



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB1804

Introduced 2/9/2011, by Sen. Pamela J. Althoff

SYNOPSIS AS INTRODUCED:

35 ILCS 200/27-55a new

Provides that a deed restriction, restrictive covenant, or similar provision may not waive, prohibit, or restrict the right to notice of a public hearing or the right to object, oppose, or challenge (i) the creation of a special service area, (ii) the activation of a backup or dormant special service area, (iii) the levy of any tax of a special service area, or (iv) the issuance of bonds of a special service area. Effective immediately.

LRB097 08557 HLH 48684 b

1 AN ACT concerning revenue.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Property Tax Code is amended by adding
5 Section 27-55a as follows:

6 (35 ILCS 200/27-55a new)

7 Sec. 27-55a. Restrictive covenants; waiver of certain
8 rights. A deed restriction, restrictive covenant, or similar
9 provision may not waive, prohibit, or restrict the right to
10 notice of a public hearing or the right to object, oppose, or
11 challenge (i) the creation of a special service area, (ii) the
12 activation of a backup or dormant special service area, (iii)
13 the levy of any tax of a special service area, or (iv) the
14 issuance of bonds of a special service area. Any such deed
15 restriction, restrictive covenant, or similar provision shall
16 not be enforceable and is null and void against the property
17 owner, lot or unit owner of the common interest community,
18 condominium, or cooperative. The term "common interest
19 community" in this Section has the same meaning as set forth in
20 Section 9-102(c) of the Code of Civil Procedure.

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