

# SB3435



## 101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3435

Introduced 2/14/2020, by Sen. Laura M. Murphy

### SYNOPSIS AS INTRODUCED:

765 ILCS 605/18

from Ch. 30, par. 318

Amends the Condominium Property Act. Provides that the bylaws shall provide that unit owners selected to the board of managers shall reside on the property.

LRB101 20086 LNS 69619 b

A BILL FOR

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 Condominium Property Act is amended by  
5 changing Section 18 as follows:

6 (765 ILCS 605/18) (from Ch. 30, par. 318)

7 Sec. 18. Contents of bylaws. The bylaws shall provide for  
8 at least the following:

9 (a) (1) The election from among the unit owners of a  
10 board of managers, a requirement that unit owners selected  
11 to the board of managers shall reside on the property, the  
12 number of persons constituting such board, and that the  
13 terms of at least one-third of the members of the board  
14 shall expire annually and that all members of the board  
15 shall be elected at large; if there are multiple owners of  
16 a single unit, only one of the multiple owners shall be  
17 eligible to serve as a member of the board at any one time;

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

19 (3) the compensation, if any, of the members of the  
20 board;

21 (4) the method of removal from office of members of the  
22 board;

23 (5) that the board may engage the services of a manager

1 or managing agent;

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

8 (7) that the board of managers shall annually supply to  
9 all unit owners an itemized accounting of the common  
10 expenses for the preceding year actually incurred or paid,  
11 together with an indication of which portions were for  
12 reserves, capital expenditures or repairs or payment of  
13 real estate taxes and with a tabulation of the amounts  
14 collected pursuant to the budget or assessment, and showing  
15 the net excess or deficit of income over expenditures plus  
16 reserves;

17 (8) (i) that each unit owner shall receive notice, in  
18 the same manner as is provided in this Act for membership  
19 meetings, of any meeting of the board of managers  
20 concerning the adoption of the proposed annual budget and  
21 regular assessments pursuant thereto or to adopt a separate  
22 (special) assessment, (ii) that except as provided in  
23 subsection (iv) below, if an adopted budget or any separate  
24 assessment adopted by the board would result in the sum of  
25 all regular and separate assessments payable in the current  
26 fiscal year exceeding 115% of the sum of all regular and

1 separate assessments payable during the preceding fiscal  
2 year, the board of managers, upon written petition by unit  
3 owners with 20 percent of the votes of the association  
4 delivered to the board within 21 days of the board action,  
5 shall call a meeting of the unit owners within 30 days of  
6 the date of delivery of the petition to consider the budget  
7 or separate assessment; unless a majority of the total  
8 votes of the unit owners are cast at the meeting to reject  
9 the budget or separate assessment, it is ratified, (iii)  
10 that any common expense not set forth in the budget or any  
11 increase in assessments over the amount adopted in the  
12 budget shall be separately assessed against all unit  
13 owners, (iv) that separate assessments for expenditures  
14 relating to emergencies or mandated by law may be adopted  
15 by the board of managers without being subject to unit  
16 owner approval or the provisions of item (ii) above or item  
17 (v) below. As used herein, "emergency" means an immediate  
18 danger to the structural integrity of the common elements  
19 or to the life, health, safety or property of the unit  
20 owners, (v) that assessments for additions and alterations  
21 to the common elements or to association-owned property not  
22 included in the adopted annual budget, shall be separately  
23 assessed and are subject to approval of two-thirds of the  
24 total votes of all unit owners, (vi) that the board of  
25 managers may adopt separate assessments payable over more  
26 than one fiscal year. With respect to multi-year

1 assessments not governed by items (iv) and (v), the entire  
2 amount of the multi-year assessment shall be deemed  
3 considered and authorized in the first fiscal year in which  
4 the assessment is approved;

