

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The General Not For Profit Corporation Act of
5 1986 is amended by adding Section 103.35 as follows:

6 (805 ILCS 105/103.35 new)

7 Sec. 103.35. Homeowners' association; dredging.

8 (a) Except as provided in subsection (c), a homeowners'
9 association organized under this Act may not, in its own
10 capacity or through its members or any other entity, dredge any
11 sediment or silt from a body of water located, in whole or
12 part, within a common area of the association or redeposit any
13 dredged materials on property within any area of the
14 association, unless the association complies with all of the
15 following:

16 (1) The association must conduct the physical,
17 biological, chemical, and toxicological testing necessary
18 to establish that neither the disturbance of sediments and
19 silt by dredging nor the redepositing of dredged materials
20 on property within any area of the association will
21 threaten human health, safety, or the environment.

22 (2) The association must hold a meeting to vote on
23 whether to proceed with dredging, redepositing dredged

1 materials, or both. At least 30 days before the meeting,
2 the association must serve on each of its members a written
3 notice that identifies (i) the estimated quantity of
4 sediment, silt, and waste water that will be generated by
5 the dredging operation, (ii) the proposed plan to dispose
6 of the dredged materials, (iii) the estimated costs of
7 dredging and disposal, (iv) the areas that will be affected
8 by dredging and redepositing dredged materials, (v) the
9 statistically significant findings, if any, that are
10 revealed by the testing required under item (1) of this
11 subsection, (vi) the short-term and long-term health,
12 safety, and environmental risks associated with dredging
13 and redepositing dredged material on property within any
14 area of the association, and (vii) the date, time, and
15 place of the meeting.

16 (3) At the meeting, each member of the association who
17 wishes to do so shall be given an opportunity to present
18 testimony and other evidence about his or her concerns with
19 the proposed action, including any concerns about the
20 impact of that action on the value of property held by
21 members of the association. Thereafter, each household of
22 the association may vote by written ballot to determine
23 whether to proceed with the proposed action. The dredging
24 and redepositing of dredged materials within any common
25 area of the association may not proceed, unless 33% of the
26 members of the homeowners' association give their written

1 approval to do so.

2 (4) The association must compensate its members for
3 reasonable costs incurred as a result of property damage
4 resulting from either dredging or redepositing dredged
5 material within any area of the association.

6 (5) The association must ensure that dredged materials
7 are not redeposited any closer than 150 feet from property
8 owned by a member of the association.

9 (b) If the requirements of this Section are not met, any
10 member of the association may obtain injunctive relief against
11 the association and its officers.

12 (c) This Section applies to all dredging and redepositing
13 of sediment and silt on and after the effective date, but this
14 Section does not apply to a homeowners' association that has
15 more than 400 members.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.