



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1562

Introduced 2/8/2023, by Sen. Mary Edly-Allen

SYNOPSIS AS INTRODUCED:

765 ILCS 160/1-15	
765 ILCS 160/1-30	
765 ILCS 605/4.1	from Ch. 30, par. 304.1
765 ILCS 605/18.4	from Ch. 30, par. 318.4
765 ILCS 605/19	from Ch. 30, par. 319

Amends the Common Interest Community Association Act and the Condominium Property Act. Requires the declaration and other community or condominium instruments of a common interest community association or unit owner's association to be filed with the office of the village hall, town hall, or city hall of the village, town, or city in which the association is located and posted on the association's website. Provides that community or condominium instruments are valid upon filing with the appropriate village hall, town hall, or city hall. Requires the initial seller of any property of a common interest community to make full disclosure of, and provide copies to the prospective buyer of, the recorded declaration, other community instruments, other duly recorded covenants and bylaws, and any amendments, articles of incorporation, articles of organization, annual reports, and any rules and regulations adopted by the board. Requires the board to maintain an accurate record of its members and post such records on its website. Makes conforming and other changes.

LRB103 30227 LNS 56655 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 Sections 1-15 and 1-30 as follows:

6 (765 ILCS 160/1-15)

7 Sec. 1-15. Construction, interpretation, and validity of
8 community instruments.

9 (a) Except to the extent otherwise provided by the
10 declaration or other community instruments, the terms defined
11 in Section 1-5 of this Act shall be deemed to have the meaning
12 specified therein unless the context otherwise requires.

13 (b) (Blank).

14 (c) A provision in the declaration limiting ownership,
15 rental, or occupancy of a unit to a person 55 years of age or
16 older shall be valid and deemed not to be in violation of
17 Article 3 of the Illinois Human Rights Act provided that the
18 person or the immediate family of a person owning, renting, or
19 lawfully occupying such unit prior to the recording of the
20 initial declaration shall not be deemed to be in violation of
21 such age restriction so long as they continue to own or reside
22 in such unit.

23 (d) Every common interest community association shall

1 define a member and its relationship to the units or unit
2 owners in its community instruments.

3 (e) The declaration and other community instruments shall
4 be filed with the village hall, town hall, or city hall of the
5 village, town, or city in which the association is located and
6 posted on the website of the association. Any and all
7 amendments of revisions to the declaration and other community
8 instruments shall be fixed and posted within 30 days of being
9 made.

10 (f) Community instruments shall be valid upon filing with
11 the appropriate village hall, town hall, or city hall.

12 (g) In relation to the initial sale or offering for sale of
13 any property, the seller must make full disclosure of, and
14 provide copies to the prospective buyer of, the recorded
15 declaration, other community instruments, other duly recorded
16 covenants and bylaws, and any amendments, articles of
17 incorporation, articles of organization, annual reports, and
18 any rules and regulations adopted by the board.

19 (Source: P.A. 99-472, eff. 6-1-16.)

20 (765 ILCS 160/1-30)

21 Sec. 1-30. Board duties and obligations; records.

22 (a) The board shall meet at least 4 times annually.

23 (b) A common interest community association may not enter
24 into a contract with a current board member, or with a
25 corporation, limited liability company, or partnership in

1 which a board member or a member of his or her immediate family
2 has 25% or more interest, unless notice of intent to enter into
3 the contract is given to members within 20 days after a
4 decision is made to enter into the contract and the members are
5 afforded an opportunity by filing a petition, signed by 20% of
6 the membership, for an election to approve or disapprove the
7 contract; such petition shall be filed within 20 days after
8 such notice and such election shall be held within 30 days
9 after filing the petition. For purposes of this subsection, a
10 board member's immediate family means the board member's
11 spouse, parents, siblings, and children.

12 (c) The bylaws or operating agreement shall provide for
13 the maintenance, repair, and replacement of the common areas
14 and payments therefor, including the method of approving
15 payment vouchers.

