

HB4596



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4596

by Rep. Robert F. Martwick

SYNOPSIS AS INTRODUCED:

765 ILCS 160/1-20

Amends the Common Interest Community Association Act. Makes a technical change in a Section concerning amendments to the declaration, bylaws, or operating agreement.

LRB099 16665 HEP 41003 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, bylaws, or
8 operating agreement.

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

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

1 association or the community instruments.

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

11 (d) No action to incorporate a common interest community as
12 a municipality shall commence until an instrument agreeing to
13 incorporation has been signed by two-thirds of the members.

14 (Source: P.A. 99-41, eff. 7-14-15.)