



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5069

Introduced 2/10/2026, by Rep. Laura Faver Dias

SYNOPSIS AS INTRODUCED:

765 ILCS 160/1-30

765 ILCS 605/18

765 ILCS 605/18.4

from Ch. 30, par. 318

from Ch. 30, par. 318.4

Amends the Common Interest Community Association Act and the Condominium Property Act. Prohibits an association in both Acts from requiring permission before a unit owner removes Illinois designated noxious weeds and Illinois designated exotic weeds as designated by the Department of Natural Resources. Provides that any provision in the association's community instruments requiring permission is null and void.

LRB104 18275 JRC 31715 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 Common Interest Community Association Act
5 is amended by changing Section 1-30 as follows:

6 (765 ILCS 160/1-30)

7 Sec. 1-30. Board duties and obligations; records.

8 (a) The board shall meet at least 4 times annually.

9 (b) A common interest community association may not enter
10 into a contract with a current board member, or with a
11 corporation, limited liability company, or partnership in
12 which a board member or a member of his or her immediate family
13 has 25% or more interest, unless notice of intent to enter into
14 the contract is given to members within 20 days after a
15 decision is made to enter into the contract and the members are
16 afforded an opportunity by filing a petition, signed by 20% of
17 the membership, for an election to approve or disapprove the
18 contract; such petition shall be filed within 20 days after
19 such notice and such election shall be held within 30 days
20 after filing the petition. For purposes of this subsection, a
21 board member's immediate family means the board member's
22 spouse, parents, siblings, and children.

23 (c) The bylaws or operating agreement shall provide for

1 the maintenance, repair, and replacement of the common areas
2 and payments therefor, including the method of approving
3 payment vouchers.

4 (d) (Blank).

5 (e) The association may engage the services of a manager
6 or management company.

7 (f) The association shall have one class of membership
8 unless the declaration, bylaws, or operating agreement provide
9 otherwise; however, this subsection (f) shall not be construed
10 to limit the operation of subsection (c) of Section 1-20 of
11 this Act.

12 (g) The board shall have the power, after notice and an
13 opportunity to be heard, to levy and collect reasonable fines
14 from members or unit owners for violations of the declaration,
15 bylaws, operating agreement, and rules and regulations of the
16 common interest community association.

17 (h) Other than attorney's fees and court or arbitration
18 costs, no fees pertaining to the collection of a member's or
19 unit owner's financial obligation to the association,
20 including fees charged by a manager or managing agent, shall
21 be added to and deemed a part of a member's or unit owner's
22 respective share of the common expenses unless: (i) the
23 managing agent fees relate to the costs to collect common
24 expenses for the association; (ii) the fees are set forth in a
25 contract between the managing agent and the association; and
26 (iii) the authority to add the management fees to a member's or

1 unit owner's respective share of the common expenses is
2 specifically stated in the declaration, bylaws, or operating
3 agreement of the association.

4 (i) Board records.

5 (1) The board shall maintain the following records of
6 the association and make them available for examination
7 and copying at convenient hours of weekdays by any member
8 or unit owner in a common interest community subject to
9 the authority of the board, their mortgagees, and their
10 duly authorized agents or attorneys:

11 (i) Copies of the recorded declaration, other
12 community instruments, other duly recorded covenants
13 and bylaws and any amendments, articles of
14 incorporation, articles of organization, annual
15 reports, and any rules and regulations adopted by the
16 board shall be available. Prior to the organization of
17 the board, the developer shall maintain and make
18 available the records set forth in this paragraph (i)
19 for examination and copying.

20 (ii) Detailed and accurate records in
21 chronological order of the receipts and expenditures
22 affecting the common areas, specifying and itemizing
23 the maintenance and repair expenses of the common
24 areas and any other expenses incurred, and copies of
25 all contracts, leases, or other agreements entered
26 into by the board shall be maintained.

1 (iii) The minutes of all meetings of the board
2 which shall be maintained for not less than 7 years.

3 (iv) With a written statement of a proper purpose,
4 ballots and proxies related thereto, if any, for any
5 election held for the board and for any other matters
6 voted on by the members, which shall be maintained for
7 not less than one year.

8 (v) With a written statement of a proper purpose,
9 such other records of the board as are available for
10 inspection by members of a not-for-profit corporation
11 pursuant to Section 107.75 of the General Not For
12 Profit Corporation Act of 1986 shall be maintained.

13 (vi) With respect to units owned by a land trust, a
14 living trust, or other legal entity, the trustee,
15 officer, or manager of the entity may designate, in
16 writing, a person to cast votes on behalf of the member
17 or unit owner and a designation shall remain in effect
18 until a subsequent document is filed with the
19 association.

20 (vii) Any reserve study.

21 (2) Where a request for records under this subsection
22 is made in writing to the board or its agent, failure to
23 provide the requested record or to respond within 30 days
24 shall be deemed a denial by the board.

25 (3) A reasonable fee may be charged by the board for
26 the cost of retrieving and copying records properly

1 requested.

