

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 27 as follows:

6 (765 ILCS 605/27) (from Ch. 30, par. 327)

7 Sec. 27. (a) If there is any unit owner other than the  
8 developer, the condominium instruments shall be amended only as  
9 follows:

10 (i) upon the affirmative vote of 2/3 of those voting or  
11 upon the majority specified by the condominium  
12 instruments, provided that in no event shall the  
13 condominium instruments require more than a three-quarters  
14 vote of unit owners; and

15 (ii) ~~together~~ with the approval of any mortgagees  
16 required under the provisions of the condominium  
17 instruments.

18 Except ~~except~~ in cases where this Act provides different  
19 methods of amendment or with respect to property whose  
20 declaration is recorded on or after July 1, 1984, no  
21 condominium instrument shall require more than a  
22 three-quarters vote of unit owners to amend the bylaws. Except  
23 to the extent authorized by other provisions of this Act, no  
24 amendment to the condominium instrument shall change the  
25 boundaries of any unit or the undivided interest in the common  
26 elements, the number of votes in the unit owners' association,  
27 or the liability for common expenses appertaining to a unit.

28 (b) (1) If there is an omission or error in the  
29 declaration, bylaws or other condominium instrument, the  
30 association may correct the error or omission by an amendment  
31 to the declaration, bylaws, or other condominium instrument in  
32 such respects as may be required to conform to this Act, and

1 any other applicable statute or to the declaration by vote of  
2 two-thirds of the members of the Board of Managers or by a  
3 majority vote of the unit owners at a meeting called for this  
4 purpose, unless the Act or the condominium instruments  
5 specifically provide for greater percentages or different  
6 procedures.

7 (2) If through a scrivener's error, a unit has not been  
8 designated as owning an appropriate undivided share of the  
9 common elements or does not bear an appropriate share of the  
10 common expenses or that all the common expenses or all of the  
11 common elements in the condominium have not been distributed in  
12 the declaration, so that the sum total of the shares of common  
13 elements which have been distributed or the sum total of the  
14 shares of the common expenses fail to equal 100%, or if it  
15 appears that more than 100% of the common elements or common  
16 expenses have been distributed, the error may be corrected by  
17 operation of law by filing an amendment to the declaration  
18 approved by vote of two-thirds of the members of the Board of  
19 Managers or a majority vote of the unit owners at a meeting  
20 called for this purpose which proportionately adjusts all  
21 percentage interests so that the total is equal to 100% unless  
22 the condominium instruments specifically provide for a  
23 different procedure or different percentage vote by the owners  
24 of the units and the owners of mortgages thereon affected by  
25 modification being made in the undivided interest in the common  
26 elements, the number of votes in the unit owners association or  
27 the liability for common expenses appertaining to the unit.

28 (3) If an omission or error or a scrivener's error in the  
29 declaration, bylaws or other condominium instrument is  
30 corrected by vote of two-thirds of the members of the Board of  
31 Managers pursuant to the authority established in subsections  
32 (b)(1) or (b)(2) of Section 27 of this Act, the Board upon  
33 written petition by unit owners with 20 percent of the votes of  
34 the association filed within 30 days of the Board action shall  
35 call a meeting of the unit owners within 30 days of the filing  
36 of the petition to consider the Board action. Unless a majority

1 of the votes of the unit owners of the association are cast at  
2 the meeting to reject the action, it is ratified whether or not  
3 a quorum is present.

4 (4) The procedures for amendments set forth in this  
5 subsection (b) cannot be used if such an amendment would  
6 materially or adversely affect property rights of the unit  
7 owners unless the affected unit owners consent in writing. This  
8 Section does not restrict the powers of the association to  
9 otherwise amend the declaration, bylaws, or other condominium  
10 instruments, but authorizes a simple process of amendment  
11 requiring a lesser vote for the purpose of correcting defects,  
12 errors, or omissions when the property rights of the unit  
13 owners are not materially or adversely affected.

14 (5) If there is an omission or error in the declaration,  
15 bylaws, or other condominium instruments, which may not be  
16 corrected by an amendment procedure set forth in paragraphs (1)  
17 and (2) of subsection (b) of Section 27 in the declaration then  
18 the Circuit Court in the County in which the condominium is  
19 located shall have jurisdiction to hear a petition of one or  
20 more of the unit owners thereon or of the association, to  
21 correct the error or omission, and the action may be a class  
22 action. The court may require that one or more methods of  
23 correcting the error or omission be submitted to the unit  
24 owners to determine the most acceptable correction. All unit  
25 owners in the association must be joined as parties to the  
26 action. Service of process on owners may be by publication, but  
27 the plaintiff shall furnish all unit owners not personally  
28 served with process with copies of the petition and final  
29 judgment of the court by certified mail return receipt  
30 requested, at their last known address.

31 (6) Nothing contained in this Section shall be construed to  
32 invalidate any provision of a condominium instrument  
33 authorizing the developer to amend a condominium instrument  
34 prior to the latest date on which the initial membership  
35 meeting of the unit owners must be held, whether or nor it has  
36 actually been held, to bring the instrument into compliance

1 with the legal requirements of the Federal National Mortgage  
2 Association, the Federal Home Loan Mortgage Corporation, the  
3 Federal Housing Administration, the United States Veterans  
4 Administration or their respective successors and assigns.

5 (Source: P.A. 84-545.)

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law.