



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4744

Introduced 2/18/2020, by Rep. Deanne M. Mazzochi

SYNOPSIS AS INTRODUCED:

765 ILCS 160/1-30

Amends the Common Interest Community Association Act. Provides that if the board of managers provides proper notice and an opportunity to be heard for 4 consecutive quarters to a unit owner for a violation of the declaration, bylaws, operating agreement, or rules and regulations of the common interest community association, and the unit owner has still failed to remedy the violation, the board may make its own arrangements for the violation to be remedied and add the cost of the remedy to the fines charged to the unit owner for the violation.

LRB101 17941 LNS 67377 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 is
5 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 the

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

4 (d) (Blank).

5 (e) The association may engage the services of a manager or
6 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. If the board provides
17 proper notice and an opportunity to be heard for 4 consecutive
18 quarters and the unit owner has still failed to remedy the
19 violation, the board may make its own arrangements for the
20 violation to be remedied and add the cost of the remedy to the
21 fines.

22 (h) Other than attorney's fees and court or arbitration
23 costs, no fees pertaining to the collection of a member's or
24 unit owner's financial obligation to the association,
25 including fees charged by a manager or managing agent, shall be
26 added to and deemed a part of a member's or unit owner's

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

9 (i) Board records.

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

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

25 (ii) Detailed and accurate records in
26 chronological order of the receipts and expenditures

1 affecting the common areas, specifying and itemizing
2 the maintenance and repair expenses of the common areas
3 and any other expenses incurred, and copies of all
4 contracts, leases, or other agreements entered into by
5 the board shall be maintained.

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

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

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

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

25 (2) Where a request for records under this subsection
26 is made in writing to the board or its agent, failure to

1 provide the requested record or to respond within 30 days
2 shall be deemed a denial by the board.

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

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

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

18 (Source: P.A. 98-232, eff. 1-1-14; 98-241, eff. 8-9-13; 98-756,
19 eff. 7-16-14; 99-41, eff. 7-14-15.)