

SB1344



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1344

Introduced 2/18/2015, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

765 ILCS 160/1-20

Amends the Common Interest Community Association Act. Provides that no action to incorporate a common interest community as a municipality shall commence until an instrument agreeing to incorporation has been signed by 51% (instead of two-thirds) of the members.

LRB099 09084 HEP 29274 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 1-20 as follows:

6 (765 ILCS 160/1-20)

7 Sec. 1-20. Amendments to the declaration or bylaws.

8 (a) The administration of every property shall be governed
9 by the declaration and bylaws, which may either be embodied in
10 the declaration or in a separate instrument, a true copy of
11 which shall be appended to and recorded with the declaration.
12 No modification or amendment of the declaration or bylaws shall
13 be valid unless the same is set forth in an amendment thereof
14 and such amendment is duly recorded. An amendment of the
15 declaration or bylaws shall be deemed effective upon
16 recordation, unless the amendment sets forth a different
17 effective date.

18 (b) Unless otherwise provided by this Act, amendments to
19 community instruments authorized to be recorded shall be
20 executed and recorded by the president of the board or such
21 other officer authorized by the common interest community
22 association or the community instruments.

23 (c) If an association that currently permits leasing amends

1 its declaration, bylaws, or rules and regulations to prohibit
2 leasing, nothing in this Act or the declarations, bylaws, rules
3 and regulations of an association shall prohibit a unit owner
4 incorporated under 26 USC 501(c) (3) which is leasing a unit at
5 the time of the prohibition from continuing to do so until such
6 time that the unit owner voluntarily sells the unit; and no
7 special fine, fee, dues, or penalty shall be assessed against
8 the unit owner for leasing its unit.

9 (d) No action to incorporate a common interest community as
10 a municipality shall commence until an instrument agreeing to
11 incorporation has been signed by 51% ~~two-thirds~~ of the members.
12 (Source: P.A. 96-1400, eff. 7-29-10; 97-605, eff. 8-26-11;
13 97-1090, eff. 8-24-12.)