2 (4) If the board fails to provide records properly
3 requested under paragraph (1) of this subsection (i)
4 within the time period provided in that paragraph (1), the
5 member may seek appropriate relief and shall be entitled
6 to an award of reasonable attorney's fees and costs if the
7 member prevails and the court finds that such failure is
8 due to the acts or omissions of the board of managers or
9 the board of directors.

10 (j) The board shall have standing and capacity to act in a
11 representative capacity in relation to matters involving the
12 common areas or more than one unit, on behalf of the members or
13 unit owners as their interests may appear.

14 (k) The board may contract with the highway commissioner
15 of a road district in which the association is located, if the
16 association comprises 50% of the population or greater of the
17 township or road district, to furnish materials related to the
18 maintenance or repair of roads. Any such purchases shall be
19 included in the board's finance report as outlined in Section
20 1-45.

21 (l) A board may not require permission before a unit owner
22 removes Illinois Designated Noxious Weeds and Illinois
23 Designated Exotic Weeds as designated by the Department of
24 Natural Resources. Any provision in the association's
25 community instruments requiring permission is null and void.

26 (Source: P.A. 102-921, eff. 5-27-22; 103-486, eff. 1-1-24.)

1 Section 10. The Condominium Property Act is amended by
2 changing Sections 18 and 18.4 as follows:

3 (765 ILCS 605/18) (from Ch. 30, par. 318)

4 Sec. 18. Contents of bylaws. The bylaws shall provide for
5 at least the following:

6 (a) (1) The election from among the unit owners of a
7 board of managers, the number of persons constituting such
8 board, and that the terms of at least one-third of the
9 members of the board shall expire annually and that all
10 members of the board shall be elected at large; if there
11 are multiple owners of a single unit, only one of the
12 multiple owners shall be eligible to serve as a member of
13 the board at any one time. A declaration first submitting
14 property to the provisions of this Act, in accordance with
15 Section 3 after the effective date of this amendatory Act
16 of the 102nd General Assembly, or an amendment to the
17 condominium instruments adopted in accordance with Section
18 27 after the effective date of this amendatory Act of the
19 102nd General Assembly, may provide that a majority of the
20 board of managers, or such lesser number as may be
21 specified in the declaration, must be comprised of unit
22 owners occupying their unit as their primary residence;
23 provided that the condominium instruments may not require
24 that more than a majority of the board shall be comprised

1 of unit owners who occupy their unit as their principal
2 residence;

3 (2) the powers and duties of the board;

4 (3) the compensation, if any, of the members of the
5 board;

6 (4) the method of removal from office of members of
7 the board;

8 (5) that the board may engage the services of a
9 manager or managing agent;

10 (6) that each unit owner shall receive, at least 25
11 days prior to the adoption thereof by the board of
12 managers, a copy of the proposed annual budget together
13 with an indication of which portions are intended for
14 reserves, capital expenditures or repairs or payment of
15 real estate taxes;

16 (7) that the board of managers shall annually supply
17 to all unit owners an itemized accounting of the common
18 expenses for the preceding year actually incurred or paid,
19 together with an indication of which portions were for
20 reserves, capital expenditures or repairs or payment of
21 real estate taxes and with a tabulation of the amounts
22 collected pursuant to the budget or assessment, and
23 showing the net excess or deficit of income over
24 expenditures plus reserves;

25 (8) (i) that each unit owner shall receive notice, in
26 the same manner as is provided in this Act for membership

1 meetings, of any meeting of the board of managers
2 concerning the adoption of the proposed annual budget and
3 regular assessments pursuant thereto or to adopt a
4 separate (special) assessment, (ii) that except as
5 provided in subsection (iv) below, if an adopted budget or
6 any separate assessment adopted by the board would result
7 in the sum of all regular and separate assessments payable
8 in the current fiscal year exceeding 115% of the sum of all
9 regular and separate assessments payable during the
10 preceding fiscal year, the board of managers, upon written
11 petition by unit owners with 20 percent of the votes of the
12 association delivered to the board within 21 days of the
13 board action, shall call a meeting of the unit owners
14 within 30 days of the date of delivery of the petition to
15 consider the budget or separate assessment; unless a
16 majority of the total votes of the unit owners are cast at
17 the meeting to reject the budget or separate assessment,
18 it is ratified, (iii) that any common expense not set
19 forth in the budget or any increase in assessments over
20 the amount adopted in the budget shall be separately
21 assessed against all unit owners, (iv) that separate
22 assessments for expenditures relating to emergencies or
23 mandated by law may be adopted by the board of managers
24 without being subject to unit owner approval or the
25 provisions of item (ii) above or item (v) below. As used
26 herein, "emergency" means an immediate danger to the

