



Illinois General Assembly

Home Legislation & Laws Senate House My Legislation Site Map

Bills & Resolutions

Full Text of HB4490

Compiled Statutes

[Introduced](#)

Public Acts

[Printer-Friendly Version](#) [PDF](#) [Bill Status](#)

Legislative Reports

IL Constitution

Legislative Guide

Legislative Glossary

Search By Number
(example: HB0001)

[Search Tips](#)

Search By Keyword

[Search Tips](#)

[Advanced Search](#)



99TH GENERAL ASSEMBLY State of Illinois 2015 and 2016 HB4490

Introduced , by Rep. Scott Drury

SYNOPSIS AS INTRODUCED:

765 ILCS 605/9.2

from Ch. 30, par. 309.2

Amends the Condominium Property Act. Provides that if a court awards attorney's fees incurred by the association (instead of "[a]ny attorneys' fees incurred by the association") in specified situations, the association may add these fees to the unit owner's (instead of "shall be added to, and deemed a part of, his") respective share of the common expense. Provides that no attorney's fees may be added to the unit owner's part of the common expense unless a court first awards attorney's fees.

LRB099 16935 HEP 42963 b

A BILL FOR

HB4490

LRB099 16935 HEP 42963 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 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 action for possession against such defaulting unit
15 owner or his tenant for the benefit of all the other unit
16 owners in the manner prescribed by Article IX of the Code of
17 Civil Procedure.

18 (b) If a court awards attorney's ~~Any attorneys'~~ fees
19 incurred by the Association arising out of a default by any
20 unit owner, his tenant, invitee or guest in the performance of
21 any of the provisions of the condominium instruments, rules and
22 regulations or any applicable statute or ordinance, the
23 Association may add these fees to the unit owner's ~~shall be~~

HB4490

- 2 -

LRB099 16935 HEP 42963 b

1 ~~added to, and deemed a part of, his~~ respective share of the
2 common expense. No attorney's fees may be added to the unit
3 owner's part of the common expense unless a court first awards
4 attorney's fees.

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

16 (Source: P.A. 94-384, eff. 1-1-06.)

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