

SB0884



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB0884

Introduced 2/7/2017, by Sen. John G. Mulroe

SYNOPSIS AS INTRODUCED:

765 ILCS 160/1-25
765 ILCS 605/18

from Ch. 30, par. 318

Amends the Common Interest Community Association Act. Provides that all voting by the members of a common interest community association shall be on a non-cumulative basis. Amends the Condominium Property Act. Provides that the bylaws shall provide that voting shall be on a non-cumulative basis.

LRB100 06988 HEP 17041 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 1-25 as follows:

6 (765 ILCS 160/1-25)

7 Sec. 1-25. Board of managers, board of directors, duties,
8 elections, and voting.

9 (a) Elections shall be held in accordance with the
10 community instruments, provided that an election shall be held
11 no less frequently than once every 24 months, for the board of
12 managers or board of directors from among the membership of a
13 common interest community association.

14 (b) (Blank).

15 (c) The members of the board shall serve without
16 compensation, unless the community instruments indicate
17 otherwise.

18 (d) No member of the board or officer shall be elected for
19 a term of more than 4 years, but officers and board members may
20 succeed themselves.

21 (e) If there is a vacancy on the board, the remaining
22 members of the board may fill the vacancy by a two-thirds vote
23 of the remaining board members until the next annual meeting of

1 the membership or until members holding 20% of the votes of the
2 association request a meeting of the members to fill the
3 vacancy for the balance of the term. A meeting of the members
4 shall be called for purposes of filling a vacancy on the board
5 no later than 30 days following the filing of a petition signed
6 by membership holding 20% of the votes of the association
7 requesting such a meeting.

8 (f) There shall be an election of a:

9 (1) president from among the members of the board, who
10 shall preside over the meetings of the board and of the
11 membership;

12 (2) secretary from among the members of the board, who
13 shall keep the minutes of all meetings of the board and of
14 the membership and who shall, in general, perform all the
15 duties incident to the office of secretary; and

16 (3) treasurer from among the members of the board, who
17 shall keep the financial records and books of account.

18 (g) If no election is held to elect board members within
19 the time period specified in the bylaws, or within a reasonable
20 amount of time thereafter not to exceed 90 days, then 20% of
21 the members may bring an action to compel compliance with the
22 election requirements specified in the bylaws or operating
23 agreement. If the court finds that an election was not held to
24 elect members of the board within the required period due to
25 the bad faith acts or omissions of the board of managers or the
26 board of directors, the members shall be entitled to recover

1 their reasonable attorney's fees and costs from the
2 association. If the relevant notice requirements have been met
3 and an election is not held solely due to a lack of a quorum,
4 then this subsection (g) does not apply.

5 (h) Where there is more than one owner of a unit and there
6 is only one member vote associated with that unit, if only one
7 of the multiple owners is present at a meeting of the
8 membership, he or she is entitled to cast the member vote
9 associated with that unit.

10 (h-5) A member may vote:

11 (1) by proxy executed in writing by the member or by
12 his or her duly authorized attorney in fact, provided,
13 however, that the proxy bears the date of execution. Unless
14 the community instruments or the written proxy itself
15 provide otherwise, proxies will not be valid for more than
16 11 months after the date of its execution; or

17 (2) by submitting an association-issued ballot in
18 person at the election meeting; or

19 (3) by submitting an association-issued ballot to the
20 association or its designated agent by mail or other means
21 of delivery specified in the declaration or bylaws; or

22 (4) by any electronic or acceptable technological
23 means.

24 Votes cast under any paragraph of this subsection (h-5) are
25 valid for the purpose of establishing a quorum.

26 (i) The association may, upon adoption of the appropriate

1 rules by the board, conduct elections by electronic or
2 acceptable technological means. Members may not vote by proxy
3 in board elections. Instructions regarding the use of
4 electronic means or acceptable technological means for voting
5 shall be distributed to all members not less than 10 and not
6 more than 30 days before the election meeting. The instruction
7 notice must include the names of all candidates who have given
8 the board or its authorized agent timely written notice of
9 their candidacy and must give the person voting through
10 electronic or acceptable technological means the opportunity
11 to cast votes for candidates whose names do not appear on the
12 ballot. The board rules shall provide and the instructions
13 provided to the member shall state that a member who submits a
14 vote using electronic or acceptable technological means may
15 request and cast a ballot in person at the election meeting,
16 and thereby void any vote previously submitted by that member.