1 structural integrity of the common elements or to the
2 life, health, safety or property of the unit owners, (v)
3 that assessments for additions and alterations to the
4 common elements or to association-owned property not
5 included in the adopted annual budget, shall be separately
6 assessed and are subject to approval of two-thirds of the
7 total votes of all unit owners, (vi) that the board of
8 managers may adopt separate assessments payable over more
9 than one fiscal year. With respect to multi-year
10 assessments not governed by items (iv) and (v), the entire
11 amount of the multi-year assessment shall be deemed
12 considered and authorized in the first fiscal year in
13 which the assessment is approved;

14 (9) (A) that every meeting of the board of managers
15 shall be open to any unit owner, except that the board may
16 close any portion of a noticed meeting or meet separately
17 from a noticed meeting to: (i) discuss litigation when an
18 action against or on behalf of the particular association
19 has been filed and is pending in a court or administrative
20 tribunal, or when the board of managers finds that such an
21 action is probable or imminent, (ii) discuss the
22 appointment, employment, engagement, or dismissal of an
23 employee, independent contractor, agent, or other provider
24 of goods and services, (iii) interview a potential
25 employee, independent contractor, agent, or other provider
26 of goods and services, (iv) discuss violations of rules

1 and regulations of the association, (v) discuss a unit
2 owner's unpaid share of common expenses, or (vi) consult
3 with the association's legal counsel; that any vote on
4 these matters shall take place at a meeting of the board of
5 managers or portion thereof open to any unit owner;

6 (B) that board members may participate in and act at
7 any meeting of the board of managers in person, by
8 telephonic means, or by use of any acceptable
9 technological means whereby all persons participating in
10 the meeting can communicate with each other; that
11 participation constitutes attendance and presence in
12 person at the meeting;

13 (C) that any unit owner may record the proceedings at
14 meetings of the board of managers or portions thereof
15 required to be open by this Act by tape, film or other
16 means, and that the board may prescribe reasonable rules
17 and regulations to govern the right to make such
18 recordings;

19 (D) that notice of every meeting of the board of
20 managers shall be given to every board member at least 48
21 hours prior thereto, unless the board member waives notice
22 of the meeting pursuant to subsection (a) of Section 18.8;
23 and

24 (E) that notice of every meeting of the board of
25 managers shall be posted in entranceways, elevators, or
26 other conspicuous places in the condominium at least 48

1 hours prior to the meeting of the board of managers except
2 where there is no common entranceway for 7 or more units,
3 the board of managers may designate one or more locations
4 in the proximity of these units where the notices of
5 meetings shall be posted; that notice of every meeting of
6 the board of managers shall also be given at least 48 hours
7 prior to the meeting, or such longer notice as this Act may
8 separately require, to: (i) each unit owner who has
9 provided the association with written authorization to
10 conduct business by acceptable technological means, and
11 (ii) to the extent that the condominium instruments of an
12 association require, to each other unit owner, as required
13 by subsection (f) of Section 18.8, by mail or delivery,
14 and that no other notice of a meeting of the board of
15 managers need be given to any unit owner;

16 (10) that the board shall meet at least 4 times
17 annually;

18 (11) that no member of the board or officer shall be
19 elected for a term of more than 2 years, but that officers
20 and board members may succeed themselves;

21 (12) the designation of an officer to mail and receive
22 all notices and execute amendments to condominium
23 instruments as provided for in this Act and in the
24 condominium instruments;

25 (13) the method of filling vacancies on the board
26 which shall include authority for the remaining members of

1 the board to fill the vacancy by two-thirds vote until the
2 next annual meeting of unit owners or for a period
3 terminating no later than 30 days following the filing of
4 a petition signed by unit owners holding 20% of the votes
5 of the association requesting a meeting of the unit owners
6 to fill the vacancy for the balance of the term, and that a
7 meeting of the unit owners shall be called for purposes of
8 filling a vacancy on the board no later than 30 days
9 following the filing of a petition signed by unit owners
10 holding 20% of the votes of the association requesting
11 such a meeting, and the method of filling vacancies among
12 the officers that shall include the authority for the
13 members of the board to fill the vacancy for the unexpired
14 portion of the term;

15 (14) what percentage of the board of managers, if
16 other than a majority, shall constitute a quorum;

17 (15) provisions concerning notice of board meetings to
18 members of the board;

19 (16) the board of managers may not enter into a
20 contract with a current board member or with a corporation
21 or partnership in which a board member or a member of the
22 board member's immediate family has 25% or more interest,
23 unless notice of intent to enter the contract is given to
24 unit owners within 20 days after a decision is made to
25 enter into the contract and the unit owners are afforded
26 an opportunity by filing a petition, signed by 20% of the

1 unit owners, for an election to approve or disapprove the
2 contract; such petition shall be filed within 30 days
3 after such notice and such election shall be held within
4 30 days after filing the petition; for purposes of this
5 subsection, a board member's immediate family means the
6 board member's spouse, parents, and children;

7 (17) that the board of managers may disseminate to
8 unit owners biographical and background information about
9 candidates for election to the board if (i) reasonable
10 efforts to identify all candidates are made and all
11 candidates are given an opportunity to include
12 biographical and background information in the information
13 to be disseminated; and (ii) the board does not express a
14 preference in favor of any candidate;