16 (d) (Blank).

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

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

24 (g) The board shall have the power, after notice and an
25 opportunity to be heard, to levy and collect reasonable fines
26 from members or unit owners for violations of the declaration,

1 bylaws, operating agreement, and rules and regulations of the
2 common interest community association.

3 (h) Other than attorney's fees and court or arbitration
4 costs, no fees pertaining to the collection of a member's or
5 unit owner's financial obligation to the association,
6 including fees charged by a manager or managing agent, shall
7 be added to and deemed a part of a member's or unit owner's
8 respective share of the common expenses unless: (i) the
9 managing agent fees relate to the costs to collect common
10 expenses for the association; (ii) the fees are set forth in a
11 contract between the managing agent and the association; and
12 (iii) the authority to add the management fees to a member's or
13 unit owner's respective share of the common expenses is
14 specifically stated in the declaration, bylaws, or operating
15 agreement of the association.

16 (i) Board records.

17 (1) The board shall maintain, file with the village
18 hall, town hall, or city hall of the village, town, or city
19 in which the association is located, and post on the
20 association's website the following records, including any
21 amendments or revisions, of the association and make them
22 available for examination and copying at convenient hours
23 of weekdays by any member or unit owner in a common
24 interest community subject to the authority of the board,
25 their mortgagees, and their duly authorized agents or
26 attorneys:

1 (i) Copies of the recorded declaration, other
2 community instruments, other duly recorded covenants
3 and bylaws and any amendments, articles of
4 incorporation, articles of organization, annual
5 reports, and any rules and regulations adopted by the
6 board shall be available. Prior to the organization of
7 the board, the developer shall maintain and make
8 available the records set forth in this paragraph (i)
9 for examination and copying.

10 (ii) Detailed and accurate records in
11 chronological order of the receipts and expenditures
12 affecting the common areas, specifying and itemizing
13 the maintenance and repair expenses of the common
14 areas and any other expenses incurred, and copies of
15 all contracts, leases, or other agreements entered
16 into by the board shall be maintained.

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

19 (iv) With a written statement of a proper purpose,
20 ballots and proxies related thereto, if any, for any
21 election held for the board and for any other matters
22 voted on by the members, which shall be maintained for
23 not less than one year.

24 (v) With a written statement of a proper purpose,
25 such other records of the board as are available for
26 inspection by members of a not-for-profit corporation

1 pursuant to Section 107.75 of the General Not For
2 Profit Corporation Act of 1986 shall be maintained.

3 (vi) With respect to units owned by a land trust, a
4 living trust, or other legal entity, the trustee,
5 officer, or manager of the entity may designate, in
6 writing, a person to cast votes on behalf of the member
7 or unit owner and a designation shall remain in effect
8 until a subsequent document is filed with the
9 association.

10 (vii) Any reserve study.

11 (viii) An accurate record of its members. Such
12 records shall be posted on the board's website. Any
13 changes to the board's members shall be reflected in
14 the records within 30 days of the change.

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

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

22 (4) If the board fails to provide records properly
23 requested under paragraph (1) of this subsection (i)
24 within the time period provided in that paragraph (1), the
25 member may seek appropriate relief and shall be entitled
26 to an award of reasonable attorney's fees and costs if the

1 member prevails and the court finds that such failure is
2 due to the acts or omissions of the board of managers or
3 the board of directors.

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

8 (Source: P.A. 102-921, eff. 5-27-22.)

9 Section 10. The Condominium Property Act is amended by
10 changing Sections 4.1, 18.4, and 19 as follows:

11 (765 ILCS 605/4.1) (from Ch. 30, par. 304.1)

12 Sec. 4.1. Construction, interpretation, and validity of
13 Condominium Instruments.

14 (a) Except to the extent otherwise provided by the
15 declaration or other condominium instruments:

16 (1) The terms defined in Section 2 of this Act shall be
17 deemed to have the meaning specified therein unless the
18 context otherwise requires.

