



Sen. John G. Mulroe

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LRB099 16663 HEP 45176 a

1 AMENDMENT TO SENATE BILL 2359

2 AMENDMENT NO. _____. Amend Senate Bill 2359 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Condominium Property Act is amended by
5 changing Section 18.4 as follows:

6 (765 ILCS 605/18.4) (from Ch. 30, par. 318.4)

7 Sec. 18.4. Powers and duties of board of managers. The
8 board of managers shall exercise for the association all
9 powers, duties and authority vested in the association by law
10 or the condominium instruments except for such powers, duties
11 and authority reserved by law to the members of the
12 association. The powers and duties of the board of managers
13 shall include, but shall not be limited to, the following:

14 (a) To provide for the operation, care, upkeep,
15 maintenance, replacement and improvement of the common
16 elements. Nothing in this subsection (a) shall be deemed to

1 invalidate any provision in a condominium instrument
2 placing limits on expenditures for the common elements,
3 provided, that such limits shall not be applicable to
4 expenditures for repair, replacement, or restoration of
5 existing portions of the common elements. The term "repair,
6 replacement or restoration" means expenditures to
7 deteriorated or damaged portions of the property related to
8 the existing decorating, facilities, or structural or
9 mechanical components, interior or exterior surfaces, or
10 energy systems and equipment with the functional
11 equivalent of the original portions of such areas.
12 Replacement of the common elements may result in an
13 improvement over the original quality of such elements or
14 facilities; provided that, unless the improvement is
15 mandated by law or is an emergency as defined in item (iv)
16 of subparagraph (8) of paragraph (a) of Section 18, if the
17 improvement results in a proposed expenditure exceeding 5%
18 of the annual budget, the board of managers, upon written
19 petition by unit owners with 20% of the votes of the
20 association delivered to the board within 14 days of the
21 board action to approve the expenditure, shall call a
22 meeting of the unit owners within 30 days of the date of
23 delivery of the petition to consider the expenditure.
24 Unless a majority of the total votes of the unit owners are
25 cast at the meeting to reject the expenditure, it is
26 ratified.

1 (b) To prepare, adopt and distribute the annual budget
2 for the property.

3 (c) To levy and expend assessments.

4 (d) To collect assessments from unit owners.

5 (e) To provide for the employment and dismissal of the
6 personnel necessary or advisable for the maintenance and
7 operation of the common elements.

8 (f) To obtain adequate and appropriate kinds of
9 insurance.

10 (g) To own, convey, encumber, lease, and otherwise deal
11 with units conveyed to or purchased by it.

12 (h) To adopt and amend rules and regulations covering
13 the details of the operation and use of the property, after
14 a meeting of the unit owners called for the specific
15 purpose of discussing the proposed rules and regulations.
16 Notice of the meeting shall contain the full text of the
17 proposed rules and regulations, and the meeting shall
18 conform to the requirements of Section 18(b) of this Act,
19 except that no quorum is required at the meeting of the
20 unit owners unless the declaration, bylaws or other
21 condominium instrument expressly provides to the contrary.
22 However, no rule or regulation may impair any rights
23 guaranteed by the First Amendment to the Constitution of
24 the United States or Section 4 of Article I of the Illinois
25 Constitution including, but not limited to, the free
26 exercise of religion, nor may any rules or regulations

1 conflict with the provisions of this Act or the condominium
2 instruments. No rule or regulation shall prohibit any
3 reasonable accommodation for religious practices,
4 including the attachment of religiously mandated objects
5 to the front-door area of a condominium unit.

6 (i) To keep detailed, accurate records of the receipts
7 and expenditures affecting the use and operation of the
8 property.

9 (j) To have access to each unit from time to time as
10 may be necessary for the maintenance, repair or replacement
11 of any common elements or for making emergency repairs
12 necessary to prevent damage to the common elements or to
13 other units.

14 (k) To pay real property taxes, special assessments,
15 and any other special taxes or charges of the State of
16 Illinois or of any political subdivision thereof, or other
17 lawful taxing or assessing body, which are authorized by
18 law to be assessed and levied upon the real property of the
19 condominium.

20 (l) To impose charges for late payment of a unit
21 owner's proportionate share of the common expenses, or any
22 other expenses lawfully agreed upon, and after notice and
23 an opportunity to be heard, to levy reasonable fines for
24 violation of the declaration, by-laws, and rules and
25 regulations of the association.

26 (m) By ~~Unless the condominium instruments expressly~~

1 ~~provide to the contrary,~~ by a majority vote of the entire
2 board of managers, to assign the right of the association
3 to future income from common expenses or other sources, and
4 to mortgage or pledge substantially all of the remaining
5 assets of the association.

6 (n) To record the dedication of a portion of the common
7 elements to a public body for use as, or in connection
8 with, a street or utility where authorized by the unit
9 owners under the provisions of Section 14.2.

10 (o) To record the granting of an easement for the
11 laying of cable television or high speed Internet cable
12 where authorized by the unit owners under the provisions of
13 Section 14.3; to obtain, if available and determined by the
14 board to be in the best interests of the association, cable
15 television or bulk high speed Internet service for all of
16 the units of the condominium on a bulk identical service
17 and equal cost per unit basis; and to assess and recover
18 the expense as a common expense and, if so determined by
19 the board, to assess each and every unit on the same equal
20 cost per unit basis.

21 (p) To seek relief on behalf of all unit owners when
22 authorized pursuant to subsection (c) of Section 10 from or
23 in connection with the assessment or levying of real
24 property taxes, special assessments, and any other special
25 taxes or charges of the State of Illinois or of any
26 political subdivision thereof or of any lawful taxing or

1 assessing body.

2 (q) To reasonably accommodate the needs of a unit owner
3 who is a person with a disability as required by the
4 federal Civil Rights Act of 1968, the Human Rights Act and
5 any applicable local ordinances in the exercise of its
6 powers with respect to the use of common elements or
7 approval of modifications in an individual unit.

8 (r) To accept service of a notice of claim for purposes
9 of the Mechanics Lien Act on behalf of each respective
10 member of the Unit Owners' Association with respect to
11 improvements performed pursuant to any contract entered
12 into by the Board of Managers or any contract entered into
13 prior to the recording of the condominium declaration
14 pursuant to this Act, for a property containing more than 8
15 units, and to distribute the notice to the unit owners
16 within 7 days of the acceptance of the service by the Board
17 of Managers. The service shall be effective as if each
18 individual unit owner had been served individually with
19 notice.

20 (s) To adopt and amend rules and regulations (1)
21 authorizing electronic delivery of notices and other
22 communications required or contemplated by this Act to each
23 unit owner who provides the association with written
24 authorization for electronic delivery and an electronic
25 address to which such communications are to be
26 electronically transmitted; and (2) authorizing each unit

1 owner to designate an electronic address or a U.S. Postal
2 Service address, or both, as the unit owner's address on
3 any list of members or unit owners which an association is
4 required to provide upon request pursuant to any provision
5 of this Act or any condominium instrument.

6 In the performance of their duties, the officers and
7 members of the board, whether appointed by the developer or
8 elected by the unit owners, shall exercise the care required of
9 a fiduciary of the unit owners.

10 The collection of assessments from unit owners by an
11 association, board of managers or their duly authorized agents
12 shall not be considered acts constituting a collection agency
13 for purposes of the Collection Agency Act.

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

21 (Source: P.A. 98-735, eff. 1-1-15; 99-143, eff. 7-27-15.)".