



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1681

Introduced 2/22/2007, by Rep. Elaine Nekritz - Angelo Saviano

SYNOPSIS AS INTRODUCED:

New Act

5 ILCS 80/4.28 new

765 ILCS 605/18.4

from Ch. 30, par. 318.4

Creates the Residential Unit Managers Licensure Act. Provides for the licensure of individuals who administer, for compensation, the coordination of financial, administrative, and maintenance duties for associations in which membership is a condition of ownership or shareholder interest of a unit in a residential condominium, cooperative, townhouse, villa, or other residential unit. Creates the Residential Unit Managers Advisory Board under the authority of the Department of Financial and Professional Regulation. Grants rulemaking authority to the Department. Preempts home rule. Amends the Regulatory Sunset Act to set a repeal date of January 1, 2018 for the Residential Unit Managers Licensure Act. Amends the Condominium Property Act to make a related change. Effective January 1, 2008.

LRB095 03752 RAS 23781 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

1 AN ACT concerning regulation.

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 Residential Unit Managers Licensure Act.

6 Section 5. Legislative intent. The intent of the General
7 Assembly in enacting this statute is to protect the public
8 interest by requiring that persons engaged in the practice of
9 managing residential unit owners associations, as defined by
10 this Act, be qualified and that a public authority competent to
11 determine the qualifications of such managers be established.

12 Section 10. Definitions. In this Act:

13 "Board" means the Residential Unit Managers Advisory
14 Board.

15 "Department" means the Department of Financial and
16 Professional Regulation.

17 "Manager-in-training" means any individual who is training
18 to become a residential unit manager and is under the
19 supervision of a residential unit manager licensed under this
20 Act. During the training period, a "manager-in-training" may
21 not be licensed and may not have signatory authority on any
22 unit owners association bank account. After a period of one

1 year, a "manager-in-training" is required to be licensed under
2 this Act.

3 "Residential unit manager" means an individual who
4 administers, for compensation, the coordination of financial,
5 administrative, and maintenance duties for a unit owners
6 association and performs other duties called for in the
7 management contract. "Residential unit manager" includes
8 individuals who are direct employees of a unit owners
9 association. "Residential unit manager" does not include the
10 support staff of a unit owners association, such as
11 bookkeepers, administrative assistants, secretaries, property
12 inspectors, customer service representatives, or
13 managers-in-training.

14 "Secretary" means the Secretary of Financial and
15 Professional Regulation.

16 "Unit owners association" means an association in which
17 membership is a condition of ownership or shareholder interest
18 of a unit in a residential condominium, cooperative, townhouse,
19 villa, or other unit that is part of a residential development
20 plan and that is authorized to impose an assessment and other
21 costs that may become a lien on the unit or lot.

22 Section 15. License required.

23 (a) Beginning July 1, 2008, it is unlawful for a person to
24 provide management services to unit owners associations in
25 Illinois or to hold himself or herself out as a residential

1 unit manager, unless he or she is licensed under this Act.

2 (b) Any person who violates any provision of this Act is,
3 for the first offense, guilty of a business offense and shall
4 be fined not less than \$500 nor more than \$2,5000. For a second
5 or subsequent offense, the person is guilty of a Class A
6 misdemeanor. Each day a violation continues constitutes a
7 separate offense.

8 Section 20. Exemptions. Except as otherwise provided, the
9 provisions of this Act do not apply to:

10 (1) A licensed attorney acting solely as an incident to
11 the practice of law.

12 (2) Any person acting under a court order or under the
13 authority of a will or of a trust instrument as a receiver,
14 trustee in bankruptcy, administrator, executor, or
15 guardian.

16 (3) Employees of a developer.

17 (4) Managers of commercial or other non-residential
18 condominiums.

