

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 Sections 14.3 and 18.4 as follows:

6 (765 ILCS 605/14.3) (from Ch. 30, par. 314.3)

7 Sec. 14.3. Granting of easement for laying of cable  
8 television or high speed Internet cable. Unless the condominium  
9 instrument expressly provides for a greater percentage or  
10 different procedures a majority of more than 50% of the unit  
11 owners at a meeting of unit owners duly called for such purpose  
12 may authorize the granting of an easement for the laying of  
13 cable television or high speed Internet cable. The grant of  
14 such easement shall be according to the terms and conditions of  
15 the local ordinance providing for cable television or high  
16 speed Internet in the municipality.

17 (Source: P.A. 83-833.)

18 (765 ILCS 605/18.4) (from Ch. 30, par. 318.4)

19 Sec. 18.4. Powers and Duties of Board of Managers. The  
20 board of managers shall exercise for the association all  
21 powers, duties and authority vested in the association by law  
22 or the condominium instruments except for such powers, duties

1 and authority reserved by law to the members of the  
2 association. The powers and duties of the board of managers  
3 shall include, but shall not be limited to, the following:

4 (a) To provide for the operation, care, upkeep,  
5 maintenance, replacement and improvement of the common  
6 elements. Nothing in this subsection (a) shall be deemed to  
7 invalidate any provision in a condominium instrument  
8 placing limits on expenditures for the common elements,  
9 provided, that such limits shall not be applicable to  
10 expenditures for repair, replacement, or restoration of  
11 existing portions of the common elements. The term "repair,  
12 replacement or restoration" means expenditures to  
13 deteriorated or damaged portions of the property related to  
14 the existing decorating, facilities, or structural or  
15 mechanical components, interior or exterior surfaces, or  
16 energy systems and equipment with the functional  
17 equivalent of the original portions of such areas.  
18 Replacement of the common elements may result in an  
19 improvement over the original quality of such elements or  
20 facilities; provided that, unless the improvement is  
21 mandated by law or is an emergency as defined in item (iv)  
22 of subparagraph (8) of paragraph (a) of Section 18, if the  
23 improvement results in a proposed expenditure exceeding 5%  
24 of the annual budget, the board of managers, upon written  
25 petition by unit owners with 20% of the votes of the  
26 association delivered to the board within 14 days of the

1 board action to approve the expenditure, shall call a  
2 meeting of the unit owners within 30 days of the date of  
3 delivery of the petition to consider the expenditure.  
4 Unless a majority of the total votes of the unit owners are  
5 cast at the meeting to reject the expenditure, it is  
6 ratified.

7 (b) To prepare, adopt and distribute the annual budget  
8 for the property.

9 (c) To levy and expend assessments.

10 (d) To collect assessments from unit owners.

11 (e) To provide for the employment and dismissal of the  
12 personnel necessary or advisable for the maintenance and  
13 operation of the common elements.

14 (f) To obtain adequate and appropriate kinds of  
15 insurance.

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

18 (h) To adopt and amend rules and regulations covering  
19 the details of the operation and use of the property, after  
20 a meeting of the unit owners called for the specific  
21 purpose of discussing the proposed rules and regulations.  
22 Notice of the meeting shall contain the full text of the  
23 proposed rules and regulations, and the meeting shall  
24 conform to the requirements of Section 18(b) of this Act,  
25 except that no quorum is required at the meeting of the  
26 unit owners unless the declaration, bylaws or other

1 condominium instrument expressly provides to the contrary.  
2 However, no rule or regulation may impair any rights  
3 guaranteed by the First Amendment to the Constitution of  
4 the United States or Section 4 of Article I of the Illinois  
5 Constitution including, but not limited to, the free  
6 exercise of religion, nor may any rules or regulations  
7 conflict with the provisions of this Act or the condominium  
8 instruments. No rule or regulation shall prohibit any  
9 reasonable accommodation for religious practices,  
10 including the attachment of religiously mandated objects  
11 to the front-door area of a condominium unit.

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

1 owner's proportionate share of the common expenses, or any  
2 other expenses lawfully agreed upon, and after notice and  
3 an opportunity to be heard, to levy reasonable fines for  
4 violation of the declaration, by-laws, and rules and  
5 regulations of the association.

6 (m) Unless the condominium instruments expressly  
7 provide to the contrary, by a majority vote of the entire  
8 board of managers, to assign the right of the association  
9 to future income from common expenses or other sources, and  
10 to mortgage or pledge substantially all of the remaining  
11 assets of the association.

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

16 (o) To record the granting of an easement for the  
17 laying of cable television or high speed Internet cable  
18 where authorized by the unit owners under the provisions of  
19 Section 14.3; to obtain, if available and determined by the  
20 board to be in the best interests of the association, cable  
21 television or bulk high speed Internet service for all of  
22 the units of the condominium on a bulk identical service  
23 and equal cost per unit basis; and to assess and recover  
24 the expense as a common expense and, if so determined by  
25 the board, to assess each and every unit on the same equal  
26 cost per unit basis.

1           (p) To seek relief on behalf of all unit owners when  
2 authorized pursuant to subsection (c) of Section 10 from or  
3 in connection with the assessment or levying of real  
4 property taxes, special assessments, and any other special  
5 taxes or charges of the State of Illinois or of any  
6 political subdivision thereof or of any lawful taxing or  
7 assessing body.

8           (q) To reasonably accommodate the needs of a  
9 handicapped unit owner as required by the federal Civil  
10 Rights Act of 1968, the Human Rights Act and any applicable  
11 local ordinances in the exercise of its powers with respect  
12 to the use of common elements or approval of modifications  
13 in an individual unit.

14           (r) To accept service of a notice of claim for purposes  
15 of the Mechanics Lien Act on behalf of each respective  
16 member of the Unit Owners' Association with respect to  
17 improvements performed pursuant to any contract entered  
18 into by the Board of Managers or any contract entered into  
19 prior to the recording of the condominium declaration  
20 pursuant to this Act, for a property containing more than 8  
21 units, and to distribute the notice to the unit owners  
22 within 7 days of the acceptance of the service by the Board  
23 of Managers. The service shall be effective as if each  
24 individual unit owner had been served individually with  
25 notice.

26 In the performance of their duties, the officers and

1 members of the board, whether appointed by the developer or  
2 elected by the unit owners, shall exercise the care required of  
3 a fiduciary of the unit owners.

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

8 The provisions of this Section are applicable to all  
9 condominium instruments recorded under this Act. Any portion of  
10 a condominium instrument which contains provisions contrary to  
11 these provisions shall be void as against public policy and  
12 ineffective. Any such instrument that fails to contain the  
13 provisions required by this Section shall be deemed to  
14 incorporate such provisions by operation of law.

15 (Source: P.A. 96-1000, eff. 7-2-10.)