



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB5325

Introduced 01/26/06, by Rep. Tom Cross

SYNOPSIS AS INTRODUCED:

New Act

Creates the Homeowners' Association Act. Requires any contract that is not to be fully performed within one year for the purchase, lease, or renting of materials or equipment to be used by the association in accomplishing its purposes, and all contracts for the provision of services, to be in writing. Sets out competitive bid requirements. Creates the Homeowners' Association Board. Grants members of an association the right to attend all meeting of the Board and to speak on any matter placed on the agenda by petition. Requires a 14-day advance notice to be given to members and parcel owners for meetings at which special assessments will be considered or at which amendments to rules regarding parcel use will be considered. Provides that an association of 15 or fewer owners may enforce only the requirements of those deed restrictions established prior to the purchase of each parcel upon an affected parcel owner or owners.

LRB094 17819 LCT 53120 b

1 AN ACT concerning property.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Homeowners' Association Act.

6 Section 5. Association contracts. Any contract that is not
7 to be fully performed within one year after the making thereof
8 for the purchase, lease, or renting of materials or equipment
9 to be used by the association in accomplishing its purposes,
10 and all contracts for the provision of services, shall be in
11 writing. If a contract for the purchase, lease, or renting of
12 materials or equipment, or for the provision of services,
13 requires payment by the association that exceeds 10% of the
14 total annual budget of the association, including reserves, the
15 association must obtain competitive bids for the materials,
16 equipment, or services. Nothing contained in this Section shall
17 be construed to require the association to accept the lowest
18 bid.

19 Section 10. Homeowners' Association Board. The homeowners
20 association shall establish a Homeowners' Association Board.
21 The Board shall establish rules concerning meeting times,
22 frequency of the meetings, decorum of the meetings, notice
23 requirements, and any other subject that the Board shall deem
24 appropriate.

25 Section 15. Board meetings.

26 (a) Members have the right to attend all meetings of the
27 Board and to speak on any matter placed on the agenda by
28 petition of the voting interests for at least 3 minutes. The
29 Board may adopt written reasonable rules expanding the right of
30 members to speak and governing the frequency, duration, and

1 other manner of member statements, which rules must be
2 consistent with this subsection (a) and may include a sign-up
3 sheet for members wishing to speak. Notwithstanding any other
4 law, the requirement that Board meetings and committee meetings
5 be open to the members is inapplicable to meetings between the
6 Board or a committee and the association's attorney, with
7 respect to meetings of the Board held for the purpose of
8 discussing personnel matters.

9 (b) An assessment may not be levied at a Board meeting
10 unless the notice of the meeting includes a statement that
11 assessments will be considered and the nature of the
12 assessments. Written notice of any meeting at which special
13 assessments will be considered or at which amendments to rules
14 regarding parcel use will be considered must be mailed,
15 delivered, or electronically transmitted to the members and
16 parcel owners and posted conspicuously on the property or
17 broadcast on closed-circuit cable television not less than 14
18 days before the meeting.

19 Section 20. Petitioning the Board.

20 (a) If 20% of the total voting interests petition the Board
21 to address an item of business, the Board shall at its next
22 regular Board meeting or at a special meeting of the Board, but
23 not later than 60 days after the receipt of the petition, take
24 the petitioned item up on an agenda.

25 (b) The Board shall give all members written notice of the
26 meeting at which the petitioned item shall be addressed.
27 Written notice of the meeting must be mailed, delivered, or
28 electronically transmitted to the members and parcel owners and
29 posted conspicuously on the property or broadcast on
30 closed-circuit cable television not less than 14 days before
31 the meeting.

32 (c) Each member shall have the right to speak for at least
33 3 minutes on each matter placed on the agenda by petition,
34 provided that the member signs the sign-up sheet, if one is
35 provided, or submits a written request to speak prior to the

1 meeting. Other than addressing the petitioned item at the
2 meeting, the Board is not obligated to take any other action
3 requested by the petition.

4 Section 25. Meetings; right to speak. Members and parcel
5 owners have the right to attend all membership meetings and to
6 speak at any meeting with reference to all items opened for
7 discussion or included on the agenda. Notwithstanding any
8 provision to the contrary in the governing documents or any
9 rules adopted by the Board or by the membership, a member and a
10 parcel owner have the right to speak for at least 3 minutes on
11 any item, provided that the member or parcel owner submits a
12 written request to speak prior to the meeting. The association
13 may adopt written reasonable rules governing the frequency,
14 duration, and other manner of member and parcel owner
15 statements, which rules must be consistent with this Section.

16 Section 30. Small communities. An association of 15 or
17 fewer parcel owners may enforce only the requirements of those
18 deed restrictions established prior to the purchase of each
19 parcel upon an affected parcel owner or owners.

20 Section 35. Member rights.

21 (a) Any homeowner may display one portable, removable
22 United States flag or official flag of the State of Illinois in
23 a respectful manner, and on Armed Forces Day, Memorial Day,
24 Flag Day, Independence Day, and Veterans Day may display in a
25 respectful manner portable, removable official flags, not
26 larger than 4 1/2 feet by 6 feet, which represent the United
27 States Army, Navy, Air Force, Marine Corps, or Coast Guard,
28 regardless of any declaration rules or requirements dealing
29 with flags or decorations.

30 (b) Any parcel owner may construct an access ramp if a
31 resident or occupant of the parcel has a medical necessity or
32 disability that requires a ramp for egress and ingress under
33 the following conditions:

1 (1) The ramp must be as unobtrusive as possible, be
2 designed to blend in aesthetically as practicable, and be
3 reasonably sized to fit the intended use.

4 (2) Plans for the ramp must be submitted in advance to
5 the homeowners' association. The association may make
6 reasonable requests to modify the design to achieve
7 architectural consistency with surrounding structures and
8 surfaces.

9 The parcel owner must submit to the association an
10 affidavit from a physician attesting to the medical necessity
11 or disability of the resident or occupant of the parcel
12 requiring the access ramp.

13 (c) Any owner prevented from exercising rights guaranteed
14 by subsection (a) or subsection (b) may bring an action in the
15 appropriate court of the county in which the alleged
16 infringement occurred, and, upon favorable adjudication, the
17 court shall enjoin the enforcement of any provision contained
18 in any homeowners' association document or rule that operates
19 to deprive the owner of such rights.