

1 AN ACT concerning condominiums.

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 2 and 3 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
12 time amended.

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

23 (d) "Unit" means a part of the property designed and
24 intended for any type of independent use.

25 (e) "Common Elements" means all portions of the property
26 except the units, including limited common elements unless
27 otherwise specified.

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

31 (g) "Unit Owner" means the person or persons whose

1 estates or interests, individually or collectively, aggregate
2 fee simple absolute ownership of a unit, or, in the case of a
3 leasehold condominium, the lessee or lessees of a unit whose
4 leasehold ownership of the unit expires simultaneously with
5 the lease described in item (x) of this Section.

6 (h) "Majority" or "majority of the unit owners" means
7 the owners of more than 50% in the aggregate in interest of
8 the undivided ownership of the common elements. Any
9 specified percentage of the unit owners means such percentage
10 in the aggregate in interest of such undivided ownership.
11 "Majority" or "majority of the members of the board of
12 managers" means more than 50% of the total number of persons
13 constituting such board pursuant to the bylaws. Any
14 specified percentage of the members of the board of managers
15 means that percentage of the total number of persons
16 constituting such board pursuant to the bylaws.

17 (i) "Plat" means a plat or plats of survey of the parcel
18 and of all units in the property submitted to the provisions
19 of this Act, which may consist of a three-dimensional
20 horizontal and vertical delineation of all such units.

21 (j) "Record" means to record in the office of the
22 recorder or, whenever required, to file in the office of the
23 Registrar of Titles of the county wherein the property is
24 located.

25 (k) "Conversion Condominium" means a property which
26 contains structures, excepting those newly constructed and
27 intended for condominium ownership, which are, or have
28 previously been, wholly or partially occupied before
29 recording of condominium instruments by persons other than
30 those who have contracted for the purchase of condominiums.

31 (l) "Condominium Instruments" means all documents and
32 authorized amendments thereto recorded pursuant to the
33 provisions of the Act, including the declaration, bylaws and
34 plat.

1 (m) "Common Expenses" means the proposed or actual
2 expenses affecting the property, including reserves, if any,
3 lawfully assessed by the Board of Managers of the Unit
4 Owner's Association.

5 (n) "Reserves" means those sums paid by unit owners
6 which are separately maintained by the board of managers for
7 purposes specified by the board of managers or the
8 condominium instruments.

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

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

15 (q) "Developer" means any person who submits property
16 legally or equitably owned in fee simple by the developer, or
17 leased to the developer under a lease described in item (x)
18 of this Section, to the provisions of this Act, or any person
19 who offers units legally or equitably owned in fee simple by
20 the developer, or leased to the developer under a lease
21 described in item (x) of this Section, for sale in the
22 ordinary course of such person's business, including any
23 successor or successors to such developers' entire interest
24 in the property other than the purchaser of an individual
25 unit.

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

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

34 (t) "Building" means all structures, attached or

1 unattached, containing one or more units.

2 (u) "Master Association" means an organization described
3 in Section 18.5 whether or not it is also an association
4 described in Section 18.3.

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

8 (w) "Meeting of Board of Managers or Board of Master
9 Association" means any gathering of a quorum of the members
10 of the Board of Managers or Board of the Master Association
11 held for the purpose of conducting board business.

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

23 (Source: P.A. 88-417; 88-626, eff. 9-9-94; 89-89, eff.
24 6-30-95.)

25 (765 ILCS 605/3) (from Ch. 30, par. 303)

26 Sec. 3. Submission of property. Whenever the owner or
27 owners in fee simple, or the sole lessee or all lessees of a
28 lease described in item (x) of Section 2, of a parcel intend
29 to submit such property to the provisions of this Act, they
30 shall do so by recording a declaration, duly executed and
31 acknowledged, expressly stating such intent and setting forth
32 the particulars enumerated in Section 4. If the condominium
33 is a leasehold condominium, then every lessor of the lease

1 creating a leasehold interest as described in item (x) of
2 Section 2 shall also execute the declaration and such lease
3 shall be recorded prior to the recording of the declaration.

4 The execution of a declaration required under this
5 Section by the lessor under a lease as described in item (x)
6 of Section 2 does not make the lessor a developer for
7 purposes of this Act.

8 (Source: P.A. 89-89, eff. 6-30-95.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.