



Sen. David Koehler

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10100SB2489sam001

LRB101 16662 LNS 70837 a

1 AMENDMENT TO SENATE BILL 2489

2 AMENDMENT NO. _____. Amend Senate Bill 2489 by replacing
3 everything after the enacting clause with the following:

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

1 person holding under such lessee, holds possession without
2 right after the termination of the lease or tenancy by its
3 own limitation, condition or terms, or by notice to quit or
4 otherwise.

5 (5) When a vendee having obtained possession under a
6 written or verbal agreement to purchase lands or tenements,
7 and having failed to comply with the agreement, withholds
8 possession thereof, after demand in writing by the person
9 entitled to such possession; ~~provided, however, that any~~
10 ~~such~~ agreement for residential real estate that is an
11 installment sales contract, as defined in the Installment
12 Sales Contract Act, and that meets the requirements of
13 paragraph (2) of subsection (a) of Section 15-1106 of the
14 Illinois Mortgage Foreclosure Law is subject to
15 foreclosure entered into on or after July 1, 1987 where the
16 purchase price is to be paid in installments over a period
17 in excess of 5 years and the amount unpaid under the terms
18 of the contract at the time of the filing of a foreclosure
19 complaint under Article XV, including principal and due and
20 unpaid interest, is less than 80% of the original purchase
21 price shall be foreclosed under the Illinois Mortgage
22 Foreclosure Law.

23 This amendatory Act of 1993 is declarative of existing
24 law.

25 (6) When lands or tenements have been conveyed by any
26 grantor in possession, or sold under the order or judgment

1 of any court in this State, or by virtue of any sale in any
2 mortgage or deed of trust contained and the grantor in
3 possession or party to such order or judgment or to such
4 mortgage or deed of trust, after the expiration of the time
5 of redemption, when redemption is allowed by law, refuses
6 or neglects to surrender possession thereof, after demand
7 in writing by the person entitled thereto, or his or her
8 agent.

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

1 (8) When any property is subject to the provisions of a
2 declaration establishing a common interest community and
3 requiring the unit owner to pay regular or special
4 assessments for the maintenance or repair of common areas
5 owned in common by all of the owners of the common interest
6 community or by the community association and maintained
7 for the use of the unit owners or of any other expenses of
8 the association lawfully agreed upon, and the unit owner
9 fails or refuses to pay when due his or her proportionate
10 share of such assessments or expenses and the board or its
11 agents have served the demand set forth in Section 9-104.1
12 of this Article in the manner provided for in that Section
13 and the unit owner has failed to pay the amount claimed
14 within the time prescribed in the demand.

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

1 to the unit owners or unless the declaration of the association
2 is recorded after the effective date of this amendatory Act of
3 1985.

4 (c) For purposes of this Article:

5 (1) "Common interest community" means real estate
6 other than a condominium or cooperative with respect to
7 which any person by virtue of his or her ownership of a
8 partial interest or unit therein is obligated to pay for
9 maintenance, improvement, insurance premiums, or real
10 estate taxes of other real estate described in a
11 declaration which is administered by an association.

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 Section 99. Effective date. This Act takes effect upon
8 becoming law.".