17 (j) Upon proof of purchase, the purchaser of a unit from a
18 seller other than the developer pursuant to an installment
19 contract for purchase shall, during such times as he or she
20 resides in the unit, be counted toward a quorum for purposes of
21 election of members of the board at any meeting of the
22 membership called for purposes of electing members of the
23 board, shall have the right to vote for the members of the
24 board of the common interest community association and to be
25 elected to and serve on the board unless the seller expressly
26 retains in writing any or all of such rights.

1 (k) All voting by the members of a common interest
2 community association shall be on a non-cumulative basis.

3 (Source: P.A. 98-1042, eff. 1-1-15; 99-41, eff. 7-14-15.)

4 Section 10. The Condominium Property Act is amended by
5 changing Section 18 as follows:

6 (765 ILCS 605/18) (from Ch. 30, par. 318)

7 Sec. 18. Contents of bylaws. The bylaws shall provide for
8 at least the following:

9 (a) (1) The election from among the unit owners of a
10 board of managers, the number of persons constituting such
11 board, and that the terms of at least one-third of the
12 members of the board shall expire annually and that all
13 members of the board shall be elected at large; if there
14 are multiple owners of a single unit, only one of the
15 multiple owners shall be eligible to serve as a member of
16 the board at any one time;

17 (2) the powers and duties of the board;

18 (3) the compensation, if any, of the members of the
19 board;

20 (4) the method of removal from office of members of the
21 board;

22 (5) that the board may engage the services of a manager
23 or managing agent;

24 (6) that each unit owner shall receive, at least 25

1 days prior to the adoption thereof by the board of
2 managers, a copy of the proposed annual budget together
3 with an indication of which portions are intended for
4 reserves, capital expenditures or repairs or payment of
5 real estate taxes;

6 (7) that the board of managers shall annually supply to
7 all unit owners an itemized accounting of the common
8 expenses for the preceding year actually incurred or paid,
9 together with an indication of which portions were for
10 reserves, capital expenditures or repairs or payment of
11 real estate taxes and with a tabulation of the amounts
12 collected pursuant to the budget or assessment, and showing
13 the net excess or deficit of income over expenditures plus
14 reserves;

15 (8) (i) that each unit owner shall receive notice, in
16 the same manner as is provided in this Act for membership
17 meetings, of any meeting of the board of managers
18 concerning the adoption of the proposed annual budget and
19 regular assessments pursuant thereto or to adopt a separate
20 (special) assessment, (ii) that except as provided in
21 subsection (iv) below, if an adopted budget or any separate
22 assessment adopted by the board would result in the sum of
23 all regular and separate assessments payable in the current
24 fiscal year exceeding 115% of the sum of all regular and
25 separate assessments payable during the preceding fiscal
26 year, the board of managers, upon written petition by unit

1 owners with 20 percent of the votes of the association
2 delivered to the board within 14 days of the board action,
3 shall call a meeting of the unit owners within 30 days of
4 the date of delivery of the petition to consider the budget
5 or separate assessment; unless a majority of the total
6 votes of the unit owners are cast at the meeting to reject
7 the budget or separate assessment, it is ratified, (iii)
8 that any common expense not set forth in the budget or any
9 increase in assessments over the amount adopted in the
10 budget shall be separately assessed against all unit
11 owners, (iv) that separate assessments for expenditures
12 relating to emergencies or mandated by law may be adopted
13 by the board of managers without being subject to unit
14 owner approval or the provisions of item (ii) above or item
15 (v) below. As used herein, "emergency" means an immediate
16 danger to the structural integrity of the common elements
17 or to the life, health, safety or property of the unit
18 owners, (v) that assessments for additions and alterations
19 to the common elements or to association-owned property not
20 included in the adopted annual budget, shall be separately
21 assessed and are subject to approval of two-thirds of the
22 total votes of all unit owners, (vi) that the board of
23 managers may adopt separate assessments payable over more
24 than one fiscal year. With respect to multi-year
25 assessments not governed by items (iv) and (v), the entire
26 amount of the multi-year assessment shall be deemed

1 considered and authorized in the first fiscal year in which
2 the assessment is approved;