19 Section 25. Residential Unit Managers Advisory Board.

20 (a) There is created under the authority of the Department
21 the Residential Unit Managers Advisory Board, which shall
22 consist of 5 members appointed by the Secretary who are
23 residents of this State. Two members of the Board shall be
24 licensees under this Act, except that in the case of initial

1 appointments, these Board members shall meet the requirements
2 for licensure under this Act and shall have obtained licensure
3 within 6 months after the effective date of this Act; 2 shall
4 be members of a unit owners association; and one shall be a
5 knowledgeable public member who is not licensed under this Act
6 or any Act administered by the Department. The Board shall
7 elect a chairperson and vice-chairperson.

8 (b) In making appointments, the Secretary shall consider
9 the recommendations of members of the profession and statewide
10 organizations representing unit owners associations.

11 (c) Members shall serve 4-year terms, except that of the
12 initial appointments, one member shall serve for 2 years, 2
13 members for 3 years, and 2 members for 4 years. Members shall
14 serve until their successors are appointed. No member shall
15 serve for more than 2 successive terms. Appointments to fill
16 vacancies shall be made in the same manner as the original
17 appointments for the unexpired portion of the vacated term.

18 (d) A member of the Board may be removed for cause. A
19 member subject to formal disciplinary proceedings shall
20 disqualify himself or herself from all Board business until the
21 charge is resolved. A member also shall disqualify himself or
22 herself from any matter on which the member cannot act
23 objectively.

24 (e) The members of the Board shall each receive as
25 compensation a reasonable sum as determined by the Secretary
26 for each day actually engaged in the duties of the office and

1 each member shall receive reimbursement as set by the
2 Governor's Travel Control Board for all legitimate and
3 necessary expenses incurred in attending the meetings of the
4 Board.

5 (f) A majority of the Board members currently appointed
6 constitutes a quorum. A vacancy in the membership of the Board
7 does not impair the right of a quorum to exercise all of the
8 rights and perform all of the duties of the Board.

9 (g) Board members are not liable for their acts, omissions,
10 decisions, or other conduct in connection with their duties on
11 the Board, except those determined to be willful, wanton, or
12 intentional misconduct.

13 (h) The Secretary may consider the recommendations of the
14 Board in establishing guidelines for professional conduct, the
15 conduct of formal disciplinary proceedings brought under this
16 Act, and the qualifications of applicants. Notice of proposed
17 rulemaking shall be transmitted to the Board and the Department
18 shall review the response of the Board and any recommendations
19 made in the response. The Department, at any time, may seek the
20 expert advice and knowledge of the Board on any matter relating
21 to the administration or enforcement of this Act.

22 Section 30. Qualifications.

23 (a) An applicant for licensure as a residential unit
24 manager must meet the following requirements:

25 (1) be a citizen of the United States;

- 1 (2) have attained the age of 21;
- 2 (3) never have been convicted of a felony; and
- 3 (4) have either:
- 4 (A) passed an examination covering the
- 5 fundamentals of community association management,
- 6 including the Condominium Property Act, the General
- 7 Not-for-Profit Corporation Act of 1986, and any other
- 8 laws the Department deems appropriate as it relates to
- 9 residential unit management; or
- 10 (B) furnished evidence satisfactory to the
- 11 Department establishing, by experience or education,
- 12 that the applicant is qualified to hold a license; and
- 13 (5) have met any additional requirements established
- 14 by the Department.

15 (b) Any individual who has been employed in the management

16 of unit owners associations in Illinois for a period of at

17 least 5 years immediately prior to the effective date of this

18 Act shall be deemed qualified and exempt from the examination

19 requirement set forth in this Act.

20 Section 35. License expiration; renewal; restoration;

21 reinstatement.

22 (a) Licenses issued under this Act shall expire every 4

23 years on a date established by the Department and may be

24 renewed upon the payment of a renewal fee established by the

25 Department.

1 (b) A licensee may have an expired license restored within
2 one year after the date of its expiration by making written
3 application to the Department for restoration and paying a
4 restoration fee.

5 (c) If a person fails to have his or her license restored
6 within the one-year period set forth in subsection (b) of this
7 Section, the person may reinstate the license within 4 years
8 after the date of expiration by making written application to
9 the Department for reinstatement, paying a fee, and providing
10 proof to the Department of his or her continued professional
11 competence.

