



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3950

Introduced 1/10/2012, by Rep. Elaine Nekritz

SYNOPSIS AS INTRODUCED:

765 ILCS 605/14.3

from Ch. 30, par. 314.3

765 ILCS 605/18.4

from Ch. 30, par. 318.4

Amends the Condominium Property Act. Adds, in several provisions of the Act, high speed Internet to cable television cable as a type of easement that may be granted.

LRB097 14826 AJ0 59855 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 Condominium Property Act is amended by
5 changing Sections 14.3 and 18.4 as follows:

6 (765 ILCS 605/14.3) (from Ch. 30, par. 314.3)

7 Sec. 14.3. Granting of easement for laying of cable
8 television or high speed Internet cable. Unless the condominium
9 instrument expressly provides for a greater percentage or
10 different procedures a majority of more than 50% of the unit
11 owners at a meeting of unit owners duly called for such purpose
12 may authorize the granting of an easement for the laying of
13 cable television or high speed Internet cable. The grant of
14 such easement shall be according to the terms and conditions of
15 the local ordinance providing for cable television or high
16 speed Internet in the municipality.

17 (Source: P.A. 83-833.)

18 (765 ILCS 605/18.4) (from Ch. 30, par. 318.4)

19 Sec. 18.4. Powers and Duties of Board of Managers. The
20 board of managers shall exercise for the association all
21 powers, duties and authority vested in the association by law
22 or the condominium instruments except for such powers, duties

1 and authority reserved by law to the members of the
2 association. The powers and duties of the board of managers
3 shall include, but shall not be limited to, the following:

4 (a) To provide for the operation, care, upkeep,
5 maintenance, replacement and improvement of the common
6 elements. Nothing in this subsection (a) shall be deemed to
7 invalidate any provision in a condominium instrument
8 placing limits on expenditures for the common elements,
9 provided, that such limits shall not be applicable to
10 expenditures for repair, replacement, or restoration of
11 existing portions of the common elements. The term "repair,
12 replacement or restoration" means expenditures to
13 deteriorated or damaged portions of the property related to
14 the existing decorating, facilities, or structural or
15 mechanical components, interior or exterior surfaces, or
16 energy systems and equipment with the functional
17 equivalent of the original portions of such areas.
18 Replacement of the common elements may result in an
19 improvement over the original quality of such elements or
20 facilities; provided that, unless the improvement is
21 mandated by law or is an emergency as defined in item (iv)
22 of subparagraph (8) of paragraph (a) of Section 18, if the
23 improvement results in a proposed expenditure exceeding 5%
24 of the annual budget, the board of managers, upon written
25 petition by unit owners with 20% of the votes of the
26 association delivered to the board within 14 days of the

1 board action to approve the expenditure, shall call a
2 meeting of the unit owners within 30 days of the date of
3 delivery of the petition to consider the expenditure.
4 Unless a majority of the total votes of the unit owners are
5 cast at the meeting to reject the expenditure, it is
6 ratified.

7 (b) To prepare, adopt and distribute the annual budget
8 for the property.

9 (c) To levy and expend assessments.

10 (d) To collect assessments from unit owners.

11 (e) To provide for the employment and dismissal of the
12 personnel necessary or advisable for the maintenance and
13 operation of the common elements.

14 (f) To obtain adequate and appropriate kinds of
15 insurance.

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

18 (h) To adopt and amend rules and regulations covering
19 the details of the operation and use of the property, after
20 a meeting of the unit owners called for the specific
21 purpose of discussing the proposed rules and regulations.
22 Notice of the meeting shall contain the full text of the
23 proposed rules and regulations, and the meeting shall
24 conform to the requirements of Section 18(b) of this Act,
25 except that no quorum is required at the meeting of the
26 unit owners unless the declaration, bylaws or other

1 condominium instrument expressly provides to the contrary.
2 However, no rule or regulation may impair any rights
3 guaranteed by the First Amendment to the Constitution of
4 the United States or Section 4 of Article I of the Illinois
5 Constitution including, but not limited to, the free
6 exercise of religion, nor may any rules or regulations
7 conflict with the provisions of this Act or the condominium
8 instruments. No rule or regulation shall prohibit any
9 reasonable accommodation for religious practices,
10 including the attachment of religiously mandated objects
11 to the front-door area of a condominium unit.

12 (i) To keep detailed, accurate records of the receipts
13 and expenditures affecting the use and operation of the
14 property.

15 (j) To have access to each unit from time to time as
16 may be necessary for the maintenance, repair or replacement
17 of any common elements or for making emergency repairs
18 necessary to prevent damage to the common elements or to
19 other units.

20 (k) To pay real property taxes, special assessments,
21 and any other special taxes or charges of the State of
22 Illinois or of any political subdivision thereof, or other
23 lawful taxing or assessing body, which are authorized by
24 law to be assessed and levied upon the real property of the
25 condominium.

26 (l) To impose charges for late payment of a unit

1 owner's proportionate share of the common expenses, or any
2 other expenses lawfully agreed upon, and after notice and
3 an opportunity to be heard, to levy reasonable fines for
4 violation of the declaration, by-laws, and rules and
5 regulations of the association.

6 (m) Unless the condominium instruments expressly
7 provide to the contrary, by a majority vote of the entire
8 board of managers, to assign the right of the association
9 to future income from common expenses or other sources, and
10 to mortgage or pledge substantially all of the remaining
11 assets of the association.

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

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

1 (p) To seek relief on behalf of all unit owners when
2 authorized pursuant to subsection (c) of Section 10 from or
3 in connection with the assessment or levying of real
4 property taxes, special assessments, and any other special
5 taxes or charges of the State of Illinois or of any
6 political subdivision thereof or of any lawful taxing or
7 assessing body.

8 (q) To reasonably accommodate the needs of a
9 handicapped unit owner as required by the federal Civil
10 Rights Act of 1968, the Human Rights Act and any applicable
11 local ordinances in the exercise of its powers with respect
12 to the use of common elements or approval of modifications
13 in an individual unit.

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

26 In the performance of their duties, the officers and

1 members of the board, whether appointed by the developer or
2 elected by the unit owners, shall exercise the care required of
3 a fiduciary of the unit owners.

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

8 The provisions of this Section are applicable to all
9 condominium instruments recorded under this Act. Any portion of
10 a condominium instrument which contains provisions contrary to
11 these provisions shall be void as against public policy and
12 ineffective. Any such instrument that fails to contain the
13 provisions required by this Section shall be deemed to
14 incorporate such provisions by operation of law.

15 (Source: P.A. 96-1000, eff. 7-2-10.)