



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

**HB2924**

Introduced 2/19/2021, 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, or for 4 consecutive meetings if the board regularly meets monthly, 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 fails 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.

LRB102 16844 LNS 22250 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 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. If the board has  
17 provided proper notice and an opportunity to be heard for 4  
18 consecutive quarters, or for 4 consecutive meetings if the  
19 board regularly meets monthly, and the unit owner still has  
20 failed to remedy the violation, the board may make its own  
21 arrangements for the violation to be remedied and add the cost  
22 of the remedy to the fines.

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

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

10 (i) Board records.

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

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

26 (ii) Detailed and accurate records in

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

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

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

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

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

26          (2) Where a request for records under this subsection

1 is made in writing to the board or its agent, failure to  
2 provide the requested record or to respond within 30 days  
3 shall be deemed a denial by the board.

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

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

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

19 (Source: P.A. 98-232, eff. 1-1-14; 98-241, eff. 8-9-13;  
20 98-756, eff. 7-16-14; 99-41, eff. 7-14-15.)