



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5449

Introduced 2/13/2026, by Rep. Rita Mayfield

SYNOPSIS AS INTRODUCED:

765 ILCS 160/1-30

765 ILCS 160/1-45

765 ILCS 605/18.4

765 ILCS 605/40 new

from Ch. 30, par. 318.4

Amends the Common Interest Community Association Act and the Condominium Property Act. Requires the board of directors to provide a website that unit owners can access on the Internet that includes information about board and association meetings, agendas, and minutes of the last meeting. Requires that the board must transmit quarterly to the members electronically via email a statement of the association's financial data, to include, but not be limited to, receipts, expenses, invoices, contracts, and obligations. Requires any fee increase of any kind that is more than 10% must be approved by 75% of the unit owners notwithstanding any other provision in this Act or in the association's instruments.

LRB104 18328 JRC 31768 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 Sections 1-30 and 1-45 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) The board must provide a website that unit owners can
22 access on the Internet that includes information about board
23 and association meetings, agendas, and minutes of the last
24 meeting.

25 (m) The board must transmit quarterly to the members
26 electronically via email a statement of the association's

1 financial data, to include, but not be limited to, receipts,
2 expenses, invoices, contracts, and obligations.

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

4 (765 ILCS 160/1-45)

5 Sec. 1-45. Finances.

6 (a) Each member shall receive through a prescribed
7 delivery method, at least 30 days but not more than 60 days
8 prior to the adoption thereof by the board, a copy of the
9 proposed annual budget together with an indication of which
10 portions are intended for reserves, capital expenditures or
11 repairs or payment of real estate taxes.

12 (b) The board shall provide all members with a reasonably
13 detailed summary of the receipts, common expenses, and
14 reserves for the preceding budget year. The board shall (i)
15 make available for review to all members an itemized
16 accounting of the common expenses for the preceding year
17 actually incurred or paid, together with an indication of
18 which portions were for reserves, capital expenditures or
19 repairs or payment of real estate taxes and with a tabulation
20 of the amounts collected pursuant to the budget or assessment,
21 and showing the net excess or deficit of income over
22 expenditures plus reserves or (ii) provide a consolidated
23 annual independent audit report of the financial status of all
24 fund accounts within the association.

25 (c) If an adopted budget or any separate assessment

1 adopted by the board would result in the sum of all regular and
2 separate assessments payable in the current fiscal year
3 exceeding 115% of the sum of all regular and separate
4 assessments payable during the preceding fiscal year, the
5 common interest community association, upon written petition
6 by members with 20% of the votes of the association delivered
7 to the board within 14 days of the board action, shall call a
8 meeting of the members within 30 days of the date of delivery
9 of the petition to consider the budget or separate assessment;
10 unless a majority of the total votes of the members are cast at
11 the meeting to reject the budget or separate assessment, it
12 shall be deemed ratified.

13 (d) If total common expenses exceed the total amount of
14 the approved and adopted budget, the common interest community
15 association shall disclose this variance to all its members
16 and specifically identify the subsequent assessments needed to
17 offset this variance in future budgets.

18 (e) Separate assessments for expenditures relating to
19 emergencies or mandated by law may be adopted by the board
20 without being subject to member approval or the provisions of
21 subsection (c) or (f) of this Section. As used herein,
22 "emergency" means a danger to or a compromise of the
23 structural integrity of the common areas or any of the common
24 facilities of the common interest community. "Emergency" also
25 includes a danger to the life, health or safety of the
26 membership.

1 (f) Assessments for additions and alterations to the
2 common areas or to association-owned property not included in
3 the adopted annual budget, shall be separately assessed and
4 are subject to approval of a simple majority of the total
5 members at a meeting called for that purpose.

6 (g) The board may adopt separate assessments payable over
7 more than one fiscal year. With respect to multi-year
8 assessments not governed by subsections (e) and (f) of this
9 Section, the entire amount of the multi-year assessment shall
10 be deemed considered and authorized in the first fiscal year
11 in which the assessment is approved.