5 (9) (A) that every meeting of the board of managers  
6 shall be open to any unit owner, except that the board may  
7 close any portion of a noticed meeting or meet separately  
8 from a noticed meeting to: (i) discuss litigation when an  
9 action against or on behalf of the particular association  
10 has been filed and is pending in a court or administrative  
11 tribunal, or when the board of managers finds that such an  
12 action is probable or imminent, (ii) discuss the  
13 appointment, employment, engagement, or dismissal of an  
14 employee, independent contractor, agent, or other provider  
15 of goods and services, (iii) interview a potential  
16 employee, independent contractor, agent, or other provider  
17 of goods and services, (iv) discuss violations of rules and  
18 regulations of the association, (v) discuss a unit owner's  
19 unpaid share of common expenses, or (vi) consult with the  
20 association's legal counsel; that any vote on these matters  
21 shall take place at a meeting of the board of managers or  
22 portion thereof open to any unit owner;

23 (B) that board members may participate in and act at  
24 any meeting of the board of managers in person, by  
25 telephonic means, or by use of any acceptable technological  
26 means whereby all persons participating in the meeting can

1           communicate with each other; that participation  
2           constitutes attendance and presence in person at the  
3           meeting;

4           (C) that any unit owner may record the proceedings at  
5           meetings of the board of managers or portions thereof  
6           required to be open by this Act by tape, film or other  
7           means, and that the board may prescribe reasonable rules  
8           and regulations to govern the right to make such  
9           recordings;

10          (D) that notice of every meeting of the board of  
11          managers shall be given to every board member at least 48  
12          hours prior thereto, unless the board member waives notice  
13          of the meeting pursuant to subsection (a) of Section 18.8;  
14          and

15          (E) that notice of every meeting of the board of  
16          managers shall be posted in entranceways, elevators, or  
17          other conspicuous places in the condominium at least 48  
18          hours prior to the meeting of the board of managers except  
19          where there is no common entranceway for 7 or more units,  
20          the board of managers may designate one or more locations  
21          in the proximity of these units where the notices of  
22          meetings shall be posted; that notice of every meeting of  
23          the board of managers shall also be given at least 48 hours  
24          prior to the meeting, or such longer notice as this Act may  
25          separately require, to: (i) each unit owner who has  
26          provided the association with written authorization to

1           conduct business by acceptable technological means, and  
2           (ii) to the extent that the condominium instruments of an  
3           association require, to each other unit owner, as required  
4           by subsection (f) of Section 18.8, by mail or delivery, and  
5           that no other notice of a meeting of the board of managers  
6           need be given to any unit owner;

7           (10) that the board shall meet at least 4 times  
8           annually;

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

12          (12) the designation of an officer to mail and receive  
13          all notices and execute amendments to condominium  
14          instruments as provided for in this Act and in the  
15          condominium instruments;

16          (13) the method of filling vacancies on the board which  
17          shall include authority for the remaining members of the  
18          board to fill the vacancy by two-thirds vote until the next  
19          annual meeting of unit owners or for a period terminating  
20          no later than 30 days following the filing of a petition  
21          signed by unit owners holding 20% of the votes of the  
22          association requesting a meeting of the unit owners to fill  
23          the vacancy for the balance of the term, and that a meeting  
24          of the unit owners shall be called for purposes of filling  
25          a vacancy on the board no later than 30 days following the  
26          filing of a petition signed by unit owners holding 20% of

1 the votes of the association requesting such a meeting, and  
2 the method of filling vacancies among the officers that  
3 shall include the authority for the members of the board to  
4 fill the vacancy for the unexpired portion of the term;

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

7 (15) provisions concerning notice of board meetings to  
8 members of the board;

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

23 (17) that the board of managers may disseminate to unit  
24 owners biographical and background information about  
25 candidates for election to the board if (i) reasonable  
26 efforts to identify all candidates are made and all



1 candidates are given an opportunity to include  
2 biographical and background information in the information  
3 to be disseminated; and (ii) the board does not express a  
4 preference in favor of any candidate;

5 (18) any proxy distributed for board elections by the  
6 board of managers gives unit owners the opportunity to  
7 designate any person as the proxy holder, and gives the  
8 unit owner the opportunity to express a preference for any  
9 of the known candidates for the board or to write in a  
10 name;