19 (2) To the extent that perimeter and partition walls,
20 floors or ceilings are designated as the boundaries of the
21 units or of any specified units, all decorating, wall and
22 floor coverings, paneling, molding, tiles, wallpaper,
23 paint, finished flooring and any other materials
24 constituting any part of the finished surfaces thereof,

1 shall be deemed a part of such units, while all other
2 portions of such walls, floors or ceilings and all
3 portions of perimeter doors and all portions of windows in
4 perimeter walls shall be deemed part of the common
5 elements.

6 (3) If any chutes, flues, ducts, conduits, wires,
7 bearing walls, bearing columns, or any other apparatus
8 lies partially within and partially outside of the
9 designated boundaries of a unit, any portions thereof
10 serving only that unit shall be deemed a part of that unit,
11 while any portions thereof serving more than one unit or
12 any portion of the common elements shall be deemed a part
13 of the common elements.

14 (4) Subject to the provisions of paragraph (3) of
15 subsection (a), all space and other fixtures and
16 improvements within the boundaries of a unit shall be
17 deemed a part of that unit.

18 (5) Any shutters, awnings, window boxes, doorsteps,
19 porches, balconies, patios, perimeter doors, windows in
20 perimeter walls, and any other apparatus designed to serve
21 a single unit shall be deemed a limited common element
22 appertaining to that unit exclusively.

23 (6) All provisions of the declaration, bylaws and
24 other condominium instruments are severable.

25 (b) Except to the extent otherwise provided by the
26 declaration or by other condominium instruments recorded prior

1 to the effective date of this amendatory Act of 1984, in the
2 event of a conflict between the provisions of the declaration
3 and the bylaws or other condominium instruments, the
4 declaration prevails except to the extent the declaration is
5 inconsistent with this Act.

6 (c) A provision in the initial declaration limiting
7 ownership, rental or occupancy of a condominium unit to a
8 person 55 years of age or older shall be valid and deemed not
9 to be in violation of Article 3 of the Illinois Human Rights
10 Act provided that the person or the immediate family of a
11 person owning, renting or lawfully occupying such unit prior
12 to the recording of the initial declaration shall not be
13 deemed to be in violation of such age restriction so long as
14 they continue to own or reside in such unit.

15 (d) The declaration and other condominium instruments
16 shall be filed with the village hall, town hall, or city hall
17 of the village, town, or city in which the association is
18 located and posted on the website of the association. Any and
19 all amendments or revisions to the declaration or other
20 condominium instruments must be filed and posted within 30
21 days of being made.

22 (e) Condominium instruments shall be valid upon filing
23 with the village hall, town hall, or city hall.

24 (Source: P.A. 89-41, eff. 6-23-95.)

25 (765 ILCS 605/18.4) (from Ch. 30, par. 318.4)

1 Sec. 18.4. Powers and duties of board of managers. The
2 board of managers shall exercise for the association all
3 powers, duties and authority vested in the association by law
4 or the condominium instruments except for such powers, duties
5 and authority reserved by law to the members of the
6 association. The powers and duties of the board of managers
7 shall include, but shall not be limited to, the following:

8 (a) To provide for the operation, care, upkeep,
9 maintenance, replacement and improvement of the common
10 elements. Nothing in this subsection (a) shall be deemed
11 to invalidate any provision in a condominium instrument
12 placing limits on expenditures for the common elements,
13 provided, that such limits shall not be applicable to
14 expenditures for repair, replacement, or restoration of
15 existing portions of the common elements. The term
16 "repair, replacement or restoration" means expenditures to
17 deteriorated or damaged portions of the property related
18 to the existing decorating, facilities, or structural or
19 mechanical components, interior or exterior surfaces, or
20 energy systems and equipment with the functional
21 equivalent of the original portions of such areas.
22 Replacement of the common elements may result in an
23 improvement over the original quality of such elements or
24 facilities; provided that, unless the improvement is
25 mandated by law or is an emergency as defined in item (iv)
26 of subparagraph (8) of paragraph (a) of Section 18, if the

