

# HB3416



## 101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3416

by Rep. Jaime M. Andrade, Jr.

### SYNOPSIS AS INTRODUCED:

765 ILCS 605/18

from Ch. 30, par. 318

Amends the Condominium Property Act. Provides that the bylaws shall provide that a statement of commission and its amount shall be provided to the board, and the board shall make such information available to unit owners.

LRB101 10830 LNS 55960 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 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;

1           (6) that each unit owner shall receive, at least 25  
2           days prior to the adoption thereof by the board of  
3           managers, a copy of the proposed annual budget together  
4           with an indication of which portions are intended for  
5           reserves, capital expenditures or repairs or payment of  
6           real estate taxes;

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

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

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

1 amount of the multi-year assessment shall be deemed  
2 considered and authorized in the first fiscal year in which  
3 the assessment is approved;

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

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

1           constitutes attendance and presence in person at the  
2           meeting;

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

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

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

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

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

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

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

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

1 the method of filling vacancies among the officers that  
2 shall include the authority for the members of the board to  
3 fill the vacancy for the unexpired portion of the term;

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

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

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

22 (16.1) that a statement of commission and its amount  
23 shall be provided to the board, and the board shall make  
24 such information available to unit owners;

25 (17) that the board of managers may disseminate to unit  
26 owners biographical and background information about



1 candidates for election to the board if (i) reasonable  
2 efforts to identify all candidates are made and all  
3 candidates are given an opportunity to include  
4 biographical and background information in the information  
5 to be disseminated; and (ii) the board does not express a  
6 preference in favor of any candidate;

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

13 (19) that special meetings of the board of managers can  
14 be called by the president or 25% of the members of the  
15 board;

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

21 (21) that the board may ratify and confirm actions of  
22 the members of the board taken in response to an emergency,  
23 as that term is defined in subdivision (a)(8)(iv) of this  
24 Section; that the board shall give notice to the unit  
25 owners of: (i) the occurrence of the emergency event within  
26 7 business days after the emergency event, and (ii) the

1 general description of the actions taken to address the  
2 event within 7 days after the emergency event.

3 The intent of the provisions of Public Act 99-472  
4 adding this paragraph (21) is to empower and support boards  
5 to act in emergencies.

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

18 (2) that the association shall have one class of  
19 membership;

20 (3) that the members shall hold an annual meeting, one  
21 of the purposes of which shall be to elect members of the  
22 board of managers;

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

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

1           (6) that written notice of any membership meeting shall  
2           be mailed or delivered giving members no less than 10 and  
3           no more than 30 days notice of the time, place and purpose  
4           of such meeting except that notice may be sent, to the  
5           extent the condominium instruments or rules adopted  
6           thereunder expressly so provide, by electronic  
7           transmission consented to by the unit owner to whom the  
8           notice is given, provided the director and officer or his  
9           agent certifies in writing to the delivery by electronic  
10          transmission;

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

19          (8) that, where there is more than one owner of a unit,  
20          if only one of the multiple owners is present at a meeting  
21          of the association, he is entitled to cast all the votes  
22          allocated to that unit, if more than one of the multiple  
23          owners are present, the votes allocated to that unit may be  
24          cast only in accordance with the agreement of a majority in  
25          interest of the multiple owners, unless the declaration  
26          expressly provides otherwise, that there is majority

1 agreement if any one of the multiple owners cast the votes  
2 allocated to that unit without protest being made promptly  
3 to the person presiding over the meeting by any of the  
4 other owners of the unit;

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

19 (B) that if a rule adopted at least 120 days before a  
20 board election or the declaration or bylaws provide for  
21 balloting as set forth in this subsection, unit owners may  
22 not vote by proxy in board elections, but may vote only (i)  
23 by submitting an association-issued ballot in person at the  
24 election meeting or (ii) by submitting an  
25 association-issued ballot to the association or its  
26 designated agent by mail or other means of delivery

