



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4670

Introduced 2/3/2026, by Rep. Daniel Didech

SYNOPSIS AS INTRODUCED:

765 ILCS 160/1-5
765 ILCS 160/1-95 new

Amends the Common Interest Community Association Act. Includes within the Act's coverage a "property owners' association". Provides that a property owners' association means any association, organized group of property owners, corporation, not-for-profit corporation, or other entity that is identified in a declaration, or other documents recorded by a developer in which (1) the entity owns property in the development over which unit owners possess an easement; and (2) the entity is provided the power to impose regulations on easement holders regarding the use of the property burdened with the easements. Provides that if these conditions are met, unit owners who possess easements rights have an obligation to pay for the maintenance, improvement, insurance premiums, or real estate taxes of the property burdened by their easements, unless the declaration or other documents recorded by the developer expressly state otherwise. Effective immediately.

LRB104 19418 JRC 32866 b

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
5 is amended by changing Section 1-5 and adding Section 1-95 as
6 follows:

7 (765 ILCS 160/1-5)

8 Sec. 1-5. Definitions. As used in this Act, unless the
9 context otherwise requires:

10 "Acceptable technological means" includes, without
11 limitation, electronic transmission over the Internet or other
12 network, whether by direct connection, intranet, telecopier,
13 electronic mail, and any generally available technology that,
14 by rule of the association, is deemed to provide reasonable
15 security, reliability, identification, and verifiability.

16 "Association" or "common interest community association"
17 means the association of all the members of a common interest
18 community, acting pursuant to bylaws or an operating agreement
19 through its duly elected board of managers or board of
20 directors. "Common interest community association" includes a
21 property owners' association.

22 "Board" means a common interest community association's
23 board of managers or board of directors, whichever is

1 applicable.

2 "Board member" or "member of the board" means a member of
3 the board of managers or the board of directors, whichever is
4 applicable.

5 "Board of directors" means, for a common interest
6 community that has been incorporated as an Illinois
7 not-for-profit corporation, the group of people elected by the
8 members of a common interest community as the governing body
9 to exercise for the members of the common interest community
10 association all powers, duties, and authority vested in the
11 board of directors under this Act and the common interest
12 community association's declaration and bylaws.

13 "Board of managers" means, for a common interest community
14 that is an unincorporated association or organized as a
15 limited liability company, the group of people elected by the
16 members of a common interest community as the governing body
17 to exercise for the members of the common interest community
18 association all powers, duties, and authority vested in the
19 board of managers under this Act and the common interest
20 community association's declaration, bylaws, or operating
21 agreement.

22 "Building" means all structures, attached or unattached,
23 containing one or more units.

24 "Common areas" means the portion of the property other
25 than a unit, including property owned by a property owner's
26 association over which unit owners possess an easement or

1 other legal right of access.

2 "Common expenses" means the proposed or actual expenses
3 affecting the property, including reserves, if any, lawfully
4 assessed by the common interest community association.

5 "Common interest community" means real estate other than a
6 condominium or cooperative with respect to which any person by
7 virtue of his or her ownership of a partial interest or a unit
8 therein is obligated to pay for the maintenance, improvement,
9 insurance premiums or real estate taxes of common areas
10 described in a declaration which is administered by an
11 association or property owners' association. "Common interest
12 community" may include, but not be limited to, an attached or
13 detached townhome, villa, or single-family home. A "common
14 interest community" does not include a master association.

15 "Community instruments" means all documents and authorized
16 amendments thereto recorded by a developer or common interest
17 community association, including, but not limited to, the
18 declaration, bylaws, operating agreement, plat of survey, and
19 rules and regulations.

20 "Declaration" means any duly recorded instruments, however
21 designated, that have created a common interest community and
22 any duly recorded amendments to those instruments.

23 "Developer" means any person who submits property legally
24 or equitably owned in fee simple by the person to the
25 provisions of this Act, or any person who offers units legally
26 or equitably owned in fee simple by the person for sale in the

1 ordinary course of such person's business, including any
2 successor to such person's entire interest in the property
3 other than the purchaser of an individual unit.

4 "Developer control" means such control at a time prior to
5 the election of the board of the common interest community
6 association by a majority of the members other than the
7 developer.

