



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB1466

by Rep. Gregory Harris

SYNOPSIS AS INTRODUCED:

765 ILCS 605/10

from Ch. 30, par. 310

Amends the Condominium Property Act. Provides that upon authorization by a two-thirds vote of the members of the board of managers or by the affirmative vote of not less than a majority of the unit owners at a meeting duly called for such a purpose, or upon such greater vote as may be required by the declaration or bylaws, the board of managers acting on behalf of all unit owners may allocate the percentage of ownership in the common elements as a tract for each unit for the limited purpose of calculating the assessment or levy of any such taxes, special assessments, or charges of the State of Illinois or of any political subdivision thereof. Provides that the allocation of ownership under the new provisions shall be based on the square footage of each individual unit. Provides that the allocation of ownership under the new provisions shall also be separate from, and in addition to, the allocation for purposes of association assessments for common expenses, association special assessments and charges, and voting rights.

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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 10 as follows:

6 (765 ILCS 605/10) (from Ch. 30, par. 310)

7 Sec. 10. Separate taxation.

8 (a) Real property taxes, special assessments, and any other
9 special taxes or charges of the State of Illinois or of any
10 political subdivision thereof, or other lawful taxing or
11 assessing body, which are authorized by law to be assessed
12 against and levied upon real property shall be assessed against
13 and levied upon each unit and the owner's corresponding
14 percentage of ownership in the common elements as a tract, and
15 not upon the property as a whole. For purposes of property
16 taxes, real property owned and used for residential purposes by
17 a condominium association, including a master association, but
18 subject to the exclusive right by easement, covenant, deed or
19 other interest of the owners of one or more condominium
20 properties and used exclusively by the unit owners for
21 recreational or other residential purposes shall be assessed at
22 \$1.00 per year. The balance of the value of the property shall
23 be assessed to the condominium unit owners. In counties

1 containing 1,000,000 or more inhabitants, any person desiring
2 to establish or to reestablish an assessment of \$1.00 under
3 this Section shall make application therefor and be subject to
4 the provisions of Section 10-35 of the Property Tax Code.

5 (b) Each condominium unit shall be only subject to the tax
6 rate for those taxing districts in which such unit is actually,
7 physically located. The county clerk shall not apply a rate
8 which is an average of two or more different districts to any
9 condominium unit.

10 (c) Upon authorization by a two-thirds vote of the members
11 of the board of managers or by the affirmative vote of not less
12 than a majority of the unit owners at a meeting duly called for
13 such purpose, or upon such greater vote as may be required by
14 the declaration or bylaws, the board of managers acting on
15 behalf of all unit owners shall have the power to seek relief
16 from or in connection with the assessment or levy of any such
17 taxes, special assessments or charges, and to charge and
18 collect all expenses incurred in connection therewith as common
19 expenses.

20 (d) Upon authorization by a two-thirds vote of the members
21 of the board of managers or by the affirmative vote of not less
22 than a majority of the unit owners at a meeting duly called for
23 such a purpose, or upon such greater vote as may be required by
24 the declaration or bylaws, the board of managers acting on
25 behalf of all unit owners may allocate the percentage of
26 ownership in the common elements as a tract for each unit for

1 the limited purpose of calculating the assessment or levy of
2 any such taxes, special assessments, or charges of the State of
3 Illinois or of any political subdivision thereof. The
4 allocation of ownership under this subsection shall be based on
5 the square footage of each individual unit. The allocation of
6 ownership under this subsection shall also be separate from,
7 and in addition to, the allocation of ownership for purposes of
8 assessments for common expenses, association special
9 assessments and charges, and voting rights.

10 (Source: P.A. 88-670, eff. 12-2-94.)