11 (19) that special meetings of the board of managers can  
12 be called by the president or 25% of the members of the  
13 board;

14 (20) that the board of managers may establish and  
15 maintain a system of master metering of public utility  
16 services and collect payments in connection therewith,  
17 subject to the requirements of the Tenant Utility Payment  
18 Disclosure Act; and

19 (21) that the board may ratify and confirm actions of  
20 the members of the board taken in response to an emergency,  
21 as that term is defined in subdivision (a)(8)(iv) of this  
22 Section; that the board shall give notice to the unit  
23 owners of: (i) the occurrence of the emergency event within  
24 7 business days after the emergency event, and (ii) the  
25 general description of the actions taken to address the  
26 event within 7 days after the emergency event.

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

4           (b) (1) What percentage of the unit owners, if other  
5 than 20%, shall constitute a quorum provided that, for  
6 condominiums with 20 or more units, the percentage of unit  
7 owners constituting a quorum shall be 20% unless the unit  
8 owners holding a majority of the percentage interest in the  
9 association provide for a higher percentage, provided that  
10 in voting on amendments to the association's bylaws, a unit  
11 owner who is in arrears on the unit owner's regular or  
12 separate assessments for 60 days or more, shall not be  
13 counted for purposes of determining if a quorum is present,  
14 but that unit owner retains the right to vote on amendments  
15 to the association's bylaws;

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

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

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

22           (5) that special meetings of the members can be called  
23 by the president, board of managers, or by 20% of unit  
24 owners;

25           (6) that written notice of any membership meeting shall  
26 be mailed or delivered giving members no less than 10 and

1 no more than 30 days notice of the time, place and purpose  
2 of such meeting except that notice may be sent, to the  
3 extent the condominium instruments or rules adopted  
4 thereunder expressly so provide, by electronic  
5 transmission consented to by the unit owner to whom the  
6 notice is given, provided the director and officer or his  
7 agent certifies in writing to the delivery by electronic  
8 transmission;

9 (7) that voting shall be on a percentage basis, and  
10 that the percentage vote to which each unit is entitled is  
11 the percentage interest of the undivided ownership of the  
12 common elements appurtenant thereto, provided that the  
13 bylaws may provide for approval by unit owners in  
14 connection with matters where the requisite approval on a  
15 percentage basis is not specified in this Act, on the basis  
16 of one vote per unit;

17 (8) that, where there is more than one owner of a unit,  
18 if only one of the multiple owners is present at a meeting  
19 of the association, he is entitled to cast all the votes  
20 allocated to that unit, if more than one of the multiple  
21 owners are present, the votes allocated to that unit may be  
22 cast only in accordance with the agreement of a majority in  
23 interest of the multiple owners, unless the declaration  
24 expressly provides otherwise, that there is majority  
25 agreement if any one of the multiple owners cast the votes  
26 allocated to that unit without protest being made promptly

1 to the person presiding over the meeting by any of the  
2 other owners of the unit;

3 (9) (A) except as provided in subparagraph (B) of this  
4 paragraph (9) in connection with board elections, that a  
5 unit owner may vote by proxy executed in writing by the  
6 unit owner or by his duly authorized attorney in fact; that  
7 the proxy must bear the date of execution and, unless the  
8 condominium instruments or the written proxy itself  
9 provide otherwise, is invalid after 11 months from the date  
10 of its execution; to the extent the condominium instruments  
11 or rules adopted thereunder expressly so provide, a vote or  
12 proxy may be submitted by electronic transmission,  
13 provided that any such electronic transmission shall  
14 either set forth or be submitted with information from  
15 which it can be determined that the electronic transmission  
16 was authorized by the unit owner or the unit owner's proxy;