15 (18) any proxy distributed for board elections by the
16 board of managers gives unit owners the opportunity to
17 designate any person as the proxy holder, and gives the
18 unit owner the opportunity to express a preference for any
19 of the known candidates for the board or to write in a
20 name;

21 (19) that special meetings of the board of managers
22 can be called by the president or 25% of the members of the
23 board;

24 (20) that the board of managers may establish and
25 maintain a system of master metering of public utility
26 services and collect payments in connection therewith,

1 subject to the requirements of the Tenant Utility Payment
2 Disclosure Act; and

3 (21) that the board may ratify and confirm actions of
4 the members of the board taken in response to an
5 emergency, as that term is defined in subdivision
6 (a)(8)(iv) of this Section; that the board shall give
7 notice to the unit owners of: (i) the occurrence of the
8 emergency event within 7 business days after the emergency
9 event, and (ii) the general description of the actions
10 taken to address the event within 7 days after the
11 emergency event.

12 The intent of the provisions of Public Act 99-472
13 adding this paragraph (21) is to empower and support
14 boards to act in emergencies.

15 (b)(1) What percentage of the unit owners, if other
16 than 20%, shall constitute a quorum provided that, for
17 condominiums with 20 or more units, the percentage of unit
18 owners constituting a quorum shall be 20% unless the unit
19 owners holding a majority of the percentage interest in
20 the association provide for a higher percentage, provided
21 that in voting on amendments to the association's bylaws,
22 a unit owner who is in arrears on the unit owner's regular
23 or separate assessments for 60 days or more, shall not be
24 counted for purposes of determining if a quorum is
25 present, but that unit owner retains the right to vote on
26 amendments to the association's bylaws;

1 (2) that the association shall have one class of
2 membership;

3 (3) that the members shall hold an annual meeting, one
4 of the purposes of which shall be to elect members of the
5 board of managers;

6 (4) the method of calling meetings of the unit owners;

7 (5) that special meetings of the members can be called
8 by the president, board of managers, or by 20% of unit
9 owners;

10 (6) that written notice of any membership meeting
11 shall be mailed or delivered giving members no less than
12 10 and no more than 30 days notice of the time, place and
13 purpose of such meeting except that notice may be sent, to
14 the extent the condominium instruments or rules adopted
15 thereunder expressly so provide, by electronic
16 transmission consented to by the unit owner to whom the
17 notice is given, provided the director and officer or his
18 agent certifies in writing to the delivery by electronic
19 transmission;

20 (7) that voting shall be on a percentage basis, and
21 that the percentage vote to which each unit is entitled is
22 the percentage interest of the undivided ownership of the
23 common elements appurtenant thereto, provided that the
24 bylaws may provide for approval by unit owners in
25 connection with matters where the requisite approval on a
26 percentage basis is not specified in this Act, on the

1 basis of one vote per unit;

2 (8) that, where there is more than one owner of a unit,
3 if only one of the multiple owners is present at a meeting
4 of the association, he is entitled to cast all the votes
5 allocated to that unit, if more than one of the multiple
6 owners are present, the votes allocated to that unit may
7 be cast only in accordance with the agreement of a
8 majority in interest of the multiple owners, unless the
9 declaration expressly provides otherwise, that there is
10 majority agreement if any one of the multiple owners cast
11 the votes allocated to that unit without protest being
12 made promptly to the person presiding over the meeting by
13 any of the other owners of the unit;

14 (9) (A) except as provided in subparagraph (B) of this
15 paragraph (9) in connection with board elections, that a
16 unit owner may vote by proxy executed in writing by the
17 unit owner or by his duly authorized attorney in fact;
18 that the proxy must bear the date of execution and, unless
19 the condominium instruments or the written proxy itself
20 provide otherwise, is invalid after 11 months from the
21 date of its execution; to the extent the condominium
22 instruments or rules adopted thereunder expressly so
23 provide, a vote or proxy may be submitted by electronic
24 transmission, provided that any such electronic
25 transmission shall either set forth or be submitted with
26 information from which it can be determined that the

1 electronic transmission was authorized by the unit owner
2 or the unit owner's proxy;

3 (B) that if a rule adopted at least 120 days before a
4 board election or the declaration or bylaws provide for
5 balloting as set forth in this subsection, unit owners may
6 not vote by proxy in board elections, but may vote only (i)
7 by submitting an association-issued ballot in person at
8 the election meeting or (ii) by submitting an
9 association-issued ballot to the association or its
10 designated agent by mail or other means of delivery
11 specified in the declaration, bylaws, or rule; that the
12 ballots shall be mailed or otherwise distributed to unit
13 owners not less than 10 and not more than 30 days before
14 the election meeting, and the board shall give unit owners
15 not less than 21 days' prior written notice of the
16 deadline for inclusion of a candidate's name on the
17 ballots; that the deadline shall be no more than 7 days
18 before the ballots are mailed or otherwise distributed to
19 unit owners; that every such ballot must include the names
20 of all candidates who have given the board or its
21 authorized agent timely written notice of their candidacy
22 and must give the person casting the ballot the
23 opportunity to cast votes for candidates whose names do
24 not appear on the ballot; that a ballot received by the
25 association or its designated agent after the close of
26 voting shall not be counted; that a unit owner who submits

