

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

22 (b) To prepare, adopt and distribute the annual
23 budget for the property.

24 (c) To levy and expend assessments.

25 (d) To collect assessments from unit owners.

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

29 (f) To obtain adequate and appropriate kinds of
30 insurance.

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

33 (h) To adopt and amend rules and regulations
34 covering the details of the operation and use of the

1 property, after a meeting of the unit owners called for
2 the specific purpose of discussing the proposed rules and
3 regulations. Notice of the meeting shall contain the
4 full text of the proposed rules and regulations, and the
5 meeting shall conform to the requirements of Section
6 18(b) of this Act, except that no quorum is required at
7 the meeting of the unit owners unless the declaration,
8 bylaws or other condominium instrument expressly provides
9 to the contrary. However, no rule or regulation may
10 impair any rights guaranteed by the First Amendment to
11 the Constitution of the United States or Section 4 of
12 Article I of the Illinois Constitution, nor may any rules
13 or regulations conflict with the provisions of this Act
14 or the condominium instruments.

15 (i) To keep detailed, accurate records of the
16 receipts and expenditures affecting the use and operation
17 of the property.

18 (j) To have access to each unit from time to time
19 as may be necessary for the maintenance, repair or
20 replacement of any common elements or for making
21 emergency repairs necessary to prevent damage to the
22 common elements or to other units.

23 (k) To pay real property taxes, special
24 assessments, and any other special taxes or charges of
25 the State of Illinois or of any political subdivision
26 thereof, or other lawful taxing or assessing body, which
27 are authorized by law to be assessed and levied upon the
28 real property of the condominium.

29 (l) To impose charges for late payment of a unit
30 owner's proportionate share of the common expenses, or
31 any other expenses lawfully agreed upon, and after notice
32 and an opportunity to be heard, to levy reasonable fines
33 for violation of the declaration, by-laws, and rules and
34 regulations of the association.

1 (m) Unless the condominium instruments expressly
2 provide to the contrary, by a majority vote of the entire
3 board of managers, to assign the right of the association
4 to future income from common expenses or other sources,
5 and to mortgage or pledge substantially all of the
6 remaining assets of the association.

7 (n) To record the dedication of a portion of the
8 common elements to a public body for use as, or in
9 connection with, a street or utility where authorized by
10 the unit owners under the provisions of Section 14.2.

11 (o) To record the granting of an easement for the
12 laying of cable television cable where authorized by the
13 unit owners under the provisions of Section 14.3; to
14 obtain, if available and determined by the board to be in
15 the best interests of the association, cable television
16 service for all of the units of the condominium on a bulk
17 identical service and equal cost per unit basis; and to
18 assess and recover the expense as a common expense and,
19 if so determined by the board, to assess each and every
20 unit on the same equal cost per unit basis.

21 (p) To seek relief on behalf of all unit owners
22 when authorized pursuant to subsection (c) of Section 10
23 from or in connection with the assessment or levying of
24 real property taxes, special assessments, and any other
25 special taxes or changes of the State of Illinois or of
26 any political subdivision thereof or of any lawful taxing
27 or assessing body.

28 (q) To reasonably accommodate the needs of a
29 handicapped unit owner as required by the federal Civil
30 Rights Act of 1968, the Human Rights Act and any
31 applicable local ordinances in the exercise of its powers
32 with respect to the use of common elements or approval of
33 modifications in an individual unit.

34 In the performance of their duties, the officers and

1 members of the board, whether appointed by the developer or
2 elected by the unit owners, shall exercise the care required
3 of a fiduciary of the unit owners.

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

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

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

16 Section 99. Effective date. This Act takes effect upon
17 becoming law."