



Sen. Heather A. Steans

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09800SB1606sam001

LRB098 10392 HEP 40815 a

1 AMENDMENT TO SENATE BILL 1606

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1606 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Condominium Property Act is amended by  
5 changing Section 27 as follows:

6 (765 ILCS 605/27) (from Ch. 30, par. 327)

7 Sec. 27. (a) If there is any unit owner other than the  
8 developer, and unless otherwise provided in this Act, the  
9 condominium instruments shall be amended only as follows:

10 (i) upon the affirmative vote of 2/3 of those voting or  
11 upon the majority specified by the condominium  
12 instruments, provided that in no event shall the  
13 condominium instruments require more than a three-quarters  
14 vote of all unit owners; and

15 (ii) with the approval of any mortgagees required under  
16 the provisions of the condominium instruments.

1 ~~Except in cases where this Act provides different methods of~~  
2 ~~amendment or with respect to property whose declaration is~~  
3 ~~recorded on or after July 1, 1984, no condominium instrument~~  
4 ~~shall require more than a three quarters vote of unit owners to~~  
5 ~~amend the bylaws. Except to the extent authorized by other~~  
6 ~~provisions of this Act, no amendment to the condominium~~  
7 ~~instrument shall change the boundaries of any unit or the~~  
8 ~~undivided interest in the common elements, the number of votes~~  
9 ~~in the unit owners' association, or the liability for common~~  
10 ~~expenses appertaining to a unit.~~

11 (b) (1) If there is an omission or error in the declaration,  
12 bylaws or other condominium instrument, the association may  
13 correct the error or omission by an amendment to the  
14 declaration, bylaws, or other condominium instrument in such  
15 respects as may be required to conform to this Act, and any  
16 other applicable statute or to the declaration by vote of  
17 two-thirds of the members of the Board of Managers or by a  
18 majority vote of the unit owners at a meeting called for this  
19 purpose, unless the Act or the condominium instruments  
20 specifically provide for greater percentages or different  
21 procedures.

22 (2) If through a scrivener's error, a unit has not been  
23 designated as owning an appropriate undivided share of the  
24 common elements or does not bear an appropriate share of the  
25 common expenses or that all the common expenses or all of the  
26 common elements in the condominium have not been distributed in

1 the declaration, so that the sum total of the shares of common  
2 elements which have been distributed or the sum total of the  
3 shares of the common expenses fail to equal 100%, or if it  
4 appears that more than 100% of the common elements or common  
5 expenses have been distributed, the error may be corrected by  
6 operation of law by filing an amendment to the declaration  
7 approved by vote of two-thirds of the members of the Board of  
8 Managers or a majority vote of the unit owners at a meeting  
9 called for this purpose which proportionately adjusts all  
10 percentage interests so that the total is equal to 100% unless  
11 the condominium instruments specifically provide for a  
12 different procedure or different percentage vote by the owners  
13 of the units and the owners of mortgages thereon affected by  
14 modification being made in the undivided interest in the common  
15 elements, the number of votes in the unit owners association or  
16 the liability for common expenses appertaining to the unit.

17 (3) If an omission or error or a scrivener's error in the  
18 declaration, bylaws or other condominium instrument is  
19 corrected by vote of two-thirds of the members of the Board of  
20 Managers pursuant to the authority established in subsections  
21 (b) (1) or (b) (2) of Section 27 of this Act, the Board upon  
22 written petition by unit owners with 20 percent of the votes of  
23 the association filed within 30 days of the Board action shall  
24 call a meeting of the unit owners within 30 days of the filing  
25 of the petition to consider the Board action. Unless a majority  
26 of the votes of the unit owners of the association are cast at

1 the meeting to reject the action, it is ratified whether or not  
2 a quorum is present.

3 (4) The procedures for amendments set forth in this  
4 subsection (b) cannot be used if such an amendment would  
5 materially or adversely affect property rights of the unit  
6 owners unless the affected unit owners consent in writing. This  
7 Section does not restrict the powers of the association to  
8 otherwise amend the declaration, bylaws, or other condominium  
9 instruments, but authorizes a simple process of amendment  
10 requiring a lesser vote for the purpose of correcting defects,  
11 errors, or omissions when the property rights of the unit  
12 owners are not materially or adversely affected.

13 (5) If there is an omission or error in the declaration,  
14 bylaws, or other condominium instruments, which may not be  
15 corrected by an amendment procedure set forth in paragraphs (1)  
16 and (2) of subsection (b) of Section 27 in the declaration then  
17 the Circuit Court in the County in which the condominium is  
18 located shall have jurisdiction to hear a petition of one or  
19 more of the unit owners thereon or of the association, to  
20 correct the error or omission, and the action may be a class  
21 action. The court may require that one or more methods of  
22 correcting the error or omission be submitted to the unit  
23 owners to determine the most acceptable correction. All unit  
24 owners in the association must be joined as parties to the  
25 action. Service of process on owners may be by publication, but  
26 the plaintiff shall furnish all unit owners not personally

1 served with process with copies of the petition and final  
2 judgment of the court by certified mail return receipt  
3 requested, at their last known address.

4 (6) Nothing contained in this Section shall be construed to  
5 invalidate any provision of a condominium instrument  
6 authorizing the developer to amend a condominium instrument  
7 prior to the latest date on which the initial membership  
8 meeting of the unit owners must be held, whether or nor it has  
9 actually been held, to bring the instrument into compliance  
10 with the legal requirements of the Federal National Mortgage  
11 Association, the Federal Home Loan Mortgage Corporation, the  
12 Federal Housing Administration, the United States Veterans  
13 Administration or their respective successors and assigns.

14 (Source: P.A. 94-886, eff. 6-20-06.)".