3 (9) (A) that every meeting of the board of managers
4 shall be open to any unit owner, except that the board may
5 close any portion of a noticed meeting or meet separately
6 from a noticed meeting to: (i) discuss litigation when an
7 action against or on behalf of the particular association
8 has been filed and is pending in a court or administrative
9 tribunal, or when the board of managers finds that such an
10 action is probable or imminent, (ii) discuss the
11 appointment, employment, engagement, or dismissal of an
12 employee, independent contractor, agent, or other provider
13 of goods and services, (iii) interview a potential
14 employee, independent contractor, agent, or other provider
15 of goods and services, (iv) discuss violations of rules and
16 regulations of the association, (v) discuss a unit owner's
17 unpaid share of common expenses, or (vi) consult with the
18 association's legal counsel; that any vote on these matters
19 shall take place at a meeting of the board of managers or
20 portion thereof open to any unit owner;

21 (B) that board members may participate in and act at
22 any meeting of the board of managers in person, by
23 telephonic means, or by use of any acceptable technological
24 means whereby all persons participating in the meeting can
25 communicate with each other; that participation
26 constitutes attendance and presence in person at the

1 meeting;

2 (C) that any unit owner may record the proceedings at
3 meetings of the board of managers or portions thereof
4 required to be open by this Act by tape, film or other
5 means, and that the board may prescribe reasonable rules
6 and regulations to govern the right to make such
7 recordings;

8 (D) that notice of every meeting of the board of
9 managers shall be given to every board member at least 48
10 hours prior thereto, unless the board member waives notice
11 of the meeting pursuant to subsection (a) of Section 18.8;
12 and

13 (E) that notice of every meeting of the board of
14 managers shall be posted in entranceways, elevators, or
15 other conspicuous places in the condominium at least 48
16 hours prior to the meeting of the board of managers except
17 where there is no common entranceway for 7 or more units,
18 the board of managers may designate one or more locations
19 in the proximity of these units where the notices of
20 meetings shall be posted; that notice of every meeting of
21 the board of managers shall also be given at least 48 hours
22 prior to the meeting, or such longer notice as this Act may
23 separately require, to: (i) each unit owner who has
24 provided the association with written authorization to
25 conduct business by acceptable technological means, and
26 (ii) to the extent that the condominium instruments of an

1 association require, to each other unit owner, as required
2 by subsection (f) of Section 18.8, by mail or delivery, and
3 that no other notice of a meeting of the board of managers
4 need be given to any unit owner;

5 (10) that the board shall meet at least 4 times
6 annually;

7 (11) that no member of the board or officer shall be
8 elected for a term of more than 2 years, but that officers
9 and board members may succeed themselves;

10 (12) the designation of an officer to mail and receive
11 all notices and execute amendments to condominium
12 instruments as provided for in this Act and in the
13 condominium instruments;

14 (13) the method of filling vacancies on the board which
15 shall include authority for the remaining members of the
16 board to fill the vacancy by two-thirds vote until the next
17 annual meeting of unit owners or for a period terminating
18 no later than 30 days following the filing of a petition
19 signed by unit owners holding 20% of the votes of the
20 association requesting a meeting of the unit owners to fill
21 the vacancy for the balance of the term, and that a meeting
22 of the unit owners shall be called for purposes of filling
23 a vacancy on the board no later than 30 days following the
24 filing of a petition signed by unit owners holding 20% of
25 the votes of the association requesting such a meeting, and
26 the method of filling vacancies among the officers that

1 shall include the authority for the members of the board to
2 fill the vacancy for the unexpired portion of the term;

3 (14) what percentage of the board of managers, if other
4 than a majority, shall constitute a quorum;

5 (15) provisions concerning notice of board meetings to
6 members of the board;

7 (16) the board of managers may not enter into a
8 contract with a current board member or with a corporation
9 or partnership in which a board member or a member of the
10 board member's immediate family has 25% or more interest,
11 unless notice of intent to enter the contract is given to
12 unit owners within 20 days after a decision is made to
13 enter into the contract and the unit owners are afforded an
14 opportunity by filing a petition, signed by 20% of the unit
15 owners, for an election to approve or disapprove the
16 contract; such petition shall be filed within 20 days after
17 such notice and such election shall be held within 30 days
18 after filing the petition; for purposes of this subsection,
19 a board member's immediate family means the board member's
20 spouse, parents, and children;

