

HB2645



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB2645

by Rep. Kelly M. Cassidy

SYNOPSIS AS INTRODUCED:

765 ILCS 605/2

from Ch. 30, par. 302

Amends the Condominium Property Act. Provides that the term "meeting of board of managers or board of master association" does not include any mere discussion, conference, or working session at which no formal vote is taken.

LRB099 07618 HEP 27749 b

A BILL FOR

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 Section 2 as follows:

6 (765 ILCS 605/2) (from Ch. 30, par. 302)

7 Sec. 2. Definitions. As used in this Act, unless the
8 context otherwise requires:

9 (a) "Declaration" means the instrument by which the
10 property is submitted to the provisions of this Act, as
11 hereinafter provided, and such declaration as from time to time
12 amended.

13 (b) "Parcel" means the lot or lots, tract or tracts of
14 land, described in the declaration, submitted to the provisions
15 of this Act.

16 (c) "Property" means all the land, property and space
17 comprising the parcel, all improvements and structures
18 erected, constructed or contained therein or thereon,
19 including the building and all easements, rights and
20 appurtenances belonging thereto, and all fixtures and
21 equipment intended for the mutual use, benefit or enjoyment of
22 the unit owners, submitted to the provisions of this Act.

23 (d) "Unit" means a part of the property designed and

1 intended for any type of independent use.

2 (e) "Common Elements" means all portions of the property
3 except the units, including limited common elements unless
4 otherwise specified.

5 (f) "Person" means a natural individual, corporation,
6 partnership, trustee or other legal entity capable of holding
7 title to real property.

8 (g) "Unit Owner" means the person or persons whose estates
9 or interests, individually or collectively, aggregate fee
10 simple absolute ownership of a unit, or, in the case of a
11 leasehold condominium, the lessee or lessees of a unit whose
12 leasehold ownership of the unit expires simultaneously with the
13 lease described in item (x) of this Section.

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

25 (i) "Plat" means a plat or plats of survey of the parcel
26 and of all units in the property submitted to the provisions of

1 this Act, which may consist of a three-dimensional horizontal
2 and vertical delineation of all such units.

3 (j) "Record" means to record in the office of the recorder
4 or, whenever required, to file in the office of the Registrar
5 of Titles of the county wherein the property is located.

6 (k) "Conversion Condominium" means a property which
7 contains structures, excepting those newly constructed and
8 intended for condominium ownership, which are, or have
9 previously been, wholly or partially occupied before recording
10 of condominium instruments by persons other than those who have
11 contracted for the purchase of condominiums.

12 (l) "Condominium Instruments" means all documents and
13 authorized amendments thereto recorded pursuant to the
14 provisions of the Act, including the declaration, bylaws and
15 plat.

16 (m) "Common Expenses" means the proposed or actual expenses
17 affecting the property, including reserves, if any, lawfully
18 assessed by the Board of Managers of the Unit Owner's
19 Association.

20 (n) "Reserves" means those sums paid by unit owners which
21 are separately maintained by the board of managers for purposes
22 specified by the board of managers or the condominium
23 instruments.

24 (o) "Unit Owners' Association" or "Association" means the
25 association of all the unit owners, acting pursuant to bylaws
26 through its duly elected board of managers.

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

4 (q) "Developer" means any person who submits property
5 legally or equitably owned in fee simple by the developer, or
6 leased to the developer under a lease described in item (x) of
7 this Section, to the provisions of this Act, or any person who
8 offers units legally or equitably owned in fee simple by the
9 developer, or leased to the developer under a lease described
10 in item (x) of this Section, for sale in the ordinary course of
11 such person's business, including any successor or successors
12 to such developers' entire interest in the property other than
13 the purchaser of an individual unit.

14 (r) "Add-on Condominium" means a property to which
15 additional property may be added in accordance with condominium
16 instruments and this Act.

17 (s) "Limited Common Elements" means a portion of the common
18 elements so designated in the declaration as being reserved for
19 the use of a certain unit or units to the exclusion of other
20 units, including but not limited to balconies, terraces, patios
21 and parking spaces or facilities.

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

24 (u) "Master Association" means an organization described
25 in Section 18.5 whether or not it is also an association
26 described in Section 18.3.

1 (v) "Developer Control" means such control at a time prior
2 to the election of the Board of Managers provided for in
3 Section 18.2(b) of this Act.

4 (w) "Meeting of Board of Managers or Board of Master
5 Association" means any gathering of a quorum of the members of
6 the Board of Managers or Board of the Master Association held
7 for the purpose of conducting board business, but does not
8 include any mere discussion, conference, or working session at
9 which no formal vote is taken.

10 (x) "Leasehold Condominium" means a property submitted to
11 the provisions of this Act which is subject to a lease, the
12 expiration or termination of which would terminate the
13 condominium and the lessor of which is (i) exempt from taxation
14 under Section 501(c)(3) of the Internal Revenue Code of 1986,
15 as amended, (ii) a limited liability company whose sole member
16 is exempt from taxation under Section 501(c)(3) of the
17 Internal Revenue Code of 1986, as amended, or (iii) a Public
18 Housing Authority created pursuant to the Housing Authorities
19 Act that is located in a municipality having a population in
20 excess of 1,000,000 inhabitants.

21 (y) "Electronic transmission" means any form of
22 communication, not directly involving the physical
23 transmission of paper, that creates a record that may be
24 retained, retrieved, and reviewed by a recipient and that may
25 be directly reproduced in paper form by the recipient through
26 an automated process.

1 (z) "Acceptable technological means" includes, without
2 limitation, electronic transmission over the Internet or other
3 network, whether by direct connection, intranet, telecopier,
4 or electronic mail.

5 (Source: P.A. 98-1042, eff. 1-1-15.)