



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

**HB2644**

by Rep. Kelly M. Cassidy

#### SYNOPSIS AS INTRODUCED:

765 ILCS 605/18.9

Amends the Condominium Property Act. Restricts the applicability of a Section concerning the rights of the board of managers to actions taken under provisions stating that the board of managers has standing and capacity to act in a representative capacity in relation to matters involving the common elements or more than one unit, on behalf of the unit owners, as their interests may appear. Deletes language providing that a provision in a declaration which would otherwise be void and ineffective may be enforced if it is approved by a vote of not less than 75% of the unit owners at any time after the election of the first unit owner board of managers.

LRB099 07617 HEP 27748 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 18.9 as follows:

6 (765 ILCS 605/18.9)

7 Sec. 18.9 ~~18.8~~. Common elements; rights of board. ~~(a)~~ Any  
8 provision in a condominium instrument which limits or restricts  
9 the rights of the board to act under subsection (b) of Section  
10 9.1 of this Act is void as against public policy and  
11 ineffective. A provision shall be deemed to limit or restrict  
12 the rights of the Board under subsection (b) of Section 9.1 if  
13 ~~it limits or restricts the rights of the board of managers by:~~

14 (1) it requires ~~requiring~~ the prior consent of the unit  
15 owners in order for the board of managers to take any  
16 action authorized or permitted under subsection (b) of  
17 Section 9.1, including the institution of any action in  
18 court ~~or a demand for a trial by jury~~; or

19 (2) notwithstanding Section 32 of this Act, it requires  
20 ~~requiring~~ the board of managers to arbitrate or mediate a  
21 dispute with any one or more of all of the declarants under  
22 the condominium instruments or the developer or any person  
23 not then a unit owner prior to the institution of any

1           action by the board of managers under subsection (b) of  
2           Section 9.1 ~~or a demand for a trial by jury.~~

3           ~~(b) A provision in a declaration which would otherwise be~~  
4           ~~void and ineffective under this Section may be enforced if it~~  
5           ~~is approved by a vote of not less than 75% of the unit owners at~~  
6           ~~any time after the election of the first unit owner board of~~  
7           ~~managers.~~

8           (Source: P.A. 98-1068, eff. 1-1-15; revised 10-20-14.)