17 (B) that if a rule adopted at least 120 days before a  
18 board election or the declaration or bylaws provide for  
19 balloting as set forth in this subsection, unit owners may  
20 not vote by proxy in board elections, but may vote only (i)  
21 by submitting an association-issued ballot in person at the  
22 election meeting or (ii) by submitting an  
23 association-issued ballot to the association or its  
24 designated agent by mail or other means of delivery  
25 specified in the declaration, bylaws, or rule; that the  
26 ballots shall be mailed or otherwise distributed to unit

1 owners not less than 10 and not more than 30 days before  
2 the election meeting, and the board shall give unit owners  
3 not less than 21 days' prior written notice of the deadline  
4 for inclusion of a candidate's name on the ballots; that  
5 the deadline shall be no more than 7 days before the  
6 ballots are mailed or otherwise distributed to unit owners;  
7 that every such ballot must include the names of all  
8 candidates who have given the board or its authorized agent  
9 timely written notice of their candidacy and must give the  
10 person casting the ballot the opportunity to cast votes for  
11 candidates whose names do not appear on the ballot; that a  
12 ballot received by the association or its designated agent  
13 after the close of voting shall not be counted; that a unit  
14 owner who submits a ballot by mail or other means of  
15 delivery specified in the declaration, bylaws, or rule may  
16 request and cast a ballot in person at the election  
17 meeting, and thereby void any ballot previously submitted  
18 by that unit owner;

19 (B-5) that if a rule adopted at least 120 days before a  
20 board election or the declaration or bylaws provide for  
21 balloting as set forth in this subparagraph, unit owners  
22 may not vote by proxy in board elections, but may vote only  
23 (i) by submitting an association-issued ballot in person at  
24 the election meeting; or (ii) by any acceptable  
25 technological means as defined in Section 2 of this Act;  
26 instructions regarding the use of electronic means for

1 voting shall be distributed to all unit owners not less  
2 than 10 and not more than 30 days before the election  
3 meeting, and the board shall give unit owners not less than  
4 21 days' prior written notice of the deadline for inclusion  
5 of a candidate's name on the ballots; the deadline shall be  
6 no more than 7 days before the instructions for voting  
7 using electronic or acceptable technological means is  
8 distributed to unit owners; every instruction notice must  
9 include the names of all candidates who have given the  
10 board or its authorized agent timely written notice of  
11 their candidacy and must give the person voting through  
12 electronic or acceptable technological means the  
13 opportunity to cast votes for candidates whose names do not  
14 appear on the ballot; a unit owner who submits a vote using  
15 electronic or acceptable technological means may request  
16 and cast a ballot in person at the election meeting,  
17 thereby voiding any vote previously submitted by that unit  
18 owner;

19 (C) that if a written petition by unit owners with at  
20 least 20% of the votes of the association is delivered to  
21 the board within 30 days after the board's approval of a  
22 rule adopted pursuant to subparagraph (B) or subparagraph  
23 (B-5) of this paragraph (9), the board shall call a meeting  
24 of the unit owners within 30 days after the date of  
25 delivery of the petition; that unless a majority of the  
26 total votes of the unit owners are cast at the meeting to

1 reject the rule, the rule is ratified;

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

6 (10) that the association may, upon adoption of the  
7 appropriate rules by the board of managers, conduct  
8 elections by secret ballot whereby the voting ballot is  
9 marked only with the percentage interest for the unit and  
10 the vote itself, provided that the board further adopt  
11 rules to verify the status of the unit owner issuing a  
12 proxy or casting a ballot; and further, that a candidate  
13 for election to the board of managers or such candidate's  
14 representative shall have the right to be present at the  
15 counting of ballots at such election;

16 (11) that in the event of a resale of a condominium  
17 unit the purchaser of a unit from a seller other than the  
18 developer pursuant to an installment sales contract for  
19 purchase shall during such times as he or she resides in  
20 the unit be counted toward a quorum for purposes of  
21 election of members of the board of managers at any meeting  
22 of the unit owners called for purposes of electing members  
23 of the board, shall have the right to vote for the election  
24 of members of the board of managers and to be elected to  
25 and serve on the board of managers unless the seller  
26 expressly retains in writing any or all of such rights. In