12 (d) If a person fails to have his or her license reinstated
13 within the 4-year period set forth in subsection (c) of this
14 Section, the person may not be reinstated unless he or she
15 fulfills and meets the requirements and conditions required of
16 an applicant applying for initial licensure, which
17 requirements shall include retaking and successfully
18 completing the licensing examination.

19 (e) Any person who performs residential unit management
20 services with an expired license shall be practicing in
21 violation of this Act and shall be subject to the sanctions
22 authorized by this Act. The Department may refuse to reactivate
23 or reinstate any expired license for conduct that constitutes a
24 violation of any provision of this Act.

25 Section 40. Fidelity bonds; segregation of accounts. A

1 licensee or the management firm with which the licensee is
2 employed may not solely and exclusively have access to and
3 disburse the funds of a unit owners association unless all of
4 the following conditions apply:

5 (1) There is a fidelity bond in place.

6 (2) The fidelity bond is in an amount not less than all
7 moneys of that association.

8 (3) The fidelity bond covers the licensee and all
9 partners, officers, and employees of the management firm
10 with whom the licensee is employed during the term of the
11 bond as well as the association officers, secretaries, and
12 employees of each unit owners association serviced.

13 (4) The insurance company issuing the bond may not
14 cancel or refuse to renew the bond without giving not less
15 than 10 days prior written notice.

16 (5) The unit owners association secures and pays for
17 the bond.

18 Section 45. Standing. Only the duly appointed or elected
19 governing body of a unit owners association based upon a duly
20 adopted resolution shall have standing to file a compliant
21 before the Department.

22 Section 50. Defamation. Notwithstanding any other
23 provision of law, it is not a defense in any defamation suit
24 brought by a residential unit manager or management firm that

1 the residential unit manager or management firm is deemed a
2 public or limited public figure.

3 Section 55. Disciplinary action. The Department may refuse
4 to issue or renew, or may revoke, suspend, place on probation,
5 reprimand, or take other disciplinary action as the Department
6 deems appropriate, including the issuance of fines not to
7 exceed \$2,500 for each violation, with regard to any license
8 for any one or both of the following:

9 (1) the commission of a felony or offense involving
10 moral turpitude or unprofessional conduct. "Unprofessional
11 conduct" includes violating the guidelines of professional
12 conduct established by the Department or any provision of
13 this Act.

14 (2) the failure to cooperate with the Department in the
15 investigation of a complaint, including without
16 limitation, failure to produce any document, book, or
17 record, including financial records in the possession or
18 control of the residential unit manager after the
19 Department requests production of that document, book, or
20 record.

21 Section 60. Fees; deposit of fees. The Department shall, by
22 rule, establish a schedule of fees for the administration and
23 enforcement of this Act. These fees shall be nonrefundable.

24 All of the fees and fines collected under this Act shall be

1 deposited into the General Professions Dedicated Fund. The
2 moneys deposited into the General Professions Dedicated Fund
3 under this Section must be used by the Department, as
4 appropriate, for the ordinary and contingent expenses of the
5 Department. Moneys deposited in the General Professions
6 Dedicated Fund under this Section may be invested and
7 reinvested, with all earnings received from these investments
8 being deposited into that Fund and used for the same purposes
9 as the fees and fines deposited into that Fund.

10 Section 65. Change of information. If a licensee changes
11 his or her name, address, or employment from that which appears
12 on the current license, the licensee shall notify the
13 Department of the change within 30 days after it occurs.

14 Section 70. Powers and duties of Department.

15 (a) The Department shall exercise the powers and duties
16 prescribed by the Civil Administrative Code of Illinois and
17 shall exercise all other powers and duties set forth in this
18 Act.

19 (b) The Secretary shall, pursuant to recommendations of the
20 Board, prescribe forms to be issued for the administration and
21 enforcement of this Act and establish guidelines for
22 professional conduct for licensees under this Act.