1 improvement results in a proposed expenditure exceeding 5%
2 of the annual budget, the board of managers, upon written
3 petition by unit owners with 20% of the votes of the
4 association delivered to the board within 21 days of the
5 board action to approve the expenditure, shall call a
6 meeting of the unit owners within 30 days of the date of
7 delivery of the petition to consider the expenditure.
8 Unless a majority of the total votes of the unit owners are
9 cast at the meeting to reject the expenditure, it is
10 ratified.

11 (b) To prepare, adopt and distribute the annual budget
12 for the property.

13 (c) To levy and expend assessments.

14 (d) To collect assessments from unit owners.

15 (e) To provide for the employment and dismissal of the
16 personnel necessary or advisable for the maintenance and
17 operation of the common elements.

18 (f) To obtain adequate and appropriate kinds of
19 insurance.

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

22 (h) To adopt and amend rules and regulations covering
23 the details of the operation and use of the property,
24 after a meeting of the unit owners called for the specific
25 purpose of discussing the proposed rules and regulations.
26 Notice of the meeting shall contain the full text of the

1 proposed rules and regulations, and the meeting shall
2 conform to the requirements of Section 18(b) of this Act,
3 except that no quorum is required at the meeting of the
4 unit owners unless the declaration, bylaws or other
5 condominium instrument expressly provides to the contrary.
6 However, no rule or regulation may impair any rights
7 guaranteed by the First Amendment to the Constitution of
8 the United States or Section 4 of Article I of the Illinois
9 Constitution including, but not limited to, the free
10 exercise of religion, nor may any rules or regulations
11 conflict with the provisions of this Act or the
12 condominium instruments. No rule or regulation shall
13 prohibit any reasonable accommodation for religious
14 practices, including the attachment of religiously
15 mandated objects to the front-door area of a condominium
16 unit.

17 (i) To keep detailed, accurate records of the receipts
18 and expenditures affecting the use and operation of the
19 property.

20 (j) To have access to each unit from time to time as
21 may be necessary for the maintenance, repair or
22 replacement of any common elements or for making emergency
23 repairs necessary to prevent damage to the common elements
24 or to other units.

25 (k) To pay real property taxes, special assessments,
26 and any other special taxes or charges of the State of

1 Illinois or of any political subdivision thereof, or other
2 lawful taxing or assessing body, which are authorized by
3 law to be assessed and levied upon the real property of the
4 condominium.

5 (l) To impose charges for late payment of a unit
6 owner's proportionate share of the common expenses, or any
7 other expenses lawfully agreed upon, and after notice and
8 an opportunity to be heard, to levy reasonable fines for
9 violation of the declaration, by-laws, and rules and
10 regulations of the association.

11 (m) By a majority vote of the entire board of
12 managers, to assign the right of the association to future
13 income from common expenses or other sources, and to
14 mortgage or pledge substantially all of the remaining
15 assets of the association.

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

20 (o) To record the granting of an easement for the
21 laying of cable television or high speed Internet cable
22 where authorized by the unit owners under the provisions
23 of Section 14.3; to obtain, if available and determined by
24 the board to be in the best interests of the association,
25 cable television or bulk high speed Internet service for
26 all of the units of the condominium on a bulk identical

1 service and equal cost per unit basis; and to assess and
2 recover the expense as a common expense and, if so
3 determined by the board, to assess each and every unit on
4 the same equal cost per unit basis.

5 (p) To seek relief on behalf of all unit owners when
6 authorized pursuant to subsection (c) of Section 10 from
7 or in connection with the assessment or levying of real
8 property taxes, special assessments, and any other special
9 taxes or charges of the State of Illinois or of any
10 political subdivision thereof or of any lawful taxing or
11 assessing body.