1 a ballot by mail or other means of delivery specified in
2 the declaration, bylaws, or rule may request and cast a
3 ballot in person at the election meeting, and thereby void
4 any ballot previously submitted by that unit owner;

5 (B-5) that if a rule adopted at least 120 days before a
6 board election or the declaration or bylaws provide for
7 balloting as set forth in this subparagraph, unit owners
8 may not vote by proxy in board elections, but may vote only
9 (i) by submitting an association-issued ballot in person
10 at the election meeting; or (ii) by any acceptable
11 technological means as defined in Section 2 of this Act;
12 instructions regarding the use of electronic means for
13 voting shall be distributed to all unit owners not less
14 than 10 and not more than 30 days before the election
15 meeting, and the board shall give unit owners not less
16 than 21 days' prior written notice of the deadline for
17 inclusion of a candidate's name on the ballots; the
18 deadline shall be no more than 7 days before the
19 instructions for voting using electronic or acceptable
20 technological means is distributed to unit owners; every
21 instruction notice must include the names of all
22 candidates who have given the board or its authorized
23 agent timely written notice of their candidacy and must
24 give the person voting through electronic or acceptable
25 technological means the opportunity to cast votes for
26 candidates whose names do not appear on the ballot; a unit

1 owner who submits a vote using electronic or acceptable
2 technological means may request and cast a ballot in
3 person at the election meeting, thereby voiding any vote
4 previously submitted by that unit owner;

5 (C) that if a written petition by unit owners with at
6 least 20% of the votes of the association is delivered to
7 the board within 30 days after the board's approval of a
8 rule adopted pursuant to subparagraph (B) or subparagraph
9 (B-5) of this paragraph (9), the board shall call a
10 meeting of the unit owners within 30 days after the date of
11 delivery of the petition; that unless a majority of the
12 total votes of the unit owners are cast at the meeting to
13 reject the rule, the rule is ratified;

14 (D) that votes cast by ballot under subparagraph (B)
15 or electronic or acceptable technological means under
16 subparagraph (B-5) of this paragraph (9) are valid for the
17 purpose of establishing a quorum;

18 (10) that the association may, upon adoption of the
19 appropriate rules by the board of managers, conduct
20 elections by secret ballot whereby the voting ballot is
21 marked only with the percentage interest for the unit and
22 the vote itself, provided that the board further adopt
23 rules to verify the status of the unit owner issuing a
24 proxy or casting a ballot; and further, that a candidate
25 for election to the board of managers or such candidate's
26 representative shall have the right to be present at the

1 counting of ballots at such election;

2 (11) that in the event of a resale of a condominium
3 unit the purchaser of a unit from a seller other than the
4 developer pursuant to an installment sales contract for
5 purchase shall during such times as he or she resides in
6 the unit be counted toward a quorum for purposes of
7 election of members of the board of managers at any
8 meeting of the unit owners called for purposes of electing
9 members of the board, shall have the right to vote for the
10 election of members of the board of managers and to be
11 elected to and serve on the board of managers unless the
12 seller expressly retains in writing any or all of such
13 rights. In no event may the seller and purchaser both be
14 counted toward a quorum, be permitted to vote for a
15 particular office or be elected and serve on the board.
16 Satisfactory evidence of the installment sales contract
17 shall be made available to the association or its agents.
18 For purposes of this subsection, "installment sales
19 contract" shall have the same meaning as set forth in
20 Section 5 of the Installment Sales Contract Act and
21 Section 1(e) of the Dwelling Unit Installment Contract
22 Act;

23 (12) the method by which matters subject to the
24 approval of unit owners set forth in this Act, or in the
25 condominium instruments, will be submitted to the unit
26 owners at special membership meetings called for such

1 purposes; and

2 (13) that matters subject to the affirmative vote of
3 not less than 2/3 of the votes of unit owners at a meeting
4 duly called for that purpose, shall include, but not be
5 limited to:

6 (i) merger or consolidation of the association;

7 (ii) sale, lease, exchange, or other disposition
8 (excluding the mortgage or pledge) of all, or
9 substantially all of the property and assets of the
10 association; and

11 (iii) the purchase or sale of land or of units on
12 behalf of all unit owners.

13 (c) Election of a president from among the board of
14 managers, who shall preside over the meetings of the board
15 of managers and of the unit owners.

16 (d) Election of a secretary from among the board of
17 managers, who shall keep the minutes of all meetings of
18 the board of managers and of the unit owners and who shall,
19 in general, perform all the duties incident to the office
20 of secretary.

