



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

SB2892

Introduced 2/4/2014, by Sen. John G. Mulroe

#### SYNOPSIS AS INTRODUCED:

765 ILCS 605/18.8 new

Amends the Condominium Property Act. Provides that unless it is approved by a unit owner percentage vote of not less than 75% of the total in the aggregate in interest of the undivided ownership of the common elements following the election of the first unit owner board of managers, a provision in the condominium instruments is against public policy and unenforceable if it restricts the right of a board to represent the association in legal matters which affect the common elements or more than one unit by requiring consent of a percentage of unit owners, requiring arbitration, requiring mediation prior to the filing of an action in a court of competent jurisdiction, or restricting or delaying the board's ability to bring an action affecting the common elements or more than one unit in a court of competent jurisdiction and to demand a trial by jury.

LRB098 12652 HEP 50601 b

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 adding Section 18.8 as follows:

6 (765 ILCS 605/18.8 new)

7 Sec. 18.8. Common elements; rights of board.

8 (a) Except as provided in subsection (b) of this Section, a  
9 provision in the condominium instruments is against public  
10 policy and unenforceable if it restricts the right of a board  
11 to represent the association in legal matters which affect the  
12 common elements or more than one unit by:

13 (1) requiring consent of a percentage of unit owners;

14 or

15 (2) requiring arbitration; or

16 (3) requiring mediation prior to the filing of an  
17 action in a court of competent jurisdiction; or

18 (4) requiring any combination of items (1) through (3)  
19 of this subsection (a); or

20 (5) restricting or delaying the board's ability to  
21 bring an action affecting the common elements or more than  
22 one condominium unit in a court of competent jurisdiction  
23 and to demand a trial by jury.

1       (b) A provision in the condominium instruments which would  
2       otherwise be unenforceable under this Section may be enforced  
3       if it is approved by a unit owner percentage vote of not less  
4       than 75% of the total in the aggregate in interest of the  
5       undivided ownership of the common elements following the  
6       election of the first unit owner board of managers.