1 no event may the seller and purchaser both be counted  
2 toward a quorum, be permitted to vote for a particular  
3 office or be elected and serve on the board. Satisfactory  
4 evidence of the installment sales contract shall be made  
5 available to the association or its agents. For purposes of  
6 this subsection, "installment sales contract" shall have  
7 the same meaning as set forth in Section 5 of the  
8 Installment Sales Contract Act and Section 1(e) of the  
9 Dwelling Unit Installment Contract Act;

10 (12) the method by which matters subject to the  
11 approval of unit owners set forth in this Act, or in the  
12 condominium instruments, will be submitted to the unit  
13 owners at special membership meetings called for such  
14 purposes; and

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

19 (i) merger or consolidation of the association;

20 (ii) sale, lease, exchange, or other disposition  
21 (excluding the mortgage or pledge) of all, or  
22 substantially all of the property and assets of the  
23 association; and

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

26 (c) Election of a president from among the board of



1 managers, who shall preside over the meetings of the board  
2 of managers and of the unit owners.

3 (d) Election of a secretary from among the board of  
4 managers, who shall keep the minutes of all meetings of the  
5 board of managers and of the unit owners and who shall, in  
6 general, perform all the duties incident to the office of  
7 secretary.

8 (e) Election of a treasurer from among the board of  
9 managers, who shall keep the financial records and books of  
10 account.

11 (f) Maintenance, repair and replacement of the common  
12 elements and payments therefor, including the method of  
13 approving payment vouchers.

14 (g) An association with 30 or more units shall obtain  
15 and maintain fidelity insurance covering persons who  
16 control or disburse funds of the association for the  
17 maximum amount of coverage available to protect funds in  
18 the custody or control of the association plus the  
19 association reserve fund. All management companies which  
20 are responsible for the funds held or administered by the  
21 association shall maintain and furnish to the association a  
22 fidelity bond for the maximum amount of coverage available  
23 to protect funds in the custody of the management company  
24 at any time. The association shall bear the cost of the  
25 fidelity insurance and fidelity bond, unless otherwise  
26 provided by contract between the association and a

1 management company. The association shall be the direct  
2 obligee of any such fidelity bond. A management company  
3 holding reserve funds of an association shall at all times  
4 maintain a separate account for each association,  
5 provided, however, that for investment purposes, the Board  
6 of Managers of an association may authorize a management  
7 company to maintain the association's reserve funds in a  
8 single interest bearing account with similar funds of other  
9 associations. The management company shall at all times  
10 maintain records identifying all moneys of each  
11 association in such investment account. The management  
12 company may hold all operating funds of associations which  
13 it manages in a single operating account but shall at all  
14 times maintain records identifying all moneys of each  
15 association in such operating account. Such operating and  
16 reserve funds held by the management company for the  
17 association shall not be subject to attachment by any  
18 creditor of the management company.

19 For the purpose of this subsection, a management  
20 company shall be defined as a person, partnership,  
21 corporation, or other legal entity entitled to transact  
22 business on behalf of others, acting on behalf of or as an  
23 agent for a unit owner, unit owners or association of unit  
24 owners for the purpose of carrying out the duties,  
25 responsibilities, and other obligations necessary for the  
26 day to day operation and management of any property subject

1 to this Act. For purposes of this subsection, the term  
2 "fiduciary insurance coverage" shall be defined as both a  
3 fidelity bond and directors and officers liability  
4 coverage, the fidelity bond in the full amount of  
5 association funds and association reserves that will be in  
6 the custody of the association, and the directors and  
7 officers liability coverage at a level as shall be  
8 determined to be reasonable by the board of managers, if  
9 not otherwise established by the declaration or by laws.

10 Until one year after September 21, 1985 (the effective  
11 date of Public Act 84-722), if a condominium association  
12 has reserves plus assessments in excess of \$250,000 and  
13 cannot reasonably obtain 100% fidelity bond coverage for  
14 such amount, then it must obtain a fidelity bond coverage  
15 of \$250,000.