21 (e) Election of a treasurer from among the board of
22 managers, who shall keep the financial records and books
23 of account.

24 (f) Maintenance, repair and replacement of the common
25 elements and payments therefor, including the method of
26 approving payment vouchers.

1 (g) An association with 30 or more units shall obtain
2 and maintain fidelity insurance covering persons who
3 control or disburse funds of the association for the
4 maximum amount of coverage available to protect funds in
5 the custody or control of the association plus the
6 association reserve fund. All management companies which
7 are responsible for the funds held or administered by the
8 association shall maintain and furnish to the association
9 a fidelity bond for the maximum amount of coverage
10 available to protect funds in the custody of the
11 management company at any time. The association shall bear
12 the cost of the fidelity insurance and fidelity bond,
13 unless otherwise provided by contract between the
14 association and a management company. The association
15 shall be the direct obligee of any such fidelity bond. A
16 management company holding reserve funds of an association
17 shall at all times maintain a separate account for each
18 association, provided, however, that for investment
19 purposes, the Board of Managers of an association may
20 authorize a management company to maintain the
21 association's reserve funds in a single interest bearing
22 account with similar funds of other associations. The
23 management company shall at all times maintain records
24 identifying all moneys of each association in such
25 investment account. The management company may hold all
26 operating funds of associations which it manages in a

1 single operating account but shall at all times maintain
2 records identifying all moneys of each association in such
3 operating account. Such operating and reserve funds held
4 by the management company for the association shall not be
5 subject to attachment by any creditor of the management
6 company.

7 For the purpose of this subsection, a management
8 company shall be defined as a person, partnership,
9 corporation, or other legal entity entitled to transact
10 business on behalf of others, acting on behalf of or as an
11 agent for a unit owner, unit owners or association of unit
12 owners for the purpose of carrying out the duties,
13 responsibilities, and other obligations necessary for the
14 day to day operation and management of any property
15 subject to this Act. For purposes of this subsection, the
16 term "fiduciary insurance coverage" shall be defined as
17 both a fidelity bond and directors and officers liability
18 coverage, the fidelity bond in the full amount of
19 association funds and association reserves that will be in
20 the custody of the association, and the directors and
21 officers liability coverage at a level as shall be
22 determined to be reasonable by the board of managers, if
23 not otherwise established by the declaration or by laws.

24 Until one year after September 21, 1985 (the effective
25 date of Public Act 84-722), if a condominium association
26 has reserves plus assessments in excess of \$250,000 and

1 cannot reasonably obtain 100% fidelity bond coverage for
2 such amount, then it must obtain a fidelity bond coverage
3 of \$250,000.

4 (h) Method of estimating the amount of the annual
5 budget, and the manner of assessing and collecting from
6 the unit owners their respective shares of such estimated
7 expenses, and of any other expenses lawfully agreed upon.

8 (i) That upon 10 days notice to the manager or board of
9 managers and payment of a reasonable fee, any unit owner
10 shall be furnished a statement of his account setting
11 forth the amount of any unpaid assessments or other
12 charges due and owing from such owner.

13 (j) Designation and removal of personnel necessary for
14 the maintenance, repair and replacement of the common
15 elements.

16 (k) Such restrictions on and requirements respecting
17 the use and maintenance of the units and the use of the
18 common elements, not set forth in the declaration, as are
19 designed to prevent unreasonable interference with the use
20 of their respective units and of the common elements by
21 the several unit owners.

22 (l) Method of adopting and of amending administrative
23 rules and regulations governing the operation and use of
24 the common elements.

25 (m) The percentage of votes required to modify or
26 amend the bylaws, but each one of the particulars set

1 forth in this section shall always be embodied in the
2 bylaws.

3 (n) (i) The provisions of this Act, the declaration,
4 bylaws, other condominium instruments, and rules and
5 regulations that relate to the use of the individual unit
6 or the common elements shall be applicable to any person
7 leasing a unit and shall be deemed to be incorporated in
8 any lease executed or renewed on or after August 30, 1984
9 (the effective date of Public Act 83-1271).

10 (ii) With regard to any lease entered into subsequent
11 to July 1, 1990 (the effective date of Public Act 86-991),
12 the unit owner leasing the unit shall deliver a copy of the
13 signed lease to the board or if the lease is oral, a
14 memorandum of the lease, not later than the date of
15 occupancy or 10 days after the lease is signed, whichever
16 occurs first. In addition to any other remedies, by filing
17 an action jointly against the tenant and the unit owner,
18 an association may seek to enjoin a tenant from occupying
19 a unit or seek to evict a tenant under the provisions of
20 Article IX of the Code of Civil Procedure for failure of
21 the lessor-owner to comply with the leasing requirements
22 prescribed by this Section or by the declaration, bylaws,
23 and rules and regulations. The board of managers may
24 proceed directly against a tenant, at law or in equity, or
25 under the provisions of Article IX of the Code of Civil
26 Procedure, for any other breach by tenant of any

1 covenants, rules, regulations or bylaws.