1 specified in the declaration, bylaws, or rule; that the  
2 ballots shall be mailed or otherwise distributed to unit  
3 owners not less than 10 and not more than 30 days before  
4 the election meeting, and the board shall give unit owners  
5 not less than 21 days' prior written notice of the deadline  
6 for inclusion of a candidate's name on the ballots; that  
7 the deadline shall be no more than 7 days before the  
8 ballots are mailed or otherwise distributed to unit owners;  
9 that every such ballot must include the names of all  
10 candidates who have given the board or its authorized agent  
11 timely written notice of their candidacy and must give the  
12 person casting the ballot the opportunity to cast votes for  
13 candidates whose names do not appear on the ballot; that a  
14 ballot received by the association or its designated agent  
15 after the close of voting shall not be counted; that a unit  
16 owner who submits a ballot by mail or other means of  
17 delivery specified in the declaration, bylaws, or rule may  
18 request and cast a ballot in person at the election  
19 meeting, and thereby void any ballot previously submitted  
20 by that unit owner;

21 (B-5) that if a rule adopted at least 120 days before a  
22 board election or the declaration or bylaws provide for  
23 balloting as set forth in this subparagraph, unit owners  
24 may not vote by proxy in board elections, but may vote only  
25 (i) by submitting an association-issued ballot in person at  
26 the election meeting; or (ii) by any acceptable

1 technological means as defined in Section 2 of this Act;  
2 instructions regarding the use of electronic means for  
3 voting shall be distributed to all unit owners not less  
4 than 10 and not more than 30 days before the election  
5 meeting, and the board shall give unit owners not less than  
6 21 days' prior written notice of the deadline for inclusion  
7 of a candidate's name on the ballots; the deadline shall be  
8 no more than 7 days before the instructions for voting  
9 using electronic or acceptable technological means is  
10 distributed to unit owners; every instruction notice must  
11 include the names of all candidates who have given the  
12 board or its authorized agent timely written notice of  
13 their candidacy and must give the person voting through  
14 electronic or acceptable technological means the  
15 opportunity to cast votes for candidates whose names do not  
16 appear on the ballot; a unit owner who submits a vote using  
17 electronic or acceptable technological means may request  
18 and cast a ballot in person at the election meeting,  
19 thereby voiding any vote previously submitted by that unit  
20 owner;

21 (C) that if a written petition by unit owners with at  
22 least 20% of the votes of the association is delivered to  
23 the board within 30 days after the board's approval of a  
24 rule adopted pursuant to subparagraph (B) or subparagraph  
25 (B-5) of this paragraph (9), the board shall call a meeting  
26 of the unit owners within 30 days after the date of

1 delivery of the petition; that unless a majority of the  
2 total votes of the unit owners are cast at the meeting to  
3 reject the rule, the rule is ratified;

4 (D) that votes cast by ballot under subparagraph (B) or  
5 electronic or acceptable technological means under  
6 subparagraph (B-5) of this paragraph (9) are valid for the  
7 purpose of establishing a quorum;

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

18 (11) that in the event of a resale of a condominium  
19 unit the purchaser of a unit from a seller other than the  
20 developer pursuant to an installment sales contract for  
21 purchase shall during such times as he or she resides in  
22 the unit be counted toward a quorum for purposes of  
23 election of members of the board of managers at any meeting  
24 of the unit owners called for purposes of electing members  
25 of the board, shall have the right to vote for the election  
26 of members of the board of managers and to be elected to

1 and serve on the board of managers unless the seller  
2 expressly retains in writing any or all of such rights. In  
3 no event may the seller and purchaser both be counted  
4 toward a quorum, be permitted to vote for a particular  
5 office or be elected and serve on the board. Satisfactory  
6 evidence of the installment sales contract shall be made  
7 available to the association or its agents. For purposes of  
8 this subsection, "installment sales contract" shall have  
9 the same meaning as set forth in Section 5 of the  
10 Installment Sales Contract Act and Section 1(e) of the  
11 Dwelling Unit Installment Contract Act;

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

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

21 (i) merger or consolidation of the association;

22 (ii) sale, lease, exchange, or other disposition  
23 (excluding the mortgage or pledge) of all, or  
24 substantially all of the property and assets of the  
25 association; and

26 (iii) the purchase or sale of land or of units on



1           behalf of all unit owners.

2           (c) Election of a president from among the board of  
3 managers, who shall preside over the meetings of the board  
4 of managers and of the unit owners.

5           (d) Election of a secretary from among the board of  
6 managers, who shall keep the minutes of all meetings of the  
7 board of managers and of the unit owners and who shall, in  
8 general, perform all the duties incident to the office of  
9 secretary.

