



Rep. Rita Mayfield

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10400HB5449ham002

LRB104 18328 JRC 36908 a

1 AMENDMENT TO HOUSE BILL 5449

2 AMENDMENT NO. _____. Amend House Bill 5449 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 1-30 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

1 the membership, for an election to approve or disapprove the
2 contract; such petition shall be filed within 20 days after
3 such notice and such election shall be held within 30 days
4 after filing the petition. For purposes of this subsection, a
5 board member's immediate family means the board member's
6 spouse, parents, siblings, and children.

7 (c) The bylaws or operating agreement shall provide for
8 the maintenance, repair, and replacement of the common areas
9 and payments therefor, including the method of approving
10 payment vouchers.

11 (d) (Blank).

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

14 (f) The association shall have one class of membership
15 unless the declaration, bylaws, or operating agreement provide
16 otherwise; however, this subsection (f) shall not be construed
17 to limit the operation of subsection (c) of Section 1-20 of
18 this Act.

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

24 (h) Other than attorney's fees and court or arbitration
25 costs, no fees pertaining to the collection of a member's or
26 unit owner's financial obligation to the association,

1 including fees charged by a manager or managing agent, shall
2 be added to and deemed a part of a member's or unit owner's
3 respective share of the common expenses unless: (i) the
4 managing agent fees relate to the costs to collect common
5 expenses for the association; (ii) the fees are set forth in a
6 contract between the managing agent and the association; and
7 (iii) the authority to add the management fees to a member's or
8 unit owner's respective share of the common expenses is
9 specifically stated in the declaration, bylaws, or operating
10 agreement of the association.

11 (i) Board records.

12 (1) The board shall maintain the following records of
13 the association and make them available for examination
14 and copying at convenient hours of weekdays by any member
15 or unit owner in a common interest community subject to
16 the authority of the board, their mortgagees, and their
17 duly authorized agents or attorneys:

18 (i) Copies of the recorded declaration, other
19 community instruments, other duly recorded covenants
20 and bylaws and any amendments, articles of
21 incorporation, articles of organization, annual
22 reports, and any rules and regulations adopted by the
23 board shall be available. Prior to the organization of
24 the board, the developer shall maintain and make
25 available the records set forth in this paragraph (i)
26 for examination and copying.

1 (ii) Detailed and accurate records in
2 chronological order of the receipts and expenditures
3 affecting the common areas, specifying and itemizing
4 the maintenance and repair expenses of the common
5 areas and any other expenses incurred, and copies of
6 all contracts, leases, or other agreements entered
7 into by the board shall be maintained.

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

10 (iv) With a written statement of a proper purpose,
11 ballots and proxies related thereto, if any, for any
12 election held for the board and for any other matters
13 voted on by the members, which shall be maintained for
14 not less than one year.

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

20 (vi) With respect to units owned by a land trust, a
21 living trust, or other legal entity, the trustee,
22 officer, or manager of the entity may designate, in
23 writing, a person to cast votes on behalf of the member
24 or unit owner and a designation shall remain in effect
25 until a subsequent document is filed with the
26 association.

1 (vii) Any reserve study.

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

6 (3) A reasonable fee may be charged by the board for
7 the cost of retrieving and copying records properly
8 requested.

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

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

21 (k) The board may contract with the highway commissioner
22 of a road district in which the association is located, if the
23 association comprises 50% of the population or greater of the
24 township or road district, to furnish materials related to the
25 maintenance or repair of roads. Any such purchases shall be
26 included in the board's finance report as outlined in Section

1 1-45.

2 (l) The board must provide a website as soon as practical
3 that unit owners can access on the Internet that includes
4 information about board and association meetings, agendas, and
5 minutes of the last meeting.

6 (m) The board must transmit annually to the members
7 electronically via email a statement of the association's
8 financial data, to include, but not be limited to, receipts,
9 expenses, invoices, contracts, and obligations.