12 (q) To reasonably accommodate the needs of a unit
13 owner who is a person with a disability as required by the
14 federal Civil Rights Act of 1968, the Human Rights Act and
15 any applicable local ordinances in the exercise of its
16 powers with respect to the use of common elements or
17 approval of modifications in an individual unit.

18 (r) To accept service of a notice of claim for
19 purposes of the Mechanics Lien Act on behalf of each
20 respective member of the Unit Owners' Association with
21 respect to improvements performed pursuant to any contract
22 entered into by the Board of Managers or any contract
23 entered into prior to the recording of the condominium
24 declaration pursuant to this Act, for a property
25 containing more than 8 units, and to distribute the notice
26 to the unit owners within 7 days of the acceptance of the

1 service by the Board of Managers. The service shall be
2 effective as if each individual unit owner had been served
3 individually with notice.

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

16 (t) To maintain an accurate record of its members and
17 post such records on its website. Any changes to the
18 board's members shall be reflected in the record within 30
19 days of the change.

20 In the performance of their duties, the officers and
21 members of the board, whether appointed by the developer or
22 elected by the unit owners, shall exercise the care required
23 of a fiduciary of the unit owners.

24 The collection of assessments from unit owners by an
25 association, board of managers or their duly authorized agents
26 shall not be considered acts constituting a collection agency

1 for purposes of the Collection Agency Act.

2 The provisions of this Section are applicable to all
3 condominium instruments recorded under this Act. Any portion
4 of a condominium instrument which contains provisions contrary
5 to these provisions shall be void as against public policy and
6 ineffective. Any such instrument that fails to contain the
7 provisions required by this Section shall be deemed to
8 incorporate such provisions by operation of law.

9 (Source: P.A. 99-143, eff. 7-27-15; 99-849, eff. 1-1-17;
10 100-292, eff. 1-1-18.)

11 (765 ILCS 605/19) (from Ch. 30, par. 319)

12 Sec. 19. Records of the association; availability for
13 examination.

14 (a) The board of managers of every association shall file
15 with the village hall, town hall, or city hall of the village,
16 town, or city in which the association is located, post on the
17 association's website, and keep and maintain the following
18 records, including any amendments or revisions, or true and
19 complete copies of these records, at the association's
20 principal office:

21 (1) the association's declaration, bylaws, and plats
22 of survey, and all amendments of these;

23 (2) the rules and regulations of the association, if
24 any;

25 (3) if the association is incorporated as a

1 corporation, the articles of incorporation of the
2 association and all amendments to the articles of
3 incorporation;

4 (4) minutes of all meetings of the association and its
5 board of managers for the immediately preceding 7 years;

6 (5) all current policies of insurance of the
7 association;

8 (6) all contracts, leases, and other agreements then
9 in effect to which the association is a party or under
10 which the association or the unit owners have obligations
11 or liabilities;

12 (7) a current listing of the names, addresses, email
13 addresses, telephone numbers, and weighted vote of all
14 members entitled to vote;

15 (8) ballots and proxies related to ballots for all
16 matters voted on by the members of the association during
17 the immediately preceding 12 months, including, but not
18 limited to, the election of members of the board of
19 managers;

20 (9) the books and records for the association's
21 current and 10 immediately preceding fiscal years,
22 including, but not limited to, itemized and detailed
23 records of all receipts, expenditures, and accounts; and

24 (10) any reserve study.

25 (b) Any member of an association shall have the right to
26 inspect, examine, and make copies of the records described in

1 subdivisions (1), (2), (3), (4), (5), (6), (9), and (10) of
2 subsection (a) of this Section, in person or by agent, at any
3 reasonable time or times, at the association's principal
4 office. In order to exercise this right, a member must submit a
5 written request to the association's board of managers or its
6 authorized agent, stating with particularity the records
7 sought to be examined. Failure of an association's board of
8 managers to make available all records so requested within 10
9 business days of receipt of the member's written request shall
10 be deemed a denial.