23 Section 75. Rulemaking. The Department shall adopt rules

1 necessary for the administration and enforcement of this Act,
2 including rules concerning standards for licensure,
3 professional conduct, the imposition of fees, and
4 recommendations for any disciplinary action. The Department
5 shall consult with the Board prior to adopting any rule.
6 Proposed rules shall be transmitted, prior to publication in
7 the Illinois Register to the Board, and the Department shall
8 review the Board's recommendations and shall notify the Board
9 with any explanation of any deviations from the Board's
10 recommendations.

11 Section 80. Violations; injunction; cease and desist
12 order.

13 (a) If any person violates the provisions of this Act, the
14 Secretary may, in the name of the People of the State of
15 Illinois, through the Attorney General, petition for an order
16 enjoining the violation or for an order enforcing compliance
17 with this Act. Upon the filing of a verified petition, the
18 court with appropriate jurisdiction may issue a temporary
19 restraining order without notice or bond and may preliminarily
20 and permanently enjoin the violation. If it is established that
21 the person has violated or is violating the injunction, the
22 court may punish the offender for contempt of court.
23 Proceedings under this Section are in addition to all other
24 remedies and penalties provided by this Act.

25 (b) If any person holds himself or herself out as being a

1 licensed residential unit manager under this Act and is not
2 licensed to do so, then any licensed residential unit manager,
3 interested party, or any person injured thereby may petition
4 for relief as provided in subsection (a) of this Section.

5 (c) Whenever, in the opinion of the Department, a person
6 violates any provision of this Act, the Department may issue a
7 rule to show cause why an order to cease and desist should not
8 be entered against that person. The rule shall clearly set
9 forth the grounds relied upon by the Department and shall allow
10 at least 7 days from the date of the rule to file an answer
11 satisfactory to the Department. Failure to answer to the
12 satisfaction of the Department shall cause an order to cease
13 and desist to be issued.

14 Section 85. Investigations; notice and hearing. The
15 Department may investigate the actions of any applicant or any
16 person holding or claiming to hold a license. The Department
17 shall, before revoking, suspending, placing on probation,
18 reprimanding, or taking any other disciplinary action under the
19 provisions of this Act, at least 30 days prior to the date set
20 for the hearing, (i) notify the accused, in writing, of any
21 charges made and the time and place for the hearing on the
22 charges, (ii) direct him or her to file a written answer to the
23 charges with the Department under oath within 20 days after
24 service of the notice, and (iii) inform the accused that, if he
25 or she fails to answer, default will be taken against him or

1 her or that his or her license may be suspended, revoked, or
2 placed on probationary status or other disciplinary action may
3 be taken with regard to the license, including limiting the
4 scope, nature, or extent of his or her practice, as the
5 Department may deem proper. In case the person, after receiving
6 notice, fails to file an answer, his or her license may, in the
7 discretion of the Department, be suspended, revoked, or placed
8 on probationary status or the Department may take whatever
9 disciplinary action it deems proper, including limiting the
10 scope, nature, or extent of the person's practice or imposing a
11 fine, without a hearing, if the act or acts charged constitute
12 sufficient grounds for such action under this Act. The written
13 notice may be served by personal delivery or certified mail to
14 the address specified by the accused in his or her last
15 notification to the Department.

16 Section 90. Record of proceedings; transcript. The
17 Department, at its expense, shall preserve a record of all
18 proceedings at the formal hearing of any case. The notice of
19 hearing, the complaint, all other documents in the nature of
20 pleadings, written motions filed in the proceedings, the
21 transcript of testimony, the report of the hearing officer, and
22 orders of the Department shall be in the record of such
23 proceeding. The Department shall furnish a transcript of the
24 record to any person interested in the hearing upon payment of
25 the fee required under Section 2105-115 of the Department of

1 Professional Regulation Law of the Civil Administrative Code of
2 Illinois.

3 Section 95. Subpoenas; depositions; oaths. The Department
4 has the power to subpoena and to bring before it any person and
5 to take testimony either orally or by deposition or both, with
6 the same fees and mileage and in the same manner as prescribed
7 in civil cases in the courts of this State. The Secretary and
8 the designated hearing officer has the power to administer
9 oaths to witnesses at any hearing that the Department is
10 authorized to conduct and any other oaths authorized in any Act
11 administered by the Department.

