

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) The board must provide a website as soon as practical
22 that unit owners can access on the Internet that includes
23 information about board and association meetings, agendas, and
24 minutes of the last meeting.

25 (m) The board must transmit annually 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 Section 10. The Condominium Property Act is amended by
5 changing Section 18.4 as follows:

6 (765 ILCS 605/18.4) (from Ch. 30, par. 318.4)

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

14 (a) To provide for the operation, care, upkeep,
15 maintenance, replacement and improvement of the common
16 elements. Nothing in this subsection (a) shall be deemed
17 to invalidate any provision in a condominium instrument
18 placing limits on expenditures for the common elements,
19 provided, that such limits shall not be applicable to
20 expenditures for repair, replacement, or restoration of
21 existing portions of the common elements. The term
22 "repair, replacement or restoration" means expenditures to
23 deteriorated or damaged portions of the property related
24 to the existing decorating, facilities, or structural or

1 mechanical components, interior or exterior surfaces, or
2 energy systems and equipment with the functional
3 equivalent of the original portions of such areas.
4 Replacement of the common elements may result in an
5 improvement over the original quality of such elements or
6 facilities; provided that, unless the improvement is
7 mandated by law or is an emergency as defined in item (iv)
8 of subparagraph (8) of paragraph (a) of Section 18, if the
9 improvement results in a proposed expenditure exceeding 5%
10 of the annual budget, the board of managers, upon written
11 petition by unit owners with 20% of the votes of the
12 association delivered to the board within 21 days of the
13 board action to approve the expenditure, shall call a
14 meeting of the unit owners within 30 days of the date of
15 delivery of the petition to consider the expenditure.
16 Unless a majority of the total votes of the unit owners are
17 cast at the meeting to reject the expenditure, it is
18 ratified.

19 (b) To prepare, adopt and distribute the annual budget
20 for the property.

21 (c) To levy and expend assessments.

22 (d) To collect assessments from unit owners.

23 (e) To provide for the employment and dismissal of the
24 personnel necessary or advisable for the maintenance and
25 operation of the common elements.

26 (f) To obtain adequate and appropriate kinds of

1 insurance.

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

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

25 (i) To keep detailed, accurate records of the receipts
26 and expenditures affecting the use and operation of the

1 property.

2 (j) To have access to each unit from time to time as
3 may be necessary for the maintenance, repair or
4 replacement of any common elements or for making emergency
5 repairs necessary to prevent damage to the common elements
6 or to other units.

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

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

19 (m) By a majority vote of the entire board of
20 managers, to assign the right of the association to future
21 income from common expenses or other sources, and to
22 mortgage or pledge substantially all of the remaining
23 assets of the association.

24 (n) To record the dedication of a portion of the
25 common elements to a public body for use as, or in
26 connection with, a street or utility where authorized by

1 the unit owners under the provisions of Section 14.2.

2 (o) To record the granting of an easement for the
3 laying of cable television or high speed Internet cable
4 where authorized by the unit owners under the provisions
5 of Section 14.3; to obtain, if available and determined by
6 the board to be in the best interests of the association,
7 cable television or bulk high speed Internet service for
8 all of the units of the condominium on a bulk identical
9 service and equal cost per unit basis; and to assess and
10 recover the expense as a common expense and, if so
11 determined by the board, to assess each and every unit on
12 the same equal cost per unit basis.

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

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

26 (r) To accept service of a notice of claim for

1 purposes of the Mechanics Lien Act on behalf of each
2 respective member of the Unit Owners' Association with
3 respect to improvements performed pursuant to any contract
4 entered into by the Board of Managers or any contract
5 entered into prior to the recording of the condominium
6 declaration pursuant to this Act, for a property
7 containing more than 8 units, and to distribute the notice
8 to the unit owners within 7 days of the acceptance of the
9 service by the Board of Managers. The service shall be
10 effective as if each individual unit owner had been served
11 individually with notice.

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

24 (t) The board must provide a website as soon as
25 practicable that unit owners can access on the Internet
26 that includes information about board and association

1 meetings, agendas, and minutes of the last meeting.

2 (u) The board must transmit annually to the members
3 electronically via email a statement of the association's
4 financial data, to include, but not be limited to,
5 receipts, expenses, invoices, contracts, and obligations.

6 In the performance of their duties, the officers and
7 members of the board, whether appointed by the developer or
8 elected by the unit owners, shall exercise the care required
9 of a fiduciary of the unit owners.

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

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

21 (Source: P.A. 99-143, eff. 7-27-15; 99-849, eff. 1-1-17;
22 100-292, eff. 1-1-18.)