

HB2374



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2374

by Rep. Renée Kosel

SYNOPSIS AS INTRODUCED:

765 ILCS 160/1-30

Amends the Common Interest Community Association Act. In a Section concerning board duties and obligations, provides that a board member's immediate family includes the board member's siblings. Effective immediately.

LRB098 07876 HEP 37960 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 Common Interest Community Association Act is
5 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 member of the board of the common interest community
10 association may not enter into a contract with a current board
11 member, or with a corporation or partnership in which a board
12 member or a member of his or her immediate family has 25% or
13 more interest, unless notice of intent to enter into the
14 contract is given to members within 20 days after a decision is
15 made to enter into the contract and the members are afforded an
16 opportunity by filing a petition, signed by 20% of the
17 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 shall provide for the maintenance, repair,

1 and replacement of the common areas and payments therefor,
2 including the method of approving payment vouchers.

3 (d) (Blank).

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

6 (f) The association shall have one class of membership
7 unless the declaration or bylaws provide otherwise; however,
8 this subsection (f) shall not be construed to limit the
9 operation of subsection (c) of Section 1-20 of this Act.

10 (g) The board shall have the power, after notice and an
11 opportunity to be heard, to levy and collect reasonable fines
12 from members or unit owners for violations of the declaration,
13 bylaws, and rules and regulations of the common interest
14 community association.

15 (h) Other than attorney's fees and court or arbitration
16 costs, no fees pertaining to the collection of a member's or
17 unit owner's financial obligation to the association,
18 including fees charged by a manager or managing agent, shall be
19 added to and deemed a part of a member's or unit owner's
20 respective share of the common expenses unless: (i) the
21 managing agent fees relate to the costs to collect common
22 expenses for the association; (ii) the fees are set forth in a
23 contract between the managing agent and the association; and
24 (iii) the authority to add the management fees to a member's or
25 unit owner's respective share of the common expenses is
26 specifically stated in the declaration or bylaws of the

1 association.

2 (i) Board records.

3 (1) The board shall maintain the following records of
4 the association and make them available for examination and
5 copying at convenient hours of weekdays by any member or
6 unit owner in a common interest community subject to the
7 authority of the board, their mortgagees, and their duly
8 authorized agents or attorneys:

9 (i) Copies of the recorded declaration, other
10 community instruments, other duly recorded covenants
11 and bylaws and any amendments, articles of
12 incorporation, annual reports, and any rules and
13 regulations adopted by the board shall be available.
14 Prior to the organization of the board, the developer
15 shall maintain and make available the records set forth
16 in this paragraph (i) for examination and copying.

17 (ii) Detailed and accurate records in
18 chronological order of the receipts and expenditures
19 affecting the common areas, specifying and itemizing
20 the maintenance and repair expenses of the common areas
21 and any other expenses incurred, and copies of all
22 contracts, leases, or other agreements entered into by
23 the board shall be maintained.

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

26 (iv) With a written statement of a proper purpose,

1 ballots and proxies related thereto, if any, for any
2 election held for the board and for any other matters
3 voted on by the members, which shall be maintained for
4 not less than one year.

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

10 (vi) With respect to units owned by a land trust, a
11 living trust, or other legal entity, the trustee,
12 officer, or manager of the entity may designate, in
13 writing, a person to cast votes on behalf of the member
14 or unit owner and a designation shall remain in effect
15 until a subsequent document is filed with the
16 association.

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

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

24 (4) If the board fails to provide records properly
25 requested under paragraph (1) of this subsection (i) within
26 the time period provided in that paragraph (1), the member

1 may seek appropriate relief and shall be entitled to an
2 award of reasonable attorney's fees and costs if the member
3 prevails and the court finds that such failure is due to
4 the acts or omissions of the board of managers or the board
5 of directors.

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

10 (Source: P.A. 96-1400, eff. 7-29-10; 97-605, eff. 8-26-11;
11 97-1090, eff. 8-24-12.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.