

SB1460



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1460

Introduced 2/7/2023, by Sen. Sue Rezin

SYNOPSIS AS INTRODUCED:

605 ILCS 5/6-201.10-1
765 ILCS 160/1-30

from Ch. 121, par. 6-201.10-1

Amends the Common Interest Community Association Act. Allows the common interest community association board of managers or board of directors to contract with the highway commissioner of a road district in which the association is located, if the association comprises 75% of the population or greater of the township or road district, to furnish materials related to the maintenance or repair of roads. Provides that any such purchases shall be included in the board's finance report. Makes a conforming change in the Illinois Highway Code.

LRB103 29037 LNS 55423 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 Illinois Highway Code is amended by
5 changing Section 6-201.10-1 as follows:

6 (605 ILCS 5/6-201.10-1) (from Ch. 121, par. 6-201.10-1)

7 Sec. 6-201.10-1. The highway commissioner of each road
8 district has authority to contract with the highway
9 commissioner of any other road district or with the corporate
10 authorities of any municipality or county to furnish or to
11 obtain services and materials related to construction,
12 maintenance, or repair of roads. The highway commissioner may
13 contract with a common interest community association, as
14 defined by the Common Interest Community Association Act, if
15 such association makes up 75% of the population or greater of
16 the township or road district in which the association is
17 located, to furnish materials related to the maintenance or
18 repair of roads.

19 (Source: P.A. 81-22.)

20 Section 10. The Common Interest Community Association Act
21 is amended by changing Section 1-30 as follows:

1 (765 ILCS 160/1-30)

2 Sec. 1-30. Board duties and obligations; records.

3 (a) The board shall meet at least 4 times annually.

4 (b) A common interest community association may not enter
5 into a contract with a current board member, or with a
6 corporation, limited liability company, or partnership in
7 which a board member or a member of his or her immediate family
8 has 25% or more interest, unless notice of intent to enter into
9 the contract is given to members within 20 days after a
10 decision is made to enter into the contract and the members are
11 afforded an opportunity by filing a petition, signed by 20% of
12 the membership, for an election to approve or disapprove the
13 contract; such petition shall be filed within 20 days after
14 such notice and such election shall be held within 30 days
15 after filing the petition. For purposes of this subsection, a
16 board member's immediate family means the board member's
17 spouse, parents, siblings, and children.

18 (c) The bylaws or operating agreement shall provide for
19 the maintenance, repair, and replacement of the common areas
20 and payments therefor, including the method of approving
21 payment vouchers.

22 (d) (Blank).

23 (e) The association may engage the services of a manager
24 or management company.

25 (f) The association shall have one class of membership
26 unless the declaration, bylaws, or operating agreement provide

1 otherwise; however, this subsection (f) shall not be construed
2 to limit the operation of subsection (c) of Section 1-20 of
3 this Act.

4 (g) The board shall have the power, after notice and an
5 opportunity to be heard, to levy and collect reasonable fines
6 from members or unit owners for violations of the declaration,
7 bylaws, operating agreement, and rules and regulations of the
8 common interest community association.

9 (h) Other than attorney's fees and court or arbitration
10 costs, no fees pertaining to the collection of a member's or
11 unit owner's financial obligation to the association,
12 including fees charged by a manager or managing agent, shall
13 be added to and deemed a part of a member's or unit owner's
14 respective share of the common expenses unless: (i) the
15 managing agent fees relate to the costs to collect common
16 expenses for the association; (ii) the fees are set forth in a
17 contract between the managing agent and the association; and
18 (iii) the authority to add the management fees to a member's or
19 unit owner's respective share of the common expenses is
20 specifically stated in the declaration, bylaws, or operating
21 agreement of the association.

22 (i) Board records.

23 (1) The board shall maintain the following records of
24 the association and make them available for examination
25 and copying at convenient hours of weekdays by any member
26 or unit owner in a common interest community subject to

1 the authority of the board, their mortgagees, and their
2 duly authorized agents or attorneys:

3 (i) Copies of the recorded declaration, other
4 community instruments, other duly recorded covenants
5 and bylaws and any amendments, articles of
6 incorporation, articles of organization, annual
7 reports, and any rules and regulations adopted by the
8 board shall be available. Prior to the organization of
9 the board, the developer shall maintain and make
10 available the records set forth in this paragraph (i)
11 for examination and copying.

12 (ii) Detailed and accurate records in
13 chronological order of the receipts and expenditures
14 affecting the common areas, specifying and itemizing
15 the maintenance and repair expenses of the common
16 areas and any other expenses incurred, and copies of
17 all contracts, leases, or other agreements entered
18 into by the board shall be maintained.

19 (iii) The minutes of all meetings of the board
20 which shall be maintained for not less than 7 years.

21 (iv) With a written statement of a proper purpose,
22 ballots and proxies related thereto, if any, for any
23 election held for the board and for any other matters
24 voted on by the members, which shall be maintained for
25 not less than one year.

26 (v) With a written statement of a proper purpose,

1 such other records of the board as are available for
2 inspection by members of a not-for-profit corporation
3 pursuant to Section 107.75 of the General Not For
4 Profit Corporation Act of 1986 shall be maintained.

5 (vi) With respect to units owned by a land trust, a
6 living trust, or other legal entity, the trustee,
7 officer, or manager of the entity may designate, in
8 writing, a person to cast votes on behalf of the member
9 or unit owner and a designation shall remain in effect
10 until a subsequent document is filed with the
11 association.

12 (vii) Any reserve study.

13 (2) Where a request for records under this subsection
14 is made in writing to the board or its agent, failure to
15 provide the requested record or to respond within 30 days
16 shall be deemed a denial by the board.

17 (3) A reasonable fee may be charged by the board for
18 the cost of retrieving and copying records properly
19 requested.

20 (4) If the board fails to provide records properly
21 requested under paragraph (1) of this subsection (i)
22 within the time period provided in that paragraph (1), the
23 member may seek appropriate relief and shall be entitled
24 to an award of reasonable attorney's fees and costs if the
25 member prevails and the court finds that such failure is
26 due to the acts or omissions of the board of managers or

1 the board of directors.

2 (j) The board shall have standing and capacity to act in a
3 representative capacity in relation to matters involving the
4 common areas or more than one unit, on behalf of the members or
5 unit owners as their interests may appear.

6 (k) The board may contract with the highway commissioner
7 of a road district in which the association is located, if the
8 association comprises 75% of the population or greater of the
9 township or road district, to furnish materials related to the
10 maintenance or repair of roads. Any such purchases shall be
11 included in the board's finance report as outlined in Section
12 1-45.

13 (Source: P.A. 102-921, eff. 5-27-22.)