the common expense.

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

19 (d) In any litigation or arbitration brought by a unit
20 owner against the Association or its board of managers or any
21 individual member of the Association or its board of managers
22 regarding: (i) the enforcement of obligations of the board or
23 the Association set forth in this Act, the condominium
24 instruments, rules and regulations, or any applicable statute
25 or ordinance; (ii) a disputed charge on the unit owner's
26 account; or (iii) a purported default as described in

1 subsection (a), the court or the arbitrator shall award to the
2 prevailing party from the non-prevailing party reasonable
3 attorney's fees and costs incurred by the prevailing party in
4 the litigation or arbitration.

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