12 (h) The board of a common interest community association
13 shall have the authority to establish and maintain a system of
14 master metering of public utility services to collect payments
15 in conjunction therewith, subject to the requirements of the
16 Tenant Utility Payment Disclosure Act.

17 (i) An association subject to this Act that consists of
18 100 or more units shall use generally accepted accounting
19 principles in fulfilling any accounting obligations under this
20 Act.

21 (j) Notwithstanding any other provision in this Act or in
22 the community's instruments, any fee increase of any kind that
23 is more than 10% must be approved by 75% of the unit owners.

24 (Source: P.A. 100-292, eff. 1-1-18.)

25 Section 10. The Condominium Property Act is amended by

1 changing Section 18.4 and by adding Section 40 as follows:

2 (765 ILCS 605/18.4) (from Ch. 30, par. 318.4)

3 Sec. 18.4. Powers and duties of board of managers. The
4 board of managers shall exercise for the association all
5 powers, duties and authority vested in the association by law
6 or the condominium instruments except for such powers, duties
7 and authority reserved by law to the members of the
8 association. The powers and duties of the board of managers
9 shall include, but shall not be limited to, the following:

10 (a) To provide for the operation, care, upkeep,
11 maintenance, replacement and improvement of the common
12 elements. Nothing in this subsection (a) shall be deemed
13 to invalidate any provision in a condominium instrument
14 placing limits on expenditures for the common elements,
15 provided, that such limits shall not be applicable to
16 expenditures for repair, replacement, or restoration of
17 existing portions of the common elements. The term
18 "repair, replacement or restoration" means expenditures to
19 deteriorated or damaged portions of the property related
20 to the existing decorating, facilities, or structural or
21 mechanical components, interior or exterior surfaces, or
22 energy systems and equipment with the functional
23 equivalent of the original portions of such areas.
24 Replacement of the common elements may result in an
25 improvement over the original quality of such elements or

1 facilities; provided that, unless the improvement is
2 mandated by law or is an emergency as defined in item (iv)
3 of subparagraph (8) of paragraph (a) of Section 18, if the
4 improvement results in a proposed expenditure exceeding 5%
5 of the annual budget, the board of managers, upon written
6 petition by unit owners with 20% of the votes of the
7 association delivered to the board within 21 days of the
8 board action to approve the expenditure, shall call a
9 meeting of the unit owners within 30 days of the date of
10 delivery of the petition to consider the expenditure.
11 Unless a majority of the total votes of the unit owners are
12 cast at the meeting to reject the expenditure, it is
13 ratified.

14 (b) To prepare, adopt and distribute the annual budget
15 for the property.

16 (c) To levy and expend assessments.

17 (d) To collect assessments from unit owners.

18 (e) To provide for the employment and dismissal of the
19 personnel necessary or advisable for the maintenance and
20 operation of the common elements.

21 (f) To obtain adequate and appropriate kinds of
22 insurance.

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

25 (h) To adopt and amend rules and regulations covering
26 the details of the operation and use of the property,

1 after a meeting of the unit owners called for the specific
2 purpose of discussing the proposed rules and regulations.
3 Notice of the meeting shall contain the full text of the
4 proposed rules and regulations, and the meeting shall
5 conform to the requirements of Section 18(b) of this Act,
6 except that no quorum is required at the meeting of the
7 unit owners unless the declaration, bylaws or other
8 condominium instrument expressly provides to the contrary.
9 However, no rule or regulation may impair any rights
10 guaranteed by the First Amendment to the Constitution of
11 the United States or Section 4 of Article I of the Illinois
12 Constitution including, but not limited to, the free
13 exercise of religion, nor may any rules or regulations
14 conflict with the provisions of this Act or the
15 condominium instruments. No rule or regulation shall
16 prohibit any reasonable accommodation for religious
17 practices, including the attachment of religiously
18 mandated objects to the front-door area of a condominium
19 unit.

20 (i) To keep detailed, accurate records of the receipts
21 and expenditures affecting the use and operation of the
22 property.

