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House Bills

BILL NUMBER*	BILL STATUS
<p>HB 4154 (Rep. Madigan and Rep. Kifowit) ALTERNATIVE PAYMENT OF DELINQUENT ASSESSMENTS. This bill proposes the creation a new Sec. 1-47 of the Common Interest Community Association Act which would mandate that common interest communities of more than 14 units adopt “reasonable guidelines” for delinquent owners to pay regular and special assessments. The bill would require the association to adopt and record in the county recorder’s office guidelines for a payment plan. The payment plan would need to be a minimum of 3 months and not extend greater than 18 months. The payment plan could not include “additional monetary penalties” but could include costs associated with monitoring the payment plan. An owner would not be entitled to relief under the guidelines if that owner failed to honor the terms of a prior payment plan within the 2 previous years. CAI has voiced concerns regarding this bill because of its mandates on a common interest community’s ability to collect unpaid assessments and possibly inconsistency with Section 9-102.1 of the Illinois Forcible Entry and Detainer Act. On March 26, 2014 this bill passed out of the House Executive Committee. On April 11, 2014 this bill was re-referred to Rules Committee in the House.</p>	<p>As of 4/11/14, the bill is in the House Rules Committee.</p>
<p>HB 4204 (Rep. Nekritz) OMBUDSPERSON BILL. This bill (amended after originally filed) creates an Office of Condominium and Common Interest Community Ombudsperson under the authority of the Illinois Department of Financial and Professional Regulation. Starting July 1, 2017, the Ombudsperson would be charged with offering training, educational materials and courses to condominium unit owners, condominium associations and boards. This bill requires the Ombudsperson to maintain and post certain information on the Department’s website. The bill requires that by January 1, 2016 every association covered by the Act to create and enact an internal dispute resolution policy with forms for filing complaints, a timeline for the complaint process and mechanism for deciding complaints. Commencing July 1, 2018 the Ombudsperson would be authorized to provide assistance to owners in resolving disputes with their associations. Participation in such dispute resolution would be entirely voluntary. Further, each association would be required to register with the Office of Ombudsperson and pay a fee to be set by the Department. Failure to register would prevent an association from enforcing its claim</p>	<p>On 4/10/14, the bill passed in the House. As of 5/13/14, the bill has been postponed in the Senate Judiciary.</p>

<p>for unpaid assessments. Finally, the Office of the Ombudsperson would be required to submit every October (starting in 2019) a report to the General Assembly detailing the disputes the Office has been involved in between owners and associations. April 9, 2014 the amended bill passed out of the Judiciary Committee. On April 10, 2014 the bill passed the House by a vote of 60 to 38. On May 1, 2014 this bill was assigned to the Judiciary Committee in the Senate.</p>	
<p>HB 4609 (Rep. Feigenholtz) TASK FORCE ON FIRE PREVENTION BILL. This bill would create a twenty (20) member Fire Safety Task Force (with numerous interests represented on the task force including a statewide organization representing common interest community associations) to investigate, research and analyze the costs and benefits of fire sprinklers and hard-wired smoke detectors in residential and commercial buildings. This bill is in response to State Fire Marshal's prior attempt to enact regulation which would have mandated that numerous condominium associations install expensive sprinkler and upgraded fire alarm systems throughout their buildings. Further, the bill would restrict the State Fire Marshal's ability to push a sprinkler mandate through as an administrative rule. The bill provides, "The Office of the State Fire Marshal may not adopt rules requiring the installation of fire sprinkler systems in any structure." This restriction on the State Fire Marshal's unilateral authority will be established that any legislation regarding fire sprinklers will be enacted at the legislative level, after debate and hearings. On March 26, 2014 this bill passed the House State Government Administration Committee. On May 5, 2014 this bill was approved for consideration by the Rules Committee in the House.</p>	<p>As of 5/5/14, the final action deadline for this Bill was extended to May 31, 2014 in the House. This bill has not been voted on yet in either house.</p>
<p>HB 4761 (Rep. Burke) RECORDING OF DEEDS FOLLOWING FORECLOSURE. This bill amended Section Sec. 15-1509 of the Illinois Mortgage Act. The bill adds a requirement to the Act that a party acquiring property through a judicial foreclosure must record the deed within 60 days of its delivery. On February 5, 2014 this bill was referred to the Rules Committee of the House.</p>	<p>As of 2/5/14, the bill is in the House Rules Committee.</p>
<p>HB 4782 (Rep. Cassidy) LEASE OF UNITS AFTER POSSESSION. This bill amends the Illinois Forcible Entry and Detainer Act regarding leasing of units by associations. The bill provides that an association may enter into a lease at any time within 8 months of expiration of the stay on its possession order. The lease entered into may not exceed 13 months. Currently the statute provides that the term of a lease entered into by an association cannot exceed 13 months following the expiration of the stay of the order of possession. This amendment to the Act will aid association in leasing units by affording more time to complete any necessary repairs and locate tenants. On March 20, 2014 this bill passed out of the House Judiciary Committee. On April 3, 2014 this bill unanimously passed the House. On April 29, 2014 this bill was passed by the Judiciary Committee in Senate.</p>	<p>On 4/3/14, this bill unanimously passed the house. On 4/29/14, this bill was passed by the Senate Judiciary Committee.</p>