12 Section 100. Compelling testimony. Any court, upon
13 application of the Department, a designated hearing officer, or
14 the applicant or licensee against whom proceedings under this
15 Act are pending, may enter an order requiring the attendance of
16 witnesses and their testimony and the production of documents,
17 papers, files, books, and records in connection with any
18 hearing or investigation. The court may compel obedience to its
19 order by proceedings for contempt.

20 Section 105. Findings and recommendations. At the
21 conclusion of the hearing, the hearing officer shall present to
22 the Secretary a written report of its findings of fact,
23 conclusions of law, and recommendations. The report shall

1 contain a finding as to whether the licensee violated this Act
2 or failed to comply with the conditions required in this Act.
3 The hearing officer shall specify the nature of the violation
4 or failure to comply and shall make its recommendations to the
5 Secretary. The report of findings of fact, conclusions of law,
6 and recommendations of the hearing officer shall be the basis
7 for the Department's order for refusal or for the granting of
8 the license. If the Secretary disagrees with the
9 recommendations of the hearing officer, the Secretary may issue
10 an order in contravention of the hearing officer's
11 recommendations. The finding is not admissible in evidence
12 against the person in a criminal prosecution brought for a
13 violation of this Act, but the hearing and findings are not a
14 bar to a criminal prosecution brought for a violation of this
15 Act.

16 Section 110. Secretary; rehearing. Whenever the Secretary
17 believes justice has not been done in the revocation,
18 suspension, or refusal to issue or renew a license or the
19 discipline of a licensee, he or she may order a rehearing.

20 Section 115. Appointment of a hearing officer. The
21 Secretary has the authority to appoint an attorney licensed to
22 practice law in the State of Illinois to serve as the hearing
23 officer in any action for refusal to issue or renew a license
24 or permit or to discipline a licensee. The hearing officer has

1 full authority to conduct the hearing. The hearing officer
2 shall report his or her findings of fact, conclusions of law,
3 and recommendations to the Secretary.

4 Section 120. Order or certified copy; prima facie proof. An
5 order or certified copy thereof, over the seal of the
6 Department and purporting to be signed by the Secretary, is
7 prima facie proof that:

8 (1) the signature is the genuine signature of the
9 Secretary; and

10 (2) the Secretary is duly appointed and qualified.

11 Section 125. Restoration of suspended or revoked license.
12 At any time after the suspension or revocation of a license,
13 the Department may restore it to the licensee, unless after an
14 investigation and hearing the Secretary determines that
15 restoration is not in the public interest.

16 Section 130. Surrender of license. Upon the revocation or
17 suspension of a license, the licensee shall immediately
18 surrender his or her license to the Department. If the licensee
19 fails to do so, the Department has the right to seize the
20 license.

21 Section 135. Summary suspension of license. The Secretary
22 may summarily suspend the license of a residential unit manager

1 without a hearing, simultaneously with the institution of
2 proceedings for a hearing provided for in the provisions of
3 this Act, if the Secretary finds that evidence in the
4 possession of the Secretary indicates that the continuation of
5 practice by the residential unit manager would constitute an
6 imminent danger to the public. In the event that the Secretary
7 summarily suspends the license of an individual without a
8 hearing, a hearing must be held within 30 days after the
9 suspension has occurred.

10 Section 140. Administrative review; venue.

11 (a) All final administrative decisions of the Department
12 are subject to judicial review pursuant to the Administrative
13 Review Law and its rules. The term "administrative decision" is
14 defined as in Section 3-101 of the Code of Civil Procedure.

15 (b) Proceedings for judicial review shall be commenced in
16 the circuit court of the county in which the party applying for
17 review resides, but if the party is not a resident of Illinois,
18 the venue shall be in Sangamon County.

19 Section 145. Certification of record; costs. The
20 Department shall not be required to certify any record to the
21 court, to file an answer in court, or to otherwise appear in
22 any court in a judicial review proceeding, unless there is
23 filed in the court, with the complaint, a receipt from the
24 Department acknowledging payment of the costs of furnishing and

1 certifying the record. Failure on the part of the plaintiff to
2 file the receipt in court is grounds for dismissal of the
3 action.

4 Section 150. Violations. Unless otherwise specified, any
5 person found to have violated any provision of this Act is
6 guilty of a Class A misdemeanor.

7 Section 155. Illinois Administrative Procedure Act;
8 application. The Illinois Administrative Procedure Act is
9 hereby expressly adopted and incorporated in this Act as if all
10 of the provisions of such Act were included in this Act, except
11 that the provisions of paragraph (d) of Section 10-65 of the
12 Illinois Administrative Procedure Act, which provides that at
13 hearings the license holder has the right to show compliance
14 with all lawful requirements for retention, continuation, or
15 renewal of the certificate, is specifically excluded. For the
16 purpose of this Act the notice required under Section 10-25 of
17 the Illinois Administrative Procedure Act is deemed sufficient
18 when mailed to the last known address of a party.

19 Section 160. Home rule. Pursuant to paragraph (h) of
20 Section 6 of Article VII of the Illinois Constitution of 1970
21 the power to regulate the licensing of residential unit
22 managers shall, except as may otherwise be provided within and
23 pursuant to the provisions of this Act, be exercised by the

1 State and may not be exercised by any unit of local government,
2 including home rule units.

3 Section 990. The Regulatory Sunset Act is amended by adding
4 Section 4.28 as follows:

5 (5 ILCS 80/4.28 new)

6 Sec. 4.28. Act repealed on January 1, 2018. The following
7 Act is repealed on January 1, 2018:

8 The Residential Unit Managers Licensure Act.

9 Section 995. The Condominium Property Act is amended by
10 changing Section 18.4 as follows:

11 (765 ILCS 605/18.4) (from Ch. 30, par. 318.4)

12 Sec. 18.4. Powers and Duties of Board of Managers. The
13 board of managers shall exercise for the association all
14 powers, duties and authority vested in the association by law
15 or the condominium instruments except for such powers, duties
16 and authority reserved by law to the members of the
17 association. The powers and duties of the board of managers
18 shall include, but shall not be limited to, the following:

19 (a) To provide for the operation, care, upkeep,
20 maintenance, replacement and improvement of the common
21 elements. Nothing in this subsection (a) shall be deemed to
22 invalidate any provision in a condominium instrument

1 placing limits on expenditures for the common elements,
2 provided, that such limits shall not be applicable to
3 expenditures for repair, replacement, or restoration of
4 existing portions of the common elements. The term "repair,
5 replacement or restoration" means expenditures to
6 deteriorated or damaged portions of the property related to
7 the existing decorating, facilities, or structural or
8 mechanical components, interior or exterior surfaces, or
9 energy systems and equipment with the functional
10 equivalent of the original portions of such areas.
11 Replacement of the common elements may result in an
12 improvement over the original quality of such elements or
13 facilities; provided that, unless the improvement is
14 mandated by law or is an emergency as defined in item (iv)
15 of subparagraph (8) of paragraph (a) of Section 18, if the
16 improvement results in a proposed expenditure exceeding 5%
17 of the annual budget, the board of managers, upon written
18 petition by unit owners with 20% of the votes of the
19 association delivered to the board within 14 days of the
20 board action to approve the expenditure, shall call a
21 meeting of the unit owners within 30 days of the date of
22 delivery of the petition to consider the expenditure.
23 Unless a majority of the total votes of the unit owners are
24 cast at the meeting to reject the expenditure, it is
25 ratified.

26 (b) To prepare, adopt and distribute the annual budget

1 for the property.

2 (c) To levy and expend assessments.

3 (d) To collect assessments from unit owners.

4 (e) To provide for the employment and dismissal of the
5 personnel necessary or advisable for the maintenance and
6 operation of the common elements; however, as to the
7 employment of an association manager, the board of managers
8 shall do so in compliance with the provisions of the
9 Residential Unit Managers Licensure Act.

10 (f) To obtain adequate and appropriate kinds of
11 insurance.