8 "Electronic transmission" means any form of communication,
9 not directly involving the physical transmission of paper,
10 that creates a record that may be retained, retrieved, and
11 reviewed by a recipient and that may be directly reproduced in
12 paper form by the recipient through an automated process.

13 "Majority" or "majority of the members" means the owners
14 of more than 50% in the aggregate in interest of the undivided
15 ownership of the common elements. Any specified percentage of
16 the members means such percentage in the aggregate in interest
17 of such undivided ownership. "Majority" or "majority of the
18 members of the board of the common interest community
19 association" means more than 50% of the total number of
20 persons constituting such board pursuant to the bylaws or
21 operating agreement. Any specified percentage of the members
22 of the common interest community association means that
23 percentage of the total number of persons constituting such
24 board pursuant to the bylaws or operating agreement.

25 "Management company" or "community association manager"
26 means a person, partnership, corporation, or other legal

1 entity entitled to transact business on behalf of others,
2 acting on behalf of or as an agent for an association for the
3 purpose of carrying out the duties, responsibilities, and
4 other obligations necessary for the day to day operation and
5 management of any property subject to this Act.

6 "Meeting of the board" or "board meeting" means any
7 gathering of a quorum of the members of the board of the common
8 interest community association held for the purpose of
9 conducting board business.

10 "Member" means the person or entity designated as an owner
11 and entitled to one vote as defined by the community
12 instruments. The terms "member" and "unit owner" may be used
13 interchangeably as defined by the community instruments,
14 except in situations in which a matter of legal title to the
15 unit is involved or at issue, in which case the term "unit
16 owner" would be the applicable term used.

17 "Membership" means the collective group of members
18 entitled to vote as defined by the community instruments.

19 "Parcel" means the lot or lots or tract or tracts of land
20 described in the declaration as part of a common interest
21 community.

22 "Person" means a natural individual, corporation,
23 partnership, trustee, or other legal entity capable of holding
24 title to real property.

25 "Plat" means a plat or plats of survey of the parcel and of
26 all units in the common interest community, which may consist

1 of a three-dimensional horizontal and vertical delineation of
2 all such units, structures, easements, and common areas on the
3 property.

4 "Prescribed delivery method" means mailing, delivering,
5 posting in an association publication that is routinely mailed
6 to all members, electronic transmission, or any other delivery
7 method that is approved in writing by the member and
8 authorized by the community instruments.

9 "Property" means all the land, property, and space
10 comprising the parcel, all improvements and structures
11 erected, constructed or contained therein or thereon,
12 including any building and all easements, rights, and
13 appurtenances belonging thereto, and all fixtures and
14 equipment intended for the mutual use, benefit, or enjoyment
15 of the members, under the authority or control of a common
16 interest community association.

17 "Property owners' association" means any association,
18 organized group of property owners, corporation,
19 not-for-profit corporation, or other entity that is identified
20 in a declaration, or other documents recorded by a developer,
21 which satisfies the following criteria:

22 (1) the entity owns property in the development over
23 which unit owners possess an easement; and

24 (2) the entity is provided the power to impose
25 regulations on easement holders regarding the use of the
26 property burdened with the easements.

1 "Purchaser" means any person or persons, other than the
2 developer, who purchase a unit in a bona fide transaction for
3 value.

4 "Record" means to record in the office of the recorder of
5 the county wherein the property is located.

6 "Reserves" means those sums paid by members which are
7 separately maintained by the common interest community
8 association for purposes specified by the declaration and
9 bylaws of the common interest community association.

10 "Unit" means a part of the property designed and intended
11 for any type of independent use.

12 "Unit owner" means the person or persons whose estates or
13 interests, individually or collectively, aggregate fee simple
14 absolute ownership of a unit.

15 (Source: P.A. 98-1042, eff. 1-1-15; 99-41, eff. 7-14-15;
16 99-612, eff. 1-1-17.)

17 (765 ILCS 160/1-95 new)

18 Sec. 1-95. Property owners' association; easements. Unit
19 owners who possess easements rights have an obligation to pay
20 for the maintenance, improvement, insurance premiums or real
21 estate taxes of the property burdened by their easements,
22 unless the declaration or other documents recorded by the
23 developer expressly state otherwise.

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.