21 (17) that the board of managers may disseminate to unit
22 owners biographical and background information about
23 candidates for election to the board if (i) reasonable
24 efforts to identify all candidates are made and all
25 candidates are given an opportunity to include
26 biographical and background information in the information

1 to be disseminated; and (ii) the board does not express a
2 preference in favor of any candidate;

3 (18) any proxy distributed for board elections by the
4 board of managers gives unit owners the opportunity to
5 designate any person as the proxy holder, and gives the
6 unit owner the opportunity to express a preference for any
7 of the known candidates for the board or to write in a
8 name;

9 (19) that special meetings of the board of managers can
10 be called by the president or 25% of the members of the
11 board;

12 (20) that the board of managers may establish and
13 maintain a system of master metering of public utility
14 services and collect payments in connection therewith,
15 subject to the requirements of the Tenant Utility Payment
16 Disclosure Act; and

17 (21) that the board may ratify and confirm actions of
18 the members of the board taken in response to an emergency,
19 as that term is defined in subdivision (a)(8)(iv) of this
20 Section; that the board shall give notice to the unit
21 owners of: (i) the occurrence of the emergency event within
22 7 business days after the emergency event, and (ii) the
23 general description of the actions taken to address the
24 event within 7 days after the emergency event.

25 The intent of the provisions of Public Act 99-472
26 adding this paragraph (21) is to empower and support boards

1 to act in emergencies.

2 (b) (1) What percentage of the unit owners, if other
3 than 20%, shall constitute a quorum provided that, for
4 condominiums with 20 or more units, the percentage of unit
5 owners constituting a quorum shall be 20% unless the unit
6 owners holding a majority of the percentage interest in the
7 association provide for a higher percentage, provided that
8 in voting on amendments to the association's bylaws, a unit
9 owner who is in arrears on the unit owner's regular or
10 separate assessments for 60 days or more, shall not be
11 counted for purposes of determining if a quorum is present,
12 but that unit owner retains the right to vote on amendments
13 to the association's bylaws;

14 (2) that the association shall have one class of
15 membership;

16 (3) that the members shall hold an annual meeting, one
17 of the purposes of which shall be to elect members of the
18 board of managers;

19 (4) the method of calling meetings of the unit owners;

20 (5) that special meetings of the members can be called
21 by the president, board of managers, or by 20% of unit
22 owners;

23 (6) that written notice of any membership meeting shall
24 be mailed or delivered giving members no less than 10 and
25 no more than 30 days notice of the time, place and purpose
26 of such meeting except that notice may be sent, to the

1 extent the condominium instruments or rules adopted
2 thereunder expressly so provide, by electronic
3 transmission consented to by the unit owner to whom the
4 notice is given, provided the director and officer or his
5 agent certifies in writing to the delivery by electronic
6 transmission;

7 (7) that voting shall be on a non-cumulative percentage
8 basis, and that the percentage vote to which each unit is
9 entitled is the percentage interest of the undivided
10 ownership of the common elements appurtenant thereto,
11 provided that the bylaws may provide for approval by unit
12 owners in connection with matters where the requisite
13 approval on a percentage basis is not specified in this
14 Act, on the basis of non-cumulative one vote per unit;

15 (8) that, where there is more than one owner of a unit,
16 if only one of the multiple owners is present at a meeting
17 of the association, he is entitled to cast all the votes
18 allocated to that unit, if more than one of the multiple
19 owners are present, the votes allocated to that unit may be
20 cast only in accordance with the agreement of a majority in
21 interest of the multiple owners, unless the declaration
22 expressly provides otherwise, that there is majority
23 agreement if any one of the multiple owners cast the votes
24 allocated to that unit without protest being made promptly
25 to the person presiding over the meeting by any of the
26 other owners of the unit;

1 (9) (A) except as provided in subparagraph (B) of this
2 paragraph (9) in connection with board elections, that a
3 unit owner may vote by proxy executed in writing by the
4 unit owner or by his duly authorized attorney in fact; that
5 the proxy must bear the date of execution and, unless the
6 condominium instruments or the written proxy itself
7 provide otherwise, is invalid after 11 months from the date
8 of its execution; to the extent the condominium instruments
9 or rules adopted thereunder expressly so provide, a vote or
10 proxy may be submitted by electronic transmission,
11 provided that any such electronic transmission shall
12 either set forth or be submitted with information from
13 which it can be determined that the electronic transmission
14 was authorized by the unit owner or the unit owner's proxy;