10          (e) Election of a treasurer from among the board of  
11 managers, who shall keep the financial records and books of  
12 account.

13          (f) Maintenance, repair and replacement of the common  
14 elements and payments therefor, including the method of  
15 approving payment vouchers.

16          (g) An association with 30 or more units shall obtain  
17 and maintain fidelity insurance covering persons who  
18 control or disburse funds of the association for the  
19 maximum amount of coverage available to protect funds in  
20 the custody or control of the association plus the  
21 association reserve fund. All management companies which  
22 are responsible for the funds held or administered by the  
23 association shall maintain and furnish to the association a  
24 fidelity bond for the maximum amount of coverage available  
25 to protect funds in the custody of the management company  
26 at any time. The association shall bear the cost of the

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

21 For the purpose of this subsection, a management  
22 company shall be defined as a person, partnership,  
23 corporation, or other legal entity entitled to transact  
24 business on behalf of others, acting on behalf of or as an  
25 agent for a unit owner, unit owners or association of unit  
26 owners for the purpose of carrying out the duties,

1 responsibilities, and other obligations necessary for the  
2 day to day operation and management of any property subject  
3 to this Act. For purposes of this subsection, the term  
4 "fiduciary insurance coverage" shall be defined as both a  
5 fidelity bond and directors and officers liability  
6 coverage, the fidelity bond in the full amount of  
7 association funds and association reserves that will be in  
8 the custody of the association, and the directors and  
9 officers liability coverage at a level as shall be  
10 determined to be reasonable by the board of managers, if  
11 not otherwise established by the declaration or by laws.

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

18 (h) Method of estimating the amount of the annual  
19 budget, and the manner of assessing and collecting from the  
20 unit owners their respective shares of such estimated  
21 expenses, and of any other expenses lawfully agreed upon.

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

1           (j) Designation and removal of personnel necessary for  
2           the maintenance, repair and replacement of the common  
3           elements.

4           (k) Such restrictions on and requirements respecting  
5           the use and maintenance of the units and the use of the  
6           common elements, not set forth in the declaration, as are  
7           designed to prevent unreasonable interference with the use  
8           of their respective units and of the common elements by the  
9           several unit owners.

10          (l) Method of adopting and of amending administrative  
11          rules and regulations governing the operation and use of  
12          the common elements.

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

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

23          (ii) With regard to any lease entered into subsequent  
24          to July 1, 1990 (the effective date of Public Act 86-991),  
25          the unit owner leasing the unit shall deliver a copy of the  
26          signed lease to the board or if the lease is oral, a

1 memorandum of the lease, not later than the date of  
2 occupancy or 10 days after the lease is signed, whichever  
3 occurs first. In addition to any other remedies, by filing  
4 an action jointly against the tenant and the unit owner, an  
5 association may seek to enjoin a tenant from occupying a  
6 unit or seek to evict a tenant under the provisions of  
7 Article IX of the Code of Civil Procedure for failure of  
8 the lessor-owner to comply with the leasing requirements  
9 prescribed by this Section or by the declaration, bylaws,  
10 and rules and regulations. The board of managers may  
11 proceed directly against a tenant, at law or in equity, or  
12 under the provisions of Article IX of the Code of Civil  
13 Procedure, for any other breach by tenant of any covenants,  
14 rules, regulations or bylaws.

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

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

1 storage units, or both, are to be given a vote, or portion  
2 of a vote, that the association must add the total number  
3 of votes cast of garage units, storage units, or both, and  
4 divide the total by the number of garage units, storage  
5 units, or both, and multiply by the aggregate percentage of  
6 ownership of garage units and storage units to determine  
7 the vote, or portion of a vote, that garage units or  
8 storage units, or both, have. For purposes of this  
9 subsection (p), when making a determination of whether 30%  
10 or fewer of the units, by number, possess over 50% in the  
11 aggregate of the votes in the association, a unit shall not  
12 include a garage unit or a storage unit.

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

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

1 (Source: P.A. 99-472, eff. 6-1-16; 99-567, eff. 1-1-17; 99-642,  
2 eff. 7-28-16; 100-292, eff. 1-1-18; 100-416, eff. 1-1-18;  
3 100-863, eff. 8-14-18.)