



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB5513

Introduced 2/15/2012, by Rep. Sandy Cole - Constance A. Howard

#### SYNOPSIS AS INTRODUCED:

765 ILCS 160/1-37 new

Amends the Common Interest Community Association Act. Provides that the operation of a licensed day care home, as defined in the Child Care Act of 1969, in a residential dwelling, is incidental to the primary residential use of the dwelling and constitutes a valid residential use for the purpose of any community instrument. Provides that a common interest community association may not prohibit the use of a residential dwelling as a day care home unless a community instrument specifically prohibits that use. Provides that a condominium, timeshare, or cooperative is exempt from the provision.

LRB097 19062 AJ0 64301 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 Common Interest Community Association Act is  
5 amended by adding Section 1-37 as follows:

6 (765 ILCS 160/1-37 new)

7 Sec. 1-37. Community instruments; day care homes.

8 (a) The operation of a licensed day care home, as defined  
9 in the Child Care Act of 1969, in a residential dwelling, is  
10 incidental to the primary residential use of the dwelling and  
11 constitutes a valid residential use for the purpose of any  
12 community instrument. A community instrument may not be  
13 interpreted so that the operation of a family day care home is  
14 considered a business, commercial activity, or trade.

15 (b) An association may not prohibit the use of a  
16 residential dwelling as a day care home unless a community  
17 instrument specifically prohibits that use in the community.

18 (c) A condominium, timeshare, or cooperative is exempt from  
19 this Section.