16 (h) Method of estimating the amount of the annual  
17 budget, and the manner of assessing and collecting from the  
18 unit owners their respective shares of such estimated  
19 expenses, and of any other expenses lawfully agreed upon.

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

25 (j) Designation and removal of personnel necessary for  
26 the maintenance, repair and replacement of the common

1 elements.

2 (k) Such restrictions on and requirements respecting  
3 the use and maintenance of the units and the use of the  
4 common elements, not set forth in the declaration, as are  
5 designed to prevent unreasonable interference with the use  
6 of their respective units and of the common elements by the  
7 several unit owners.

8 (l) Method of adopting and of amending administrative  
9 rules and regulations governing the operation and use of  
10 the common elements.

11 (m) The percentage of votes required to modify or amend  
12 the bylaws, but each one of the particulars set forth in  
13 this section shall always be embodied in the bylaws.

14 (n) (i) The provisions of this Act, the declaration,  
15 bylaws, other condominium instruments, and rules and  
16 regulations that relate to the use of the individual unit  
17 or the common elements shall be applicable to any person  
18 leasing a unit and shall be deemed to be incorporated in  
19 any lease executed or renewed on or after August 30, 1984  
20 (the effective date of Public Act 83-1271).

21 (ii) With regard to any lease entered into subsequent  
22 to July 1, 1990 (the effective date of Public Act 86-991),  
23 the unit owner leasing the unit shall deliver a copy of the  
24 signed lease to the board or if the lease is oral, a  
25 memorandum of the lease, not later than the date of  
26 occupancy or 10 days after the lease is signed, whichever

1 occurs first. In addition to any other remedies, by filing  
2 an action jointly against the tenant and the unit owner, an  
3 association may seek to enjoin a tenant from occupying a  
4 unit or seek to evict a tenant under the provisions of  
5 Article IX of the Code of Civil Procedure for failure of  
6 the lessor-owner to comply with the leasing requirements  
7 prescribed by this Section or by the declaration, bylaws,  
8 and rules and regulations. The board of managers may  
9 proceed directly against a tenant, at law or in equity, or  
10 under the provisions of Article IX of the Code of Civil  
11 Procedure, for any other breach by tenant of any covenants,  
12 rules, regulations or bylaws.

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

15 (p) That when 30% or fewer of the units, by number,  
16 possess over 50% in the aggregate of the votes in the  
17 association, any percentage vote of members specified  
18 herein or in the condominium instruments shall require the  
19 specified percentage by number of units rather than by  
20 percentage of interest in the common elements allocated to  
21 units that would otherwise be applicable and garage units  
22 or storage units, or both, shall have, in total, no more  
23 votes than their aggregate percentage of ownership in the  
24 common elements; this shall mean that if garage units or  
25 storage units, or both, are to be given a vote, or portion  
26 of a vote, that the association must add the total number

1 of votes cast of garage units, storage units, or both, and  
2 divide the total by the number of garage units, storage  
3 units, or both, and multiply by the aggregate percentage of  
4 ownership of garage units and storage units to determine  
5 the vote, or portion of a vote, that garage units or  
6 storage units, or both, have. For purposes of this  
7 subsection (p), when making a determination of whether 30%  
8 or fewer of the units, by number, possess over 50% in the  
9 aggregate of the votes in the association, a unit shall not  
10 include a garage unit or a storage unit.

11 (q) That a unit owner may not assign, delegate,  
12 transfer, surrender, or avoid the duties,  
13 responsibilities, and liabilities of a unit owner under  
14 this Act, the condominium instruments, or the rules and  
15 regulations of the Association; and that such an attempted  
16 assignment, delegation, transfer, surrender, or avoidance  
17 shall be deemed void.

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

25 (Source: P.A. 99-472, eff. 6-1-16; 99-567, eff. 1-1-17; 99-642,  
26 eff. 7-28-16; 100-292, eff. 1-1-18; 100-416, eff. 1-1-18;

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