15 (B) that if a rule adopted at least 120 days before a
16 board election or the declaration or bylaws provide for
17 balloting as set forth in this subsection, unit owners may
18 not vote by proxy in board elections, but may vote only (i)
19 by submitting an association-issued ballot in person at the
20 election meeting or (ii) by submitting an
21 association-issued ballot to the association or its
22 designated agent by mail or other means of delivery
23 specified in the declaration, bylaws, or rule; that the
24 ballots shall be mailed or otherwise distributed to unit
25 owners not less than 10 and not more than 30 days before
26 the election meeting, and the board shall give unit owners

1 not less than 21 days' prior written notice of the deadline
2 for inclusion of a candidate's name on the ballots; that
3 the deadline shall be no more than 7 days before the
4 ballots are mailed or otherwise distributed to unit owners;
5 that every such ballot must include the names of all
6 candidates who have given the board or its authorized agent
7 timely written notice of their candidacy and must give the
8 person casting the ballot the opportunity to cast votes for
9 candidates whose names do not appear on the ballot; that a
10 ballot received by the association or its designated agent
11 after the close of voting shall not be counted; that a unit
12 owner who submits a ballot by mail or other means of
13 delivery specified in the declaration, bylaws, or rule may
14 request and cast a ballot in person at the election
15 meeting, and thereby void any ballot previously submitted
16 by that unit owner;

17 (B-5) that if a rule adopted at least 120 days before a
18 board election or the declaration or bylaws provide for
19 balloting as set forth in this subparagraph, unit owners
20 may not vote by proxy in board elections, but may vote only
21 (i) by submitting an association-issued ballot in person at
22 the election meeting; or (ii) by any acceptable
23 technological means as defined in Section 2 of this Act;
24 instructions regarding the use of electronic means for
25 voting shall be distributed to all unit owners not less
26 than 10 and not more than 30 days before the election

1 meeting, and the board shall give unit owners not less than
2 21 days' prior written notice of the deadline for inclusion
3 of a candidate's name on the ballots; the deadline shall be
4 no more than 7 days before the instructions for voting
5 using electronic or acceptable technological means is
6 distributed to unit owners; every instruction notice must
7 include the names of all candidates who have given the
8 board or its authorized agent timely written notice of
9 their candidacy and must give the person voting through
10 electronic or acceptable technological means the
11 opportunity to cast votes for candidates whose names do not
12 appear on the ballot; a unit owner who submits a vote using
13 electronic or acceptable technological means may request
14 and cast a ballot in person at the election meeting,
15 thereby voiding any vote previously submitted by that unit
16 owner;

17 (C) that if a written petition by unit owners with at
18 least 20% of the votes of the association is delivered to
19 the board within 14 days after the board's approval of a
20 rule adopted pursuant to subparagraph (B) or subparagraph
21 (B-5) of this paragraph (9), the board shall call a meeting
22 of the unit owners within 30 days after the date of
23 delivery of the petition; that unless a majority of the
24 total votes of the unit owners are cast at the meeting to
25 reject the rule, the rule is ratified;

26 (D) that votes cast by ballot under subparagraph (B) or

1 electronic or acceptable technological means under
2 subparagraph (B-5) of this paragraph (9) are valid for the
3 purpose of establishing a quorum;

4 (10) that the association may, upon adoption of the
5 appropriate rules by the board of managers, conduct
6 elections by secret ballot whereby the voting ballot is
7 marked only with the percentage interest for the unit and
8 the vote itself, provided that the board further adopt
9 rules to verify the status of the unit owner issuing a
10 proxy or casting a ballot; and further, that a candidate
11 for election to the board of managers or such candidate's
12 representative shall have the right to be present at the
13 counting of ballots at such election;

14 (11) that in the event of a resale of a condominium
15 unit the purchaser of a unit from a seller other than the
16 developer pursuant to an installment contract for purchase
17 shall during such times as he or she resides in the unit be
18 counted toward a quorum for purposes of election of members
19 of the board of managers at any meeting of the unit owners
20 called for purposes of electing members of the board, shall
21 have the right to vote for the election of members of the
22 board of managers and to be elected to and serve on the
23 board of managers unless the seller expressly retains in
24 writing any or all of such rights. In no event may the
25 seller and purchaser both be counted toward a quorum, be
26 permitted to vote for a particular office or be elected and