23 (j) To have access to each unit from time to time as
24 may be necessary for the maintenance, repair or
25 replacement of any common elements or for making emergency
26 repairs necessary to prevent damage to the common elements

1 or to other units.

2 (k) To pay real property taxes, special assessments,
3 and any other special taxes or charges of the State of
4 Illinois or of any political subdivision thereof, or other
5 lawful taxing or assessing body, which are authorized by
6 law to be assessed and levied upon the real property of the
7 condominium.

8 (l) To impose charges for late payment of a unit
9 owner's proportionate share of the common expenses, or any
10 other expenses lawfully agreed upon, and after notice and
11 an opportunity to be heard, to levy reasonable fines for
12 violation of the declaration, by-laws, and rules and
13 regulations of the association.

14 (m) By a majority vote of the entire board of
15 managers, to assign the right of the association to future
16 income from common expenses or other sources, and to
17 mortgage or pledge substantially all of the remaining
18 assets of the association.

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

23 (o) To record the granting of an easement for the
24 laying of cable television or high speed Internet cable
25 where authorized by the unit owners under the provisions
26 of Section 14.3; to obtain, if available and determined by

1 the board to be in the best interests of the association,
2 cable television or bulk high speed Internet service for
3 all of the units of the condominium on a bulk identical
4 service and equal cost per unit basis; and to assess and
5 recover the expense as a common expense and, if so
6 determined by the board, to assess each and every unit on
7 the same equal cost per unit basis.

8 (p) To seek relief on behalf of all unit owners when
9 authorized pursuant to subsection (c) of Section 10 from
10 or in connection with the assessment or levying of real
11 property taxes, special assessments, and any other special
12 taxes or charges of the State of Illinois or of any
13 political subdivision thereof or of any lawful taxing or
14 assessing body.

15 (q) To reasonably accommodate the needs of a unit
16 owner who is a person with a disability as required by the
17 federal Civil Rights Act of 1968, the Human Rights Act and
18 any applicable local ordinances in the exercise of its
19 powers with respect to the use of common elements or
20 approval of modifications in an individual unit.

21 (r) To accept service of a notice of claim for
22 purposes of the Mechanics Lien Act on behalf of each
23 respective member of the Unit Owners' Association with
24 respect to improvements performed pursuant to any contract
25 entered into by the Board of Managers or any contract
26 entered into prior to the recording of the condominium

1 declaration pursuant to this Act, for a property
2 containing more than 8 units, and to distribute the notice
3 to the unit owners within 7 days of the acceptance of the
4 service by the Board of Managers. The service shall be
5 effective as if each individual unit owner had been served
6 individually with notice.

7 (s) To adopt and amend rules and regulations (1)
8 authorizing electronic delivery of notices and other
9 communications required or contemplated by this Act to
10 each unit owner who provides the association with written
11 authorization for electronic delivery and an electronic
12 address to which such communications are to be
13 electronically transmitted; and (2) authorizing each unit
14 owner to designate an electronic address or a U.S. Postal
15 Service address, or both, as the unit owner's address on
16 any list of members or unit owners which an association is
17 required to provide upon request pursuant to any provision
18 of this Act or any condominium instrument.

19 (t) The board must provide a website that unit owners
20 can access on the Internet that includes information about
21 board and association meetings, agendas, and minutes of
22 the last meeting.

23 (u) The board must transmit quarterly to the members
24 electronically via email a statement of the association's
25 financial data, to include, but not be limited to,
26 receipts, expenses, invoices, contracts, and obligations.

1 In the performance of their duties, the officers and
2 members of the board, whether appointed by the developer or
3 elected by the unit owners, shall exercise the care required
4 of a fiduciary of the unit owners.

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

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

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

18 (765 ILCS 605/40 new)

19 Sec. 40. Approval of fees. Notwithstanding any other
20 provision in this Act or in the community's instruments, any
21 fee increase of any kind that is more than 10% must be approved
22 by 75% of the unit owners.