

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, and unless otherwise provided in this Act, the
9 condominium instruments shall be amended only as 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 all unit owners; and

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

17 ~~Except in cases where this Act provides different methods of~~
18 ~~amendment or with respect to property whose declaration is~~
19 ~~recorded on or after July 1, 1984, no condominium instrument~~
20 ~~shall require more than a three quarters vote of unit owners to~~
21 ~~amend the bylaws. Except to the extent authorized by other~~
22 ~~provisions of this Act, no amendment to the condominium~~
23 ~~instrument shall change the boundaries of any unit or the~~

1 ~~undivided interest in the common elements, the number of votes~~
2 ~~in the unit owners' association, or the liability for common~~
3 ~~expenses appertaining to a unit.~~

4 (b) (1) If there is an omission or error in the declaration,
5 bylaws or other condominium instrument, the association may
6 correct the error or omission by an amendment to the
7 declaration, bylaws, or other condominium instrument in such
8 respects as may be required to conform to this Act, and any
9 other applicable statute or to the declaration by vote of
10 two-thirds of the members of the Board of Managers or by a
11 majority vote of the unit owners at a meeting called for this
12 purpose, unless the Act or the condominium instruments
13 specifically provide for greater percentages or different
14 procedures.

15 (2) If through a scrivener's error, a unit has not been
16 designated as owning an appropriate undivided share of the
17 common elements or does not bear an appropriate share of the
18 common expenses or that all the common expenses or all of the
19 common elements in the condominium have not been distributed in
20 the declaration, so that the sum total of the shares of common
21 elements which have been distributed or the sum total of the
22 shares of the common expenses fail to equal 100%, or if it
23 appears that more than 100% of the common elements or common
24 expenses have been distributed, the error may be corrected by
25 operation of law by filing an amendment to the declaration
26 approved by vote of two-thirds of the members of the Board of

1 Managers or a majority vote of the unit owners at a meeting
2 called for this purpose which proportionately adjusts all
3 percentage interests so that the total is equal to 100% unless
4 the condominium instruments specifically provide for a
5 different procedure or different percentage vote by the owners
6 of the units and the owners of mortgages thereon affected by
7 modification being made in the undivided interest in the common
8 elements, the number of votes in the unit owners association or
9 the liability for common expenses appertaining to the unit.

10 (3) If an omission or error or a scrivener's error in the
11 declaration, bylaws or other condominium instrument is
12 corrected by vote of two-thirds of the members of the Board of
13 Managers pursuant to the authority established in subsections
14 (b) (1) or (b) (2) of Section 27 of this Act, the Board upon
15 written petition by unit owners with 20 percent of the votes of
16 the association filed within 30 days of the Board action shall
17 call a meeting of the unit owners within 30 days of the filing
18 of the petition to consider the Board action. Unless a majority
19 of the votes of the unit owners of the association are cast at
20 the meeting to reject the action, it is ratified whether or not
21 a quorum is present.

22 (4) The procedures for amendments set forth in this
23 subsection (b) cannot be used if such an amendment would
24 materially or adversely affect property rights of the unit
25 owners unless the affected unit owners consent in writing. This
26 Section does not restrict the powers of the association to

1 otherwise amend the declaration, bylaws, or other condominium
2 instruments, but authorizes a simple process of amendment
3 requiring a lesser vote for the purpose of correcting defects,
4 errors, or omissions when the property rights of the unit
5 owners are not materially or adversely affected.

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

23 (6) Nothing contained in this Section shall be construed to
24 invalidate any provision of a condominium instrument
25 authorizing the developer to amend a condominium instrument
26 prior to the latest date on which the initial membership

1 meeting of the unit owners must be held, whether or nor it has
2 actually been held, to bring the instrument into compliance
3 with the legal requirements of the Federal National Mortgage
4 Association, the Federal Home Loan Mortgage Corporation, the
5 Federal Housing Administration, the United States Veterans
6 Administration or their respective successors and assigns.

7 (Source: P.A. 94-886, eff. 6-20-06.)