1 serve on the board. Satisfactory evidence of the
2 installment contract shall be made available to the
3 association or its agents. For purposes of this subsection,
4 "installment contract" shall have the same meaning as set
5 forth in Section 1(e) of the Dwelling Unit Installment
6 Contract Act;

7 (12) the method by which matters subject to the
8 approval of unit owners set forth in this Act, or in the
9 condominium instruments, will be submitted to the unit
10 owners at special membership meetings called for such
11 purposes; and

12 (13) that matters subject to the affirmative vote of
13 not less than 2/3 of the votes of unit owners at a meeting
14 duly called for that purpose, shall include, but not be
15 limited to:

16 (i) merger or consolidation of the association;

17 (ii) sale, lease, exchange, or other disposition
18 (excluding the mortgage or pledge) of all, or
19 substantially all of the property and assets of the
20 association; and

21 (iii) the purchase or sale of land or of units on
22 behalf of all unit owners.

23 (c) Election of a president from among the board of
24 managers, who shall preside over the meetings of the board
25 of managers and of the unit owners.

26 (d) Election of a secretary from among the board of

1 managers, who shall keep the minutes of all meetings of the
2 board of managers and of the unit owners and who shall, in
3 general, perform all the duties incident to the office of
4 secretary.

5 (e) Election of a treasurer from among the board of
6 managers, who shall keep the financial records and books of
7 account.

8 (f) Maintenance, repair and replacement of the common
9 elements and payments therefor, including the method of
10 approving payment vouchers.

11 (g) An association with 30 or more units shall obtain
12 and maintain fidelity insurance covering persons who
13 control or disburse funds of the association for the
14 maximum amount of coverage available to protect funds in
15 the custody or control of the association plus the
16 association reserve fund. All management companies which
17 are responsible for the funds held or administered by the
18 association shall maintain and furnish to the association a
19 fidelity bond for the maximum amount of coverage available
20 to protect funds in the custody of the management company
21 at any time. The association shall bear the cost of the
22 fidelity insurance and fidelity bond, unless otherwise
23 provided by contract between the association and a
24 management company. The association shall be the direct
25 obligee of any such fidelity bond. A management company
26 holding reserve funds of an association shall at all times

1 maintain a separate account for each association,
2 provided, however, that for investment purposes, the Board
3 of Managers of an association may authorize a management
4 company to maintain the association's reserve funds in a
5 single interest bearing account with similar funds of other
6 associations. The management company shall at all times
7 maintain records identifying all moneys of each
8 association in such investment account. The management
9 company may hold all operating funds of associations which
10 it manages in a single operating account but shall at all
11 times maintain records identifying all moneys of each
12 association in such operating account. Such operating and
13 reserve funds held by the management company for the
14 association shall not be subject to attachment by any
15 creditor of the management company.

16 For the purpose of this subsection, a management
17 company shall be defined as a person, partnership,
18 corporation, or other legal entity entitled to transact
19 business on behalf of others, acting on behalf of or as an
20 agent for a unit owner, unit owners or association of unit
21 owners for the purpose of carrying out the duties,
22 responsibilities, and other obligations necessary for the
23 day to day operation and management of any property subject
24 to this Act. For purposes of this subsection, the term
25 "fiduciary insurance coverage" shall be defined as both a
26 fidelity bond and directors and officers liability

1 coverage, the fidelity bond in the full amount of
2 association funds and association reserves that will be in
3 the custody of the association, and the directors and
4 officers liability coverage at a level as shall be
5 determined to be reasonable by the board of managers, if
6 not otherwise established by the declaration or by laws.

7 Until one year after September 21, 1985 (the effective
8 date of Public Act 84-722), if a condominium association
9 has reserves plus assessments in excess of \$250,000 and
10 cannot reasonably obtain 100% fidelity bond coverage for
11 such amount, then it must obtain a fidelity bond coverage
12 of \$250,000.

