

**SB2358**



**99TH GENERAL ASSEMBLY**

**State of Illinois**

**2015 and 2016**

**SB2358**

Introduced 1/28/2016, by Sen. John G. Mulroe

**SYNOPSIS AS INTRODUCED:**

765 ILCS 160/1-20

Amends the Common Interest Community Association Act. Makes a technical change in a Section concerning amendments to the declaration, bylaws, or operating agreement.

LRB099 16667 HEP 41005 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 Common Interest Community Association Act is  
5 amended by changing Section 1-20 as follows:

6 (765 ILCS 160/1-20)

7 Sec. 1-20. Amendments to the declaration, bylaws, or  
8 operating agreement.

9 (a) The administration of every property shall be governed  
10 by the ~~the~~ declaration and bylaws or operating agreement, which  
11 may either be embodied in the declaration or in a separate  
12 instrument, a true copy of which shall be appended to and  
13 recorded with the declaration. No modification or amendment of  
14 the declaration, bylaws, or operating agreement shall be valid  
15 unless the same is set forth in an amendment thereof and such  
16 amendment is duly recorded. An amendment of the declaration,  
17 bylaws, or operating agreement shall be deemed effective upon  
18 recordation, unless the amendment sets forth a different  
19 effective date.

20 (b) Unless otherwise provided by this Act, amendments to  
21 community instruments authorized to be recorded shall be  
22 executed and recorded by the president of the board or such  
23 other officer authorized by the common interest community

1 association or the community instruments.

2 (c) If an association that currently permits leasing amends  
3 its declaration, bylaws, or rules and regulations to prohibit  
4 leasing, nothing in this Act or the declarations, bylaws, rules  
5 and regulations of an association shall prohibit a unit owner  
6 incorporated under 26 USC 501(c)(3) which is leasing a unit at  
7 the time of the prohibition from continuing to do so until such  
8 time that the unit owner voluntarily sells the unit; and no  
9 special fine, fee, dues, or penalty shall be assessed against  
10 the unit owner for leasing its unit.

11 (d) No action to incorporate a common interest community as  
12 a municipality shall commence until an instrument agreeing to  
13 incorporation has been signed by two-thirds of the members.

14 (Source: P.A. 99-41, eff. 7-14-15.)