11 Any member who prevails in an enforcement action to compel
12 examination of records described in subdivisions (1), (2),
13 (3), (4), (5), (6), (9), and (10) of subsection (a) of this
14 Section shall be entitled to recover reasonable attorney's
15 fees and costs from the association.

16 (c) (Blank).

17 (d) (Blank).

18 (d-5) As used in this Section, "commercial purpose" means
19 the use of any part of a record or records described in
20 subdivisions (7) and (8) of subsection (a) of this Section, or
21 information derived from such records, in any form for sale,
22 resale, or solicitation or advertisement for sales or
23 services.

24 (e) Except as otherwise provided in subsection (g) of this
25 Section, any member of an association shall have the right to
26 inspect, examine, and make copies of the records described in

1 subdivisions (7) and (8) of subsection (a) of this Section, in
2 person or by agent, at any reasonable time or times but only
3 for a purpose that relates to the association, at the
4 association's principal office. In order to exercise this
5 right, a member must submit a written request, to the
6 association's board of managers or its authorized agent,
7 stating with particularity the records sought to be examined.
8 As a condition for exercising this right, the board of
9 managers or authorized agent of the association may require
10 the member to certify in writing that the information
11 contained in the records obtained by the member will not be
12 used by the member for any commercial purpose or for any
13 purpose that does not relate to the association. The board of
14 managers of the association may impose a fine in accordance
15 with item (1) of Section 18.4 upon any person who makes a false
16 certification. Subject to the provisions of subsection (g) of
17 this Section, failure of an association's board of managers to
18 make available all records so requested within 10 business
19 days of receipt of the member's written request shall be
20 deemed a denial; provided, however, that the board of managers
21 of an association that has adopted a secret ballot election
22 process as provided in Section 18 of this Act shall not be
23 deemed to have denied a member's request for records described
24 in subdivision (8) of subsection (a) of this Section if voting
25 ballots, without identifying unit numbers, are made available
26 to the requesting member within 10 business days of receipt of

1 the member's written request.

2 Any member who prevails in an enforcement action to compel
3 examination of records described in subdivision (7) or (8) of
4 subsection (a) of this Section shall be entitled to recover
5 reasonable attorney's fees and costs from the association only
6 if the court finds that the board of directors acted in bad
7 faith in denying the member's request.

8 (f) The actual cost to the association of retrieving and
9 making requested records available for inspection and
10 examination under this Section may be charged by the
11 association to the requesting member. If a member requests
12 copies of records requested under this Section, the actual
13 costs to the association of reproducing the records may also
14 be charged by the association to the requesting member.

15 (g) Notwithstanding the provisions of subsection (e) of
16 this Section, unless otherwise directed by court order, an
17 association need not make the following records available for
18 inspection, examination, or copying by its members:

19 (1) documents relating to appointment, employment,
20 discipline, or dismissal of association employees;

21 (2) documents relating to actions pending against or
22 on behalf of the association or its board of managers in a
23 court or administrative tribunal;

24 (3) documents relating to actions threatened against,
25 or likely to be asserted on behalf of, the association or
26 its board of managers in a court or administrative

1 tribunal;

2 (4) documents relating to common expenses or other
3 charges owed by a member other than the requesting member;
4 and

5 (5) documents provided to an association in connection
6 with the lease, sale, or other transfer of a unit by a
7 member other than the requesting member.

8 (h) The provisions of this Section are applicable to all
9 condominium instruments recorded under this Act. Any portion
10 of a condominium instrument that contains provisions contrary
11 to these provisions shall be void as against public policy and
12 ineffective. Any condominium instrument that fails to contain
13 the provisions required by this Section shall be deemed to
14 incorporate the provisions by operation of law.

15 (Source: P.A. 102-921, eff. 5-27-22.)