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

11 Section 10. The Condominium Property Act is amended by
12 changing Section 18.4 as follows:

13 (765 ILCS 605/18.4) (from Ch. 30, par. 318.4)

14 Sec. 18.4. Powers and duties of board of managers. The
15 board of managers shall exercise for the association all
16 powers, duties and authority vested in the association by law
17 or the condominium instruments except for such powers, duties
18 and authority reserved by law to the members of the
19 association. The powers and duties of the board of managers
20 shall include, but shall not be limited to, the following:

21 (a) To provide for the operation, care, upkeep,
22 maintenance, replacement and improvement of the common
23 elements. Nothing in this subsection (a) shall be deemed
24 to invalidate any provision in a condominium instrument

1 placing limits on expenditures for the common elements,
2 provided, that such limits shall not be applicable to
3 expenditures for repair, replacement, or restoration of
4 existing portions of the common elements. The term
5 "repair, replacement or restoration" means expenditures to
6 deteriorated or damaged portions of the property related
7 to the existing decorating, facilities, or structural or
8 mechanical components, interior or exterior surfaces, or
9 energy systems and equipment with the functional
10 equivalent of the original portions of such areas.
11 Replacement of the common elements may result in an
12 improvement over the original quality of such elements or
13 facilities; provided that, unless the improvement is
14 mandated by law or is an emergency as defined in item (iv)
15 of subparagraph (8) of paragraph (a) of Section 18, if the
16 improvement results in a proposed expenditure exceeding 5%
17 of the annual budget, the board of managers, upon written
18 petition by unit owners with 20% of the votes of the
19 association delivered to the board within 21 days of the
20 board action to approve the expenditure, shall call a
21 meeting of the unit owners within 30 days of the date of
22 delivery of the petition to consider the expenditure.
23 Unless a majority of the total votes of the unit owners are
24 cast at the meeting to reject the expenditure, it is
25 ratified.

26 (b) To prepare, adopt and distribute the annual budget

1 for the property.

2 (c) To levy and expend assessments.

3 (d) To collect assessments from unit owners.

4 (e) To provide for the employment and dismissal of the
5 personnel necessary or advisable for the maintenance and
6 operation of the common elements.

7 (f) To obtain adequate and appropriate kinds of
8 insurance.

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

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

1 condominium instruments. No rule or regulation shall
2 prohibit any reasonable accommodation for religious
3 practices, including the attachment of religiously
4 mandated objects to the front-door area of a condominium
5 unit.

6 (i) To keep detailed, accurate records of the receipts
7 and expenditures affecting the use and operation of the
8 property.

9 (j) To have access to each unit from time to time as
10 may be necessary for the maintenance, repair or
11 replacement of any common elements or for making emergency
12 repairs necessary to prevent damage to the common elements
13 or to other units.

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

20 (l) To impose charges for late payment of a unit
21 owner's proportionate share of the common expenses, or any
22 other expenses lawfully agreed upon, and after notice and
23 an opportunity to be heard, to levy reasonable fines for
24 violation of the declaration, by-laws, and rules and
25 regulations of the association.

26 (m) By a majority vote of the entire board of

1 managers, to assign the right of the association to future
2 income from common expenses or other sources, and to
3 mortgage or pledge substantially all of the remaining
4 assets of the association.

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

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

20 (p) To seek relief on behalf of all unit owners when
21 authorized pursuant to subsection (c) of Section 10 from
22 or in connection with the assessment or levying of real
23 property taxes, special assessments, and any other special
24 taxes or charges of the State of Illinois or of any
25 political subdivision thereof or of any lawful taxing or
26 assessing body.

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

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

19 (s) To adopt and amend rules and regulations (1)
20 authorizing electronic delivery of notices and other
21 communications required or contemplated by this Act to
22 each unit owner who provides the association with written
23 authorization for electronic delivery and an electronic
24 address to which such communications are to be
25 electronically transmitted; and (2) authorizing each unit
26 owner to designate an electronic address or a U.S. Postal

1 Service address, or both, as the unit owner's address on
2 any list of members or unit owners which an association is
3 required to provide upon request pursuant to any provision
4 of this Act or any condominium instrument.

5 (t) The board must provide a website as soon as
6 practicable that unit owners can access on the Internet
7 that includes information about board and association
8 meetings, agendas, and minutes of the last meeting.

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

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

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

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

1 incorporate such provisions by operation of law.
2 (Source: P.A. 99-143, eff. 7-27-15; 99-849, eff. 1-1-17;
3 100-292, eff. 1-1-18.)".