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

14 (h) To adopt and amend rules and regulations covering
15 the details of the operation and use of the property, after
16 a meeting of the unit owners called for the specific
17 purpose of discussing the proposed rules and regulations.
18 Notice of the meeting shall contain the full text of the
19 proposed rules and regulations, and the meeting shall
20 conform to the requirements of Section 18(b) of this Act,
21 except that no quorum is required at the meeting of the
22 unit owners unless the declaration, bylaws or other
23 condominium instrument expressly provides to the contrary.
24 However, no rule or regulation may impair any rights
25 guaranteed by the First Amendment to the Constitution of
26 the United States or Section 4 of Article I of the Illinois

1 Constitution including, but not limited to, the free
2 exercise of religion, nor may any rules or regulations
3 conflict with the provisions of this Act or the condominium
4 instruments. No rule or regulation shall prohibit any
5 reasonable accommodation for religious practices,
6 including the attachment of religiously mandated objects
7 to the front-door area of a condominium unit.

8 (i) To keep detailed, accurate records of the receipts
9 and expenditures affecting the use and operation of the
10 property.

11 (j) To have access to each unit from time to time as
12 may be necessary for the maintenance, repair or replacement
13 of any common elements or for making emergency repairs
14 necessary to prevent damage to the common elements or to
15 other units.

16 (k) To pay real property taxes, special assessments,
17 and any other special taxes or charges of the State of
18 Illinois or of any political subdivision thereof, or other
19 lawful taxing or assessing body, which are authorized by
20 law to be assessed and levied upon the real property of the
21 condominium.

22 (l) To impose charges for late payment of a unit
23 owner's proportionate share of the common expenses, or any
24 other expenses lawfully agreed upon, and after notice and
25 an opportunity to be heard, to levy reasonable fines for
26 violation of the declaration, by-laws, and rules and

1 regulations of the association.

2 (m) Unless the condominium instruments expressly
3 provide to the contrary, by a majority vote of the entire
4 board of managers, to assign the right of the association
5 to future income from common expenses or other sources, and
6 to mortgage or pledge substantially all of the remaining
7 assets of the association.

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

12 (o) To record the granting of an easement for the
13 laying of cable television cable where authorized by the
14 unit owners under the provisions of Section 14.3; to
15 obtain, if available and determined by the board to be in
16 the best interests of the association, cable television
17 service for all of the units of the condominium on a bulk
18 identical service and equal cost per unit basis; and to
19 assess and recover the expense as a common expense and, if
20 so determined by the board, to assess each and every unit
21 on the same equal cost per unit basis.

22 (p) To seek relief on behalf of all unit owners when
23 authorized pursuant to subsection (c) of Section 10 from or
24 in connection with the assessment or levying of real
25 property taxes, special assessments, and any other special
26 taxes or changes of the State of Illinois or of any

1 political subdivision thereof or of any lawful taxing or
2 assessing body.

3 (q) To reasonably accommodate the needs of a
4 handicapped unit owner as required by the federal Civil
5 Rights Act of 1968, the Human Rights Act and any applicable
6 local ordinances in the exercise of its powers with respect
7 to the use of common elements or approval of modifications
8 in an individual unit.

9 (r) To accept service of a notice of claim for purposes
10 of the Mechanics Lien Act on behalf of each respective
11 member of the Unit Owners' Association with respect to
12 improvements performed pursuant to any contract entered
13 into by the Board of Managers or any contract entered into
14 prior to the recording of the condominium declaration
15 pursuant to this Act, for a property containing more than 8
16 units, and to distribute the notice to the unit owners
17 within 7 days of the acceptance of the service by the Board
18 of Managers. The service shall be effective as if each
19 individual unit owner had been served individually with
20 notice.

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

25 The collection of assessments from unit owners by an
26 association, board of managers or their duly authorized agents

1 shall not be considered acts constituting a collection agency
2 for purposes of the Collection Agency Act.

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

10 (Source: P.A. 94-384, eff. 1-1-06; 94-729, eff. 1-1-07.)

11 Section 999. Effective date. This Act takes effect January
12 1, 2008.