2 (o) The association shall have no authority to forbear
3 the payment of assessments by any unit owner.

4 (p) That when 30% or fewer of the units, by number,
5 possess over 50% in the aggregate of the votes in the
6 association, any percentage vote of members specified
7 herein or in the condominium instruments shall require the
8 specified percentage by number of units rather than by
9 percentage of interest in the common elements allocated to
10 units that would otherwise be applicable and garage units
11 or storage units, or both, shall have, in total, no more
12 votes than their aggregate percentage of ownership in the
13 common elements; this shall mean that if garage units or
14 storage units, or both, are to be given a vote, or portion
15 of a vote, that the association must add the total number
16 of votes cast of garage units, storage units, or both, and
17 divide the total by the number of garage units, storage
18 units, or both, and multiply by the aggregate percentage
19 of ownership of garage units and storage units to
20 determine the vote, or portion of a vote, that garage
21 units or storage units, or both, have. For purposes of
22 this subsection (p), when making a determination of
23 whether 30% or fewer of the units, by number, possess over
24 50% in the aggregate of the votes in the association, a
25 unit shall not include a garage unit or a storage unit.

26 (q) That a unit owner may not assign, delegate,

1 transfer, surrender, or avoid the duties,
2 responsibilities, and liabilities of a unit owner under
3 this Act, the condominium instruments, or the rules and
4 regulations of the Association; and that such an attempted
5 assignment, delegation, transfer, surrender, or avoidance
6 shall be deemed void.

7 The provisions of this Section are applicable to all
8 condominium instruments recorded under this Act. Any portion
9 of a condominium instrument which contains provisions contrary
10 to these provisions shall be void as against public policy and
11 ineffective. Any such instrument which fails to contain the
12 provisions required by this Section shall be deemed to
13 incorporate such provisions by operation of law.

14 (r) Any provision in the condominium instruments is null
15 and void that requires association or board approval before an
16 unit owner removes Illinois noxious weeds and Illinois exotic
17 weeds as designated by the Department of Natural Resources.

18 (Source: P.A. 102-162, eff. 1-1-22.)

19 (765 ILCS 605/18.4) (from Ch. 30, par. 318.4)

20 Sec. 18.4. Powers and duties of board of managers. The
21 board of managers shall exercise for the association all
22 powers, duties and authority vested in the association by law
23 or the condominium instruments except for such powers, duties
24 and authority reserved by law to the members of the
25 association. The powers and duties of the board of managers

1 shall include, but shall not be limited to, the following:

2 (a) To provide for the operation, care, upkeep,
3 maintenance, replacement and improvement of the common
4 elements. Nothing in this subsection (a) shall be deemed
5 to invalidate any provision in a condominium instrument
6 placing limits on expenditures for the common elements,
7 provided, that such limits shall not be applicable to
8 expenditures for repair, replacement, or restoration of
9 existing portions of the common elements. The term
10 "repair, replacement or restoration" means expenditures to
11 deteriorated or damaged portions of the property related
12 to the existing decorating, facilities, or structural or
13 mechanical components, interior or exterior surfaces, or
14 energy systems and equipment with the functional
15 equivalent of the original portions of such areas.
16 Replacement of the common elements may result in an
17 improvement over the original quality of such elements or
18 facilities; provided that, unless the improvement is
19 mandated by law or is an emergency as defined in item (iv)
20 of subparagraph (8) of paragraph (a) of Section 18, if the
21 improvement results in a proposed expenditure exceeding 5%
22 of the annual budget, the board of managers, upon written
23 petition by unit owners with 20% of the votes of the
24 association delivered to the board within 21 days of the
25 board action to approve the expenditure, shall call a
26 meeting of the unit owners within 30 days of the date of

1 delivery of the petition to consider the expenditure.
2 Unless a majority of the total votes of the unit owners are
3 cast at the meeting to reject the expenditure, it is
4 ratified.

5 (b) To prepare, adopt and distribute the annual budget
6 for the property.

7 (c) To levy and expend assessments.

8 (d) To collect assessments from unit owners.

9 (e) To provide for the employment and dismissal of the
10 personnel necessary or advisable for the maintenance and
11 operation of the common elements.

12 (f) To obtain adequate and appropriate kinds of
13 insurance.

14 (g) To own, convey, encumber, lease, and otherwise
15 deal with units conveyed to or purchased by it.

16 (h) To adopt and amend rules and regulations covering
17 the details of the operation and use of the property,
18 after a meeting of the unit owners called for the specific
19 purpose of discussing the proposed rules and regulations.
20 Notice of the meeting shall contain the full text of the
21 proposed rules and regulations, and the meeting shall
22 conform to the requirements of Section 18(b) of this Act,
23 except that no quorum is required at the meeting of the
24 unit owners unless the declaration, bylaws or other
25 condominium instrument expressly provides to the contrary.
26 However, no rule or regulation may impair any rights

1 guaranteed by the First Amendment to the Constitution of
2 the United States or Section 4 of Article I of the Illinois
3 Constitution including, but not limited to, the free
4 exercise of religion, nor may any rules or regulations
5 conflict with the provisions of this Act or the
6 condominium instruments. No rule or regulation shall
7 prohibit any reasonable accommodation for religious
8 practices, including the attachment of religiously
9 mandated objects to the front-door area of a condominium
10 unit.