<p>HB 4783 (Rep. Cassidy) VOIDS CERTAIN DEVELOPER PROVISIONS IN CONDOMINIUM INSTRUMENTS. This bill amends Section 9.1 of the Illinois Condominium Property Act. The bill provides that any condition in a condominium instrument which either: (1) requires the prior consent of the unit owners in order for the board to take certain actions, including the institution of any action in court or a demand for a trial by jury; or (2) requires the board to arbitrate or mediate a dispute with a developer, declarant or any person not then a unit owner prior to litigation or a demand for a trial by jury – is void. This bill effectively voids restrictions in governing documents that seek to thwart or place oppressive procedural hurdles upon an association’s pursuit of claims against the developer. On March 20, 2014 passed out of the House Judiciary Committee. On April 3, 2014 this bill unanimously passed the House. On April 23, 2014 this bill was referred to Judiciary in the Senate. As of May 7, 2014 this bill has been postponed.</p>	<p>On 4/3/14, this bill unanimously passed the house. On 5/13/14 the bill passed in the Senate Judiciary Committee as amended.</p>
<p>HB4784 (Rep. Cassidy) ELECTRONIC NOTICE. This bill amends Section 18.4 of the Illinois Condominium Property Act. The bill grants a board the power to adopt rules and regulations permitting electronic delivery of notices and other communications, but only upon an individual unit owner’s authorization. Additionally the bill permits each unit owner to designate an electronic address, a U.S. Postal Service address, or both, as his or her contact information to be kept on the list of unit owners. On March 20, 2014 passed out of the House Judiciary Committee. On April 3, 2014 this bill unanimously passed the House. On April 29, 2014 this bill was passed by the Judiciary Committee in Senate.</p>	<p>On 4/3/14, this bill unanimously passed the house. On 4/29/14, the bill was passed by the Senate Judiciary Committee.</p>
<p>HB 4796 (Rep. Bellock) MINUTES, EXECUTIVE SESSION AND EXEMPTIONS OF COMMON INTEREST COMMUNITIES. This bill amends the Common Interest Community Association Act in three distinct ways. First, the bill would require that following any closed portion of a board meeting of a common interest community, the board would be required to “note” any matter discussed in the closed portion of the meeting. Secondly, the bill would require that all minutes of meetings of members, the board or committees with decision making authority (even those only in draft form) be made available to members within 30 days of the meeting. Finally, the bill removes the \$100,000 budget threshold from the exemption requirements under CICAA but maintains the exemption for ten (10) units or less. On March 26, 2014 this bill passed out of the Executive Committee. On April 11, 2014 this bill was re-referred to Rules Committee in the House.</p>	<p>On 3/26/14, this bill passed the House Executive Committee. As of 4/11/14, the bill is in the House Rules Committee.</p>

<p>HB 5322 (Rep. Burke) ELECTRONIC VOTING, NOTICE AND USE OF TECHNOLOGY. This bill, introduced by CAI, amends both the Illinois Condominium Property Act and the Common Interest Community Association Act. The bill permits boards to adopt rules and regulations concerning the use of acceptable, verifiable means of technology, including electronic means for unit owner notice, voting, signatures, consents and approvals. The bill establishes that electronic votes are valid and may be used for the purpose of establishing meeting quorums. The bill also provides that a verifiable electronic signature satisfies any requirements for signatures on documents. It acknowledges that if an owner either does not have the capability or desire to conduct business electronically, an association shall make reasonable accommodation, at its expense, for the person to conduct business without the use of electronic or other means. On March 20, 2014 passed out of the House Judiciary Committee. On April 3, 2014 this bill unanimously passed the House. On April 29, 2014 this bill was passed by the Judiciary Committee in Senate.</p>	<p>On 4/3/14, this bill unanimously passed the house. On 4/29/14, the bill was passed by the Senate Judiciary Committee.</p>
<p>HB 5511 (Rep. Kosel) ELMINATION OF PAYMENTS TO CONDIMIUM ASSOCIATION FOLLOWING FORECLOSURE. This bill amends Section 9 of the Illinois Condominium Property Act by removing most of Subsection (g)(4) and all of Subsection (g)(5) thereby eliminating the obligation of a third party purchaser, following a foreclosure, to pay six (6) months of common expenses to a condominium association. This bill denies any association the ability to recover any portion of common expense following a foreclosure from a third-party-purchasers. This bill effectively repeals portions of the Illinois Condominium Property Act that have been in place since 2007. On February 13, 2014 this bill was referred to the Rules Committee of the House. CAI OPPOSES HB5511 AS IT IS HARMFUL AND DETERIMENTAL TO CONDOMINIUM ASSOCIATIONS.</p>	<p>As of 2/13/14, this bill is in the House (referred to Rules Committee).</p>
<p>HB 5645 (Rep. