



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/05/04, by Kenneth Dunkin

SYNOPSIS AS INTRODUCED:

765 ILCS 605/18.4

from Ch. 30, par. 318.4

Amends the Condominium Property Act. Provides that the power to impose charges for late payment or to levy fines for violation of the declaration, by-laws, and rules and regulations by the Board of Managers shall not be limited by a restriction in the condominium instruments. Effective immediately.

LRB093 17948 LCB 43631 b

1 AN ACT concerning condominiums.

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 18.4 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
17 invalidate any provision in a condominium instrument
18 placing limits on expenditures for the common elements,
19 provided, that such limits shall not be applicable to
20 expenditures for repair, replacement, or restoration of
21 existing portions of the common elements. The term "repair,
22 replacement or restoration" means expenditures to
23 deteriorated or damaged portions of the property related to
24 the existing decorating, facilities, or structural or
25 mechanical components, interior or exterior surfaces, or
26 energy systems and equipment with the functional
27 equivalent of the original portions of such areas.
28 Replacement of the common elements may result in an
29 improvement over the original quality of such elements or
30 facilities; provided that, unless the improvement is
31 mandated by law or is an emergency as defined in item (iv)
32 of subparagraph (8) of paragraph (a) of Section 18, if the

1 improvement results in a proposed expenditure exceeding 5%
2 of the annual budget, the board of managers, upon written
3 petition by unit owners with 20% of the votes of the
4 association delivered to the board within 14 days of the
5 board action to approve the expenditure, shall call a
6 meeting of the unit owners within 30 days of the date of
7 delivery of the petition to consider the expenditure.
8 Unless a majority of the total votes of the unit owners are
9 cast at the meeting to reject the expenditure, it is
10 ratified.

11 (b) To prepare, adopt and distribute the annual budget
12 for the property.

13 (c) To levy and expend assessments.

14 (d) To collect assessments from unit owners.

15 (e) To provide for the employment and dismissal of the
16 personnel necessary or advisable for the maintenance and
17 operation of the common elements.

18 (f) To obtain adequate and appropriate kinds of
19 insurance.

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

22 (h) To adopt and amend rules and regulations covering
23 the details of the operation and use of the property, after
24 a meeting of the unit owners called for the specific
25 purpose of discussing the proposed rules and regulations.
26 Notice of the meeting shall contain the full text of the
27 proposed rules and regulations, and the meeting shall
28 conform to the requirements of Section 18(b) of this Act,
29 except that no quorum is required at the meeting of the
30 unit owners unless the declaration, bylaws or other
31 condominium instrument expressly provides to the contrary.
32 However, no rule or regulation may impair any rights
33 guaranteed by the First Amendment to the Constitution of
34 the United States or Section 4 of Article I of the Illinois
35 Constitution, nor may any rules or regulations conflict
36 with the provisions of this Act or the condominium

1 instruments.

2 (i) To keep detailed, accurate records of the receipts
3 and expenditures affecting the use and operation of the
4 property.

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

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

16 (l) To impose charges for late payment of a unit
17 owner's proportionate share of the common expenses, or any
18 other expenses lawfully agreed upon, and after notice and
19 an opportunity to be heard, to levy reasonable fines for
20 violation of the declaration, by-laws, and rules and
21 regulations of the association, and neither the right to
22 impose the charges or fines nor the amount of the charges
23 or fines shall be limited by a restriction in the
24 condominium instruments.

25 (m) Unless the condominium instruments expressly
26 provide to the contrary, by a majority vote of the entire
27 board of managers, to assign the right of the association
28 to future income from common expenses or other sources, and
29 to mortgage or pledge substantially all of the remaining
30 assets of the association.

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

35 (o) To record the granting of an easement for the
36 laying of cable television cable where authorized by the

1 unit owners under the provisions of Section 14.3; to
2 obtain, if available and determined by the board to be in
3 the best interests of the association, cable television
4 service for all of the units of the condominium on a bulk
5 identical service and equal cost per unit basis; and to
6 assess and recover the expense as a common expense and, if
7 so determined by the board, to assess each and every unit
8 on the same equal cost per unit basis.

9 (p) To seek relief on behalf of all unit owners when
10 authorized pursuant to subsection (c) of Section 10 from or
11 in connection with the assessment or levying of real
12 property taxes, special assessments, and any other special
13 taxes or changes of the State of Illinois or of any
14 political subdivision thereof or of any lawful taxing or
15 assessing body.

16 (q) To reasonably accommodate the needs of a
17 handicapped unit owner as required by the federal Civil
18 Rights Act of 1968, the Human Rights Act and any applicable
19 local ordinances in the exercise of its powers with respect
20 to the use of common elements or approval of modifications
21 in an individual unit.

22 In the performance of their duties, the officers and
23 members of the board, whether appointed by the developer or
24 elected by the unit owners, shall exercise the care required of
25 a fiduciary of the unit owners.

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

30 The provisions of this Section are applicable to all
31 condominium instruments recorded under this Act. Any portion of
32 a condominium instrument which contains provisions contrary to
33 these provisions shall be void as against public policy and
34 ineffective. Any such instrument that fails to contain the
35 provisions required by this Section shall be deemed to
36 incorporate such provisions by operation of law.

1 (Source: P.A. 91-195, eff. 7-20-99.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.