11 (i) To keep detailed, accurate records of the receipts
12 and expenditures affecting the use and operation of the
13 property.

14 (j) To have access to each unit from time to time as
15 may be necessary for the maintenance, repair or
16 replacement of any common elements or for making emergency
17 repairs necessary to prevent damage to the common elements
18 or to other units.

19 (k) To pay real property taxes, special assessments,
20 and any other special taxes or charges of the State of
21 Illinois or of any political subdivision thereof, or other
22 lawful taxing or assessing body, which are authorized by
23 law to be assessed and levied upon the real property of the
24 condominium.

25 (l) To impose charges for late payment of a unit
26 owner's proportionate share of the common expenses, or any

1 other expenses lawfully agreed upon, and after notice and
2 an opportunity to be heard, to levy reasonable fines for
3 violation of the declaration, by-laws, and rules and
4 regulations of the association.

5 (m) By a majority vote of the entire board of
6 managers, to assign the right of the association to future
7 income from common expenses or other sources, and to
8 mortgage or pledge substantially all of the remaining
9 assets of the association.

10 (n) To record the dedication of a portion of the
11 common elements to a public body for use as, or in
12 connection with, a street or utility where authorized by
13 the unit owners under the provisions of Section 14.2.

14 (o) To record the granting of an easement for the
15 laying of cable television or high speed Internet cable
16 where authorized by the unit owners under the provisions
17 of Section 14.3; to obtain, if available and determined by
18 the board to be in the best interests of the association,
19 cable television or bulk high speed Internet service for
20 all of the units of the condominium on a bulk identical
21 service and equal cost per unit basis; and to assess and
22 recover the expense as a common expense and, if so
23 determined by the board, to assess each and every unit on
24 the same equal cost per unit basis.

25 (p) To seek relief on behalf of all unit owners when
26 authorized pursuant to subsection (c) of Section 10 from

1 or in connection with the assessment or levying of real
2 property taxes, special assessments, and any other special
3 taxes or charges of the State of Illinois or of any
4 political subdivision thereof or of any lawful taxing or
5 assessing body.

6 (q) To reasonably accommodate the needs of a unit
7 owner who is a person with a disability as required by the
8 federal Civil Rights Act of 1968, the Human Rights Act and
9 any applicable local ordinances in the exercise of its
10 powers with respect to the use of common elements or
11 approval of modifications in an individual unit.

12 (r) To accept service of a notice of claim for
13 purposes of the Mechanics Lien Act on behalf of each
14 respective member of the Unit Owners' Association with
15 respect to improvements performed pursuant to any contract
16 entered into by the Board of Managers or any contract
17 entered into prior to the recording of the condominium
18 declaration pursuant to this Act, for a property
19 containing more than 8 units, and to distribute the notice
20 to the unit owners within 7 days of the acceptance of the
21 service by the Board of Managers. The service shall be
22 effective as if each individual unit owner had been served
23 individually with notice.

24 (s) To adopt and amend rules and regulations (l)
25 authorizing electronic delivery of notices and other
26 communications required or contemplated by this Act to

1 each unit owner who provides the association with written
2 authorization for electronic delivery and an electronic
3 address to which such communications are to be
4 electronically transmitted; and (2) authorizing each unit
5 owner to designate an electronic address or a U.S. Postal
6 Service address, or both, as the unit owner's address on
7 any list of members or unit owners which an association is
8 required to provide upon request pursuant to any provision
9 of this Act or any condominium instrument.

10 (t) A board may not require permission before a unit
11 owner removes Illinois Designated Noxious Weeds and
12 Illinois Designated Exotic Weeds as designated by the
13 Department of Natural Resources.

14 In the performance of their duties, the officers and
15 members of the board, whether appointed by the developer or
16 elected by the unit owners, shall exercise the care required
17 of a fiduciary of the unit owners.

18 The collection of assessments from unit owners by an
19 association, board of managers or their duly authorized agents
20 shall not be considered acts constituting a collection agency
21 for purposes of the Collection Agency Act.

22 The provisions of this Section are applicable to all
23 condominium instruments recorded under this Act. Any portion
24 of a condominium instrument which contains provisions contrary
25 to these provisions shall be void as against public policy and
26 ineffective. Any such instrument that fails to contain the

1 provisions required by this Section shall be deemed to
2 incorporate such provisions by operation of law.

3 (Source: P.A. 99-143, eff. 7-27-15; 99-849, eff. 1-1-17;
4 100-292, eff. 1-1-18.)