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1 AMENDMENT TO SENATE BILL 764

2 AMENDMENT NO. _____. Amend Senate Bill 764 on page 1, line
3 5, after "Sections 9.2", by inserting ", 18.4,"; and

4 on page 1, immediately below line 29, by inserting the
5 following:

6 "(765 ILCS 605/18.4) (from Ch. 30, par. 318.4)

7 Sec. 18.4. Powers and Duties of Board of Managers. The
8 board of managers shall exercise for the association all
9 powers, duties and authority vested in the association by law
10 or the condominium instruments except for such powers, duties
11 and authority reserved by law to the members of the
12 association. The powers and duties of the board of managers
13 shall include, but shall not be limited to, the following:

14 (a) To provide for the operation, care, upkeep,
15 maintenance, replacement and improvement of the common
16 elements. Nothing in this subsection (a) shall be deemed to
17 invalidate any provision in a condominium instrument
18 placing limits on expenditures for the common elements,
19 provided, that such limits shall not be applicable to
20 expenditures for repair, replacement, or restoration of
21 existing portions of the common elements. The term "repair,
22 replacement or restoration" means expenditures to
23 deteriorated or damaged portions of the property related to
24 the existing decorating, facilities, or structural or

1 mechanical components, interior or exterior surfaces, or
2 energy systems and equipment with the functional
3 equivalent of the original portions of such areas.
4 Replacement of the common elements may result in an
5 improvement over the original quality of such elements or
6 facilities; provided that, unless the improvement is
7 mandated by law or is an emergency as defined in item (iv)
8 of subparagraph (8) of paragraph (a) of Section 18, if the
9 improvement results in a proposed expenditure exceeding 5%
10 of the annual budget, the board of managers, upon written
11 petition by unit owners with 20% of the votes of the
12 association delivered to the board within 14 days of the
13 board action to approve the expenditure, shall call a
14 meeting of the unit owners within 30 days of the date of
15 delivery of the petition to consider the expenditure.
16 Unless a majority of the total votes of the unit owners are
17 cast at the meeting to reject the expenditure, it is
18 ratified.

19 (b) To prepare, adopt and distribute the annual budget
20 for the property.

21 (c) To levy and expend assessments.

22 (d) To collect assessments from unit owners.

23 (e) To provide for the employment and dismissal of the
24 personnel necessary or advisable for the maintenance and
25 operation of the common elements.

26 (f) To obtain adequate and appropriate kinds of
27 insurance.

28 (g) To own, convey, encumber, lease, and otherwise deal
29 with units conveyed to or purchased by it.

30 (h) To adopt and amend rules and regulations covering
31 the details of the operation and use of the property, after
32 a meeting of the unit owners called for the specific
33 purpose of discussing the proposed rules and regulations.
34 Notice of the meeting shall contain the full text of the

1 proposed rules and regulations, and the meeting shall
2 conform to the requirements of Section 18(b) of this Act,
3 except that no quorum is required at the meeting of the
4 unit owners unless the declaration, bylaws or other
5 condominium instrument expressly provides to the contrary.
6 However, no rule or regulation may impair any rights
7 guaranteed by the First Amendment to the Constitution of
8 the United States or Section 4 of Article I of the Illinois
9 Constitution, nor may any rules or regulations conflict
10 with the provisions of this Act or the condominium
11 instruments.

12 (i) To keep detailed, accurate records of the receipts
13 and expenditures affecting the use and operation of the
14 property.

15 (j) To have access to each unit from time to time as
16 may be necessary for the maintenance, repair or replacement
17 of any common elements or for making emergency repairs
18 necessary to prevent damage to the common elements or to
19 other units.

20 (k) To pay real property taxes, special assessments,
21 and any other special taxes or charges of the State of
22 Illinois or of any political subdivision thereof, or other
23 lawful taxing or assessing body, which are authorized by
24 law to be assessed and levied upon the real property of the
25 condominium.

26 (l) To impose charges for late payment of a unit
27 owner's proportionate share of the common expenses, or any
28 other expenses lawfully agreed upon, and after notice and
29 an opportunity to be heard, to levy reasonable fines for
30 violation of the declaration, by-laws, and rules and
31 regulations of the association.

32 (m) Unless the condominium instruments expressly
33 provide to the contrary, by a majority vote of the entire
34 board of managers, to assign the right of the association

1 to future income from common expenses or other sources, and
2 to mortgage or pledge substantially all of the remaining
3 assets of the association.

4 (n) To record the dedication of a portion of the common
5 elements to a public body for use as, or in connection
6 with, a street or utility where authorized by the unit
7 owners under the provisions of Section 14.2.

8 (o) To record the granting of an easement for the
9 laying of cable television cable where authorized by the
10 unit owners under the provisions of Section 14.3; to
11 obtain, if available and determined by the board to be in
12 the best interests of the association, cable television
13 service for all of the units of the condominium on a bulk
14 identical service and equal cost per unit basis; and to
15 assess and recover the expense as a common expense and, if
16 so determined by the board, to assess each and every unit
17 on the same equal cost per unit basis.

18 (p) To seek relief on behalf of all unit owners when
19 authorized pursuant to subsection (c) of Section 10 from or
20 in connection with the assessment or levying of real
21 property taxes, special assessments, and any other special
22 taxes or changes of the State of Illinois or of any
23 political subdivision thereof or of any lawful taxing or
24 assessing body.

25 (q) To reasonably accommodate the needs of a
26 handicapped unit owner as required by the federal Civil
27 Rights Act of 1968, the Human Rights Act and any applicable
28 local ordinances in the exercise of its powers with respect
29 to the use of common elements or approval of modifications
30 in an individual unit.

31 (r) To accept service of a notice of claim for purposes
32 of the Mechanics Lien Act on behalf of each respective
33 member of the Unit Owners' Association with respect to
34 improvements performed pursuant to any contract entered

1 into by the Board of Managers or any contract entered into
2 prior to the recording of the condominium declaration
3 pursuant to this Act, for a property containing more than 8
4 units, and to distribute the notice to the unit owners
5 within 7 days of the acceptance of the service by the Board
6 of Managers. The service shall be effective as if each
7 individual unit owner had been served individually with
8 notice.

9 In the performance of their duties, the officers and
10 members of the board, whether appointed by the developer or
11 elected by the unit owners, shall exercise the care required of
12 a fiduciary of the unit owners.

13 The collection of assessments from unit owners by an
14 association, board of managers or their duly authorized agents
15 shall not be considered acts constituting a collection agency
16 for purposes of the Collection Agency Act.

17 The provisions of this Section are applicable to all
18 condominium instruments recorded under this Act. Any portion of
19 a condominium instrument which contains provisions contrary to
20 these provisions shall be void as against public policy and
21 ineffective. Any such instrument that fails to contain the
22 provisions required by this Section shall be deemed to
23 incorporate such provisions by operation of law.

24 (Source: P.A. 91-195, eff. 7-20-99.)"