13 (h) Method of estimating the amount of the annual
14 budget, and the manner of assessing and collecting from the
15 unit owners their respective shares of such estimated
16 expenses, and of any other expenses lawfully agreed upon.

17 (i) That upon 10 days notice to the manager or board of
18 managers and payment of a reasonable fee, any unit owner
19 shall be furnished a statement of his account setting forth
20 the amount of any unpaid assessments or other charges due
21 and owing from such owner.

22 (j) Designation and removal of personnel necessary for
23 the maintenance, repair and replacement of the common
24 elements.

25 (k) Such restrictions on and requirements respecting
26 the use and maintenance of the units and the use of the

1 common elements, not set forth in the declaration, as are
2 designed to prevent unreasonable interference with the use
3 of their respective units and of the common elements by the
4 several unit owners.

5 (l) Method of adopting and of amending administrative
6 rules and regulations governing the operation and use of
7 the common elements.

8 (m) The percentage of votes required to modify or amend
9 the bylaws, but each one of the particulars set forth in
10 this section shall always be embodied in the bylaws.

11 (n) (i) The provisions of this Act, the declaration,
12 bylaws, other condominium instruments, and rules and
13 regulations that relate to the use of the individual unit
14 or the common elements shall be applicable to any person
15 leasing a unit and shall be deemed to be incorporated in
16 any lease executed or renewed on or after August 30, 1984
17 (the effective date of Public Act 83-1271).

18 (ii) With regard to any lease entered into subsequent
19 to July 1, 1990 (the effective date of Public Act 86-991),
20 the unit owner leasing the unit shall deliver a copy of the
21 signed lease to the board or if the lease is oral, a
22 memorandum of the lease, not later than the date of
23 occupancy or 10 days after the lease is signed, whichever
24 occurs first. In addition to any other remedies, by filing
25 an action jointly against the tenant and the unit owner, an
26 association may seek to enjoin a tenant from occupying a

1 unit or seek to evict a tenant under the provisions of
2 Article IX of the Code of Civil Procedure for failure of
3 the lessor-owner to comply with the leasing requirements
4 prescribed by this Section or by the declaration, bylaws,
5 and rules and regulations. The board of managers may
6 proceed directly against a tenant, at law or in equity, or
7 under the provisions of Article IX of the Code of Civil
8 Procedure, for any other breach by tenant of any covenants,
9 rules, regulations or bylaws.

10 (o) The association shall have no authority to forbear
11 the payment of assessments by any unit owner.

12 (p) That when 30% or fewer of the units, by number,
13 possess over 50% in the aggregate of the votes in the
14 association, any percentage vote of members specified
15 herein or in the condominium instruments shall require the
16 specified percentage by number of units rather than by
17 percentage of interest in the common elements allocated to
18 units that would otherwise be applicable and garage units
19 or storage units, or both, shall have, in total, no more
20 votes than their aggregate percentage of ownership in the
21 common elements; this shall mean that if garage units or
22 storage units, or both, are to be given a vote, or portion
23 of a vote, that the association must add the total number
24 of votes cast of garage units, storage units, or both, and
25 divide the total by the number of garage units, storage
26 units, or both, and multiply by the aggregate percentage of

1 ownership of garage units and storage units to determine
2 the vote, or portion of a vote, that garage units or
3 storage units, or both, have. For purposes of this
4 subsection (p), when making a determination of whether 30%
5 or fewer of the units, by number, possess over 50% in the
6 aggregate of the votes in the association, a unit shall not
7 include a garage unit or a storage unit.

8 (q) That a unit owner may not assign, delegate,
9 transfer, surrender, or avoid the duties,
10 responsibilities, and liabilities of a unit owner under
11 this Act, the condominium instruments, or the rules and
12 regulations of the Association; and that such an attempted
13 assignment, delegation, transfer, surrender, or avoidance
14 shall be deemed void.

15 The provisions of this Section are applicable to all
16 condominium instruments recorded under this Act. Any portion of
17 a condominium instrument which contains provisions contrary to
18 these provisions shall be void as against public policy and
19 ineffective. Any such instrument which fails to contain the
20 provisions required by this Section shall be deemed to
21 incorporate such provisions by operation of law.

22 (Source: P.A. 98-1042, eff. 1-1-15; 99-472, eff. 6-1-16;
23 99-567, eff. 1-1-17; 99-642, eff. 7-28-16.)