

1 AN ACT concerning property.

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  
17 to 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  
22 "repair, replacement or restoration" means expenditures  
23 to deteriorated or damaged portions of the property  
24 related to the existing decorating, facilities, or  
25 structural or mechanical components, interior or exterior  
26 surfaces, or energy systems and equipment with the  
27 functional equivalent of the original portions of such  
28 areas. Replacement of the common elements may result in  
29 an improvement over the original quality of such elements  
30 or facilities; provided that, unless the improvement is  
31 mandated by law or is an emergency as defined in item

1 (iv) of subparagraph (8) of paragraph (a) of Section 18,  
2 if the improvement results in a proposed expenditure  
3 exceeding 5% of the annual budget, the board of managers,  
4 upon written petition by unit owners with 20% of the  
5 votes of the association delivered to the board within 14  
6 days after the owners receive written notification of the  
7 agenda of the board proposing to approve the expenditure,  
8 shall call a meeting of the unit owners within 30 days of  
9 the date of delivery of the petition to consider the  
10 expenditure. Unless a majority of the total votes of the  
11 unit owners are cast at the meeting to reject the  
12 expenditure, it is ratified.

13 (b) To prepare, adopt and distribute the annual  
14 budget for the property.

15 (c) To levy and expend assessments.

16 (d) To collect assessments from unit owners.

17 (e) To provide for the employment and dismissal of  
18 the personnel necessary or advisable for the maintenance  
19 and operation of the common elements.

20 (f) To obtain adequate and appropriate kinds of  
21 insurance.

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

24 (h) To adopt and amend rules and regulations  
25 covering the details of the operation and use of the  
26 property, after a meeting of the unit owners called for  
27 the specific purpose of discussing the proposed rules and  
28 regulations. Notice of the meeting shall contain the  
29 full text of the proposed rules and regulations, and the  
30 meeting shall conform to the requirements of Section  
31 18(b) of this Act, except that no quorum is required at  
32 the meeting of the unit owners unless the declaration,  
33 bylaws or other condominium instrument expressly provides  
34 to the contrary. However, no rule or regulation may

1           impair any rights guaranteed by the First Amendment to  
2           the Constitution of the United States or Section 4 of  
3           Article I of the Illinois Constitution, nor may any rules  
4           or regulations conflict with the provisions of this Act  
5           or the condominium instruments.

6           (i) To keep detailed, accurate records of the  
7           receipts and expenditures affecting the use and operation  
8           of the property.

9           (j) To have access to each unit from time to time  
10          as may be necessary for the maintenance, repair or  
11          replacement of any common elements or for making  
12          emergency repairs necessary to prevent damage to the  
13          common elements or to other units.

14          (k) To pay real property taxes, special  
15          assessments, and any other special taxes or charges of  
16          the State of Illinois or of any political subdivision  
17          thereof, or other lawful taxing or assessing body, which  
18          are authorized by law to be assessed and levied upon the  
19          real property of the condominium.

20          (l) To impose charges for late payment of a unit  
21          owner's proportionate share of the common expenses, or  
22          any other expenses lawfully agreed upon, and after notice  
23          and an opportunity to be heard, to levy reasonable fines  
24          for violation of the declaration, by-laws, and rules and  
25          regulations of the association.

26          (m) Unless the condominium instruments expressly  
27          provide to the contrary, by a majority vote of the entire  
28          board of managers, to assign the right of the association  
29          to future income from common expenses or other sources,  
30          and to mortgage or pledge substantially all of the  
31          remaining assets of the association.

32          (n) To record the dedication of a portion of the  
33          common elements to a public body for use as, or in  
34          connection with, a street or utility where authorized by

1 the unit owners under the provisions of Section 14.2.

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

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

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

25 In the performance of their duties, the officers and  
26 members of the board, whether appointed by the developer or  
27 elected by the unit owners, shall exercise the care required  
28 of a fiduciary of the unit owners.

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

33 The provisions of this Section are applicable to all  
34 condominium instruments recorded under this Act. Any portion

1 of a condominium instrument which contains provisions  
2 contrary to these provisions shall be void as against public  
3 policy and ineffective. Any such instrument that fails to  
4 contain the provisions required by this Section shall be  
5 deemed to incorporate such provisions by operation of law.

6 (Source: P.A. 91-195, eff. 7-20-99.)

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.