



Sen. Terry Link

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LRB099 03119 HEP 47688 a

1 AMENDMENT TO SENATE BILL 391

2 AMENDMENT NO. _____. Amend Senate Bill 391 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Enforcement of Covenants Act.

6 Section 5. Enforcement of covenants. An owner or tenant of
7 real property within 1,200 feet in any direction of property
8 described below that is subject to a covenant that restricts
9 the use of the property, or a homeowners association
10 representing the owner or tenant, may bring a legal action to
11 enforce any covenant described in a land management plan to
12 which the landowner is a party if:

13 (1) the properties lie within a municipality in Lake
14 County with a population between 25,000 and 28,000 on the
15 effective date of this Act;

16 (2) the municipality has approved a special use under

1 Section 11-13-1.1 of the Municipal Code, a variation under
2 Section 11-13-5 of the Municipal Code, or an amendment to
3 the zoning ordinances under Section 11-13-14 of the
4 Municipal Code, affecting the subject land of the action
5 that conflicts with the restrictions in the covenant; and

6 (3) the municipality refuses to enforce the terms of
7 the covenant.

8 Section 10. Municipality may be joined as defendant. A
9 municipality described in Section 5 of this Act may be joined
10 as a defendant in the action.

11 Section 15. Attorney's fees. The court shall award
12 reasonable attorney's fees to a plaintiff who prevails under
13 this Act.

14 Section 20. Applicability. This Act applies to actions
15 pending on the effective date of this Act.

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