



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5927

by Rep. Laura Fine

SYNOPSIS AS INTRODUCED:

765 ILCS 160/1-30

Amends the Common Interest Community Association Act. Provides that the board of a common interest community association shall have the authority to adopt and amend rules and regulations covering the details of the operation and use of the parcel after a meeting of the unit owners called for the specific purpose of discussing the proposed rules and regulations. Provides procedural requirements. Provides that no rule or regulation may impair any rights guaranteed by the First Amendment to the Constitution of the United States or Section 4 of Article I of the Illinois Constitution including, but not limited to, the free exercise of religion, nor may any rules or regulations conflict with the provisions of the Act or the declaration, operating agreement, or bylaws. Provides that no rule or regulation shall prohibit any reasonable accommodation for religious practices, including the attachment of religiously-mandated objects to the front-door area of a unit.

LRB099 15405 HEP 39681 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 Common Interest Community Association Act is
5 amended by changing Section 1-30 as follows:

6 (765 ILCS 160/1-30)

7 Sec. 1-30. Board duties and obligations; records.

8 (a) The board shall meet at least 4 times annually.

9 (b) A common interest community association may not enter
10 into a contract with a current board member, or with a
11 corporation, limited liability company, or partnership in
12 which a board member or a member of his or her immediate family
13 has 25% or more interest, unless notice of intent to enter into
14 the contract is given to members within 20 days after a
15 decision is made to enter into the contract and the members are
16 afforded an opportunity by filing a petition, signed by 20% of
17 the membership, for an election to approve or disapprove the
18 contract; such petition shall be filed within 20 days after
19 such notice and such election shall be held within 30 days
20 after filing the petition. For purposes of this subsection, a
21 board member's immediate family means the board member's
22 spouse, parents, siblings, and children.

23 (c) The bylaws or operating agreement shall provide for the

1 maintenance, repair, and replacement of the common areas and
2 payments therefor, including the method of approving payment
3 vouchers.

4 (d) The board shall have the authority to adopt and amend
5 rules and regulations covering the details of the operation and
6 use of the parcel after a meeting of the unit owners called for
7 the specific purpose of discussing the proposed rules and
8 regulations. Notice of the meeting shall contain the full text
9 of the proposed rules and regulations, and the meeting shall
10 conform to the requirements of subsection (a) of Section 1-40
11 of this Act, except that no quorum is required at the meeting
12 of the unit owners. No rule or regulation may impair any rights
13 guaranteed by the First Amendment to the Constitution of the
14 United States or Section 4 of Article I of the Illinois
15 Constitution including, but not limited to, the free exercise
16 of religion, nor may any rules or regulations conflict with the
17 provisions of this Act or the declaration, operating agreement,
18 or bylaws. No rule or regulation shall prohibit any reasonable
19 accommodation for religious practices, including the
20 attachment of religiously-mandated objects to the front-door
21 area of a unit ~~(Blank)~~.

22 (e) The association may engage the services of a manager or
23 management company.

24 (f) The association shall have one class of membership
25 unless the declaration, bylaws, or operating agreement provide
26 otherwise; however, this subsection (f) shall not be construed

1 to limit the operation of subsection (c) of Section 1-20 of
2 this Act.

3 (g) The board shall have the power, after notice and an
4 opportunity to be heard, to levy and collect reasonable fines
5 from members or unit owners for violations of the declaration,
6 bylaws, operating agreement, and rules and regulations of the
7 common interest community association.

8 (h) Other than attorney's fees and court or arbitration
9 costs, no fees pertaining to the collection of a member's or
10 unit owner's financial obligation to the association,
11 including fees charged by a manager or managing agent, shall be
12 added to and deemed a part of a member's or unit owner's
13 respective share of the common expenses unless: (i) the
14 managing agent fees relate to the costs to collect common
15 expenses for the association; (ii) the fees are set forth in a
16 contract between the managing agent and the association; and
17 (iii) the authority to add the management fees to a member's or
18 unit owner's respective share of the common expenses is
19 specifically stated in the declaration, bylaws, or operating
20 agreement of the association.

21 (i) Board records.

22 (1) The board shall maintain the following records of
23 the association and make them available for examination and
24 copying at convenient hours of weekdays by any member or
25 unit owner in a common interest community subject to the
26 authority of the board, their mortgagees, and their duly

1 authorized agents or attorneys:

2 (i) Copies of the recorded declaration, other
3 community instruments, other duly recorded covenants
4 and bylaws and any amendments, articles of
5 incorporation, articles of organization, annual
6 reports, and any rules and regulations adopted by the
7 board shall be available. Prior to the organization of
8 the board, the developer shall maintain and make
9 available the records set forth in this paragraph (i)
10 for examination and copying.

11 (ii) Detailed and accurate records in
12 chronological order of the receipts and expenditures
13 affecting the common areas, specifying and itemizing
14 the maintenance and repair expenses of the common areas
15 and any other expenses incurred, and copies of all
16 contracts, leases, or other agreements entered into by
17 the board shall be maintained.

18 (iii) The minutes of all meetings of the board
19 which shall be maintained for not less than 7 years.

20 (iv) With a written statement of a proper purpose,
21 ballots and proxies related thereto, if any, for any
22 election held for the board and for any other matters
23 voted on by the members, which shall be maintained for
24 not less than one year.

25 (v) With a written statement of a proper purpose,
26 such other records of the board as are available for

1 inspection by members of a not-for-profit corporation
2 pursuant to Section 107.75 of the General Not For
3 Profit Corporation Act of 1986 shall be maintained.

4 (vi) With respect to units owned by a land trust, a
5 living trust, or other legal entity, the trustee,
6 officer, or manager of the entity may designate, in
7 writing, a person to cast votes on behalf of the member
8 or unit owner and a designation shall remain in effect
9 until a subsequent document is filed with the
10 association.

11 (2) Where a request for records under this subsection
12 is made in writing to the board or its agent, failure to
13 provide the requested record or to respond within 30 days
14 shall be deemed a denial by the board.

15 (3) A reasonable fee may be charged by the board for
16 the cost of retrieving and copying records properly
17 requested.

18 (4) If the board fails to provide records properly
19 requested under paragraph (1) of this subsection (i) within
20 the time period provided in that paragraph (1), the member
21 may seek appropriate relief and shall be entitled to an
22 award of reasonable attorney's fees and costs if the member
23 prevails and the court finds that such failure is due to
24 the acts or omissions of the board of managers or the board
25 of directors.

26 (j) The board shall have standing and capacity to act in a

1 representative capacity in relation to matters involving the
2 common areas or more than one unit, on behalf of the members or
3 unit owners as their interests may appear.

4 (Source: P.A. 98-232, eff. 1-1-14; 98-241, eff. 8-9-13; 98-756,
5 eff. 7-16-14; 99-41, eff. 7-14-15.)