



Rep. Patricia R. Bellock

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09800HB4796ham001

LRB098 14153 HEP 57209 a

1 AMENDMENT TO HOUSE BILL 4796

2 AMENDMENT NO. _____. Amend House Bill 4796 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Common Interest Community Association Act
5 is amended by changing Section 1-40 and 1-75 as follows:

6 (765 ILCS 160/1-40)

7 Sec. 1-40. Meetings.

8 (a) Notice of any membership meeting shall be given
9 detailing the time, place, and purpose of such meeting no less
10 than 10 and no more than 30 days prior to the meeting through a
11 prescribed delivery method.

12 (b) Meetings.

13 (1) Twenty percent of the membership shall constitute a
14 quorum, unless the community instruments indicate a lesser
15 amount.

16 (2) The membership shall hold an annual meeting. The

1 board of directors may be elected at the annual meeting.

2 (3) Special meetings of the board may be called by the
3 president, by 25% of the members of the board, or by any
4 other method that is prescribed in the community
5 instruments. Special meetings of the membership may be
6 called by the president, the board, 20% of the membership,
7 or any other method that is prescribed in the community
8 instruments.

9 (4) Except to the extent otherwise provided by this
10 Act, the board shall give the members notice of all board
11 meetings at least 48 hours prior to the meeting by sending
12 notice by using a prescribed delivery method or by posting
13 copies of notices of meetings in entranceways, elevators,
14 or other conspicuous places in the common areas of the
15 common interest community at least 48 hours prior to the
16 meeting except where there is no common entranceway for 7
17 or more units, the board may designate one or more
18 locations in the proximity of these units where the notices
19 of meetings shall be posted. The board shall give members
20 notice of any board meeting, through a prescribed delivery
21 method, concerning the adoption of (i) the proposed annual
22 budget, (ii) regular assessments, or (iii) a separate or
23 special assessment within 10 to 60 days prior to the
24 meeting, unless otherwise provided in Section 1-45 (a) or
25 any other provision of this Act.

26 (5) Meetings of the board shall be open to any unit

1 owner, except for the portion of any meeting held (i) to
2 discuss litigation when an action against or on behalf of
3 the particular association has been filed and is pending in
4 a court or administrative tribunal, or when the common
5 interest community association finds that such an action is
6 probable or imminent, (ii) to consider third party
7 contracts or information regarding appointment,
8 employment, or dismissal of an employee, or (iii) to
9 discuss violations of rules and regulations of the
10 association or a member's or unit owner's unpaid share of
11 common expenses. Any matter discussed in the portion of the
12 board meeting closed to members of the association shall be
13 generally noted in the minutes of the immediately following
14 meeting that is open to any member. Any vote on these
15 matters shall be taken at a meeting or portion thereof open
16 to any member.

17 (6) The board must reserve a portion of the meeting of
18 the board for comments by members; provided, however, the
19 duration and meeting order for the member comment period is
20 within the sole discretion of the board.

21 (7) Minutes of:

22 (i) meetings of the board of directors or managers
23 other than the portion of the board meeting closed to
24 members of the association;

25 (ii) meetings of the membership; or

26 (iii) meetings of committees with decision making

1 authority;
2 must be made available to members within 30 calendar
3 days of the meeting unless a subsequent meeting is held
4 less than 30 calendar days after the meeting, in which case
5 the minutes shall be made available to the members no less
6 than one calendar day before the following meeting. As used
7 in this Section, "minutes" includes draft minutes proposed
8 for adoption and marked to indicate draft status until such
9 time as they are adopted.

10 (Source: P.A. 96-1400, eff. 7-29-10; 97-605, eff. 8-26-11;
11 97-1090, eff. 8-24-12.)

12 (765 ILCS 160/1-75)

13 Sec. 1-75. Exemptions for small common interest
14 communities.

15 (a) A common interest community association organized
16 under the General Not for Profit Corporation Act of 1986 and
17 having ~~either (i) 10 units or less or (ii) annual budgeted~~
18 ~~assessments of \$100,000 or less~~ shall be exempt from this Act
19 unless the association affirmatively elects to be covered by
20 this Act by a majority of its directors or members.

21 (b) Common interest community associations which in their
22 declaration, bylaws, or other governing documents provide that
23 the association may not use the courts or an arbitration
24 process to collect or enforce assessments, fines, or similar
25 levies and common interest community associations (i) of 10

1 units or less or (ii) having annual budgeted assessments of
2 \$50,000 or less shall be exempt from subsection (a) of Section
3 1-30, subsections (a) and (b) of Section 1-40, and Section 1-55
4 but shall be required to provide notice of meetings to members
5 in a manner and at a time that will allow members to
6 participate in those meetings.

7 (Source: P.A. 96-1400, eff. 7-29-10; 97-605, eff. 8-26-11;
8 97-1090, eff. 8-24-12.)".