

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 18.4 as follows:

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

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

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

22 (c) To levy and expend assessments.

23 (d) To collect assessments from unit owners.

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

1           (f) To obtain adequate and appropriate kinds of  
2 insurance.

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

5           (h) To adopt and amend rules and regulations covering  
6 the details of the operation and use of the property, after  
7 a meeting of the unit owners called for the specific  
8 purpose of discussing the proposed rules and regulations.  
9 Notice of the meeting shall contain the full text of the  
10 proposed rules and regulations, and the meeting shall  
11 conform to the requirements of Section 18(b) of this Act,  
12 except that no quorum is required at the meeting of the  
13 unit owners unless the declaration, bylaws or other  
14 condominium instrument expressly provides to the contrary.  
15 However, no rule or regulation may impair any rights  
16 guaranteed by the First Amendment to the Constitution of  
17 the United States or Section 4 of Article I of the Illinois  
18 Constitution including, but not limited to, the free  
19 exercise of religion, nor may any rules or regulations  
20 conflict with the provisions of this Act or the condominium  
21 instruments. No rule or regulation shall prohibit any  
22 reasonable accommodation for religious practices,  
23 including the attachment of religiously mandated objects  
24 to the front-door area of a condominium unit.

25           (i) To keep detailed, accurate records of the receipts  
26 and expenditures affecting the use and operation of the

1 property.

2 (j) To have access to each unit from time to time as  
3 may be necessary for the maintenance, repair or replacement  
4 of any common elements or for making emergency repairs  
5 necessary to prevent damage to the common elements or to  
6 other units.

7 (k) To pay real property taxes, special assessments,  
8 and any other special taxes or charges of the State of  
9 Illinois or of any political subdivision thereof, or other  
10 lawful taxing or assessing body, which are authorized by  
11 law to be assessed and levied upon the real property of the  
12 condominium.

13 (l) To impose charges for late payment of a unit  
14 owner's proportionate share of the common expenses, or any  
15 other expenses lawfully agreed upon, and after notice and  
16 an opportunity to be heard, to levy reasonable fines for  
17 violation of the declaration, by-laws, and rules and  
18 regulations of the association.

19 (m) By ~~Unless the condominium instruments expressly~~  
20 ~~provide to the contrary, by~~ a majority vote of the entire  
21 board of managers, to assign the right of the association  
22 to future income from common expenses or other sources, and  
23 to mortgage or pledge substantially all of the remaining  
24 assets of the association.

25 (n) To record the dedication of a portion of the common  
26 elements to a public body for use as, or in connection

1 with, a street or utility where authorized by the unit  
2 owners under the provisions of Section 14.2.

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

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

21 (q) To reasonably accommodate the needs of a unit owner  
22 who is a person with a disability as required by the  
23 federal Civil Rights Act of 1968, the Human Rights Act and  
24 any applicable local ordinances in the exercise of its  
25 powers with respect to the use of common elements or  
26 approval of modifications in an individual unit.

1           (r) To accept service of a notice of claim for purposes  
2           of the Mechanics Lien Act on behalf of each respective  
3           member of the Unit Owners' Association with respect to  
4           improvements performed pursuant to any contract entered  
5           into by the Board of Managers or any contract entered into  
6           prior to the recording of the condominium declaration  
7           pursuant to this Act, for a property containing more than 8  
8           units, and to distribute the notice to the unit owners  
9           within 7 days of the acceptance of the service by the Board  
10          of Managers. The service shall be effective as if each  
11          individual unit owner had been served individually with  
12          notice.

13          (s) To adopt and amend rules and regulations (1)  
14          authorizing electronic delivery of notices and other  
15          communications required or contemplated by this Act to each  
16          unit owner who provides the association with written  
17          authorization for electronic delivery and an electronic  
18          address to which such communications are to be  
19          electronically transmitted; and (2) authorizing each unit  
20          owner to designate an electronic address or a U.S. Postal  
21          Service address, or both, as the unit owner's address on  
22          any list of members or unit owners which an association is  
23          required to provide upon request pursuant to any provision  
24          of this Act or any condominium instrument.

25          In the performance of their duties, the officers and  
26          members of the board, whether appointed by the developer or

1 elected by the unit owners, shall exercise the care required of  
2 a fiduciary of the unit owners.

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

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

14 (Source: P.A. 98-735, eff. 1-1-15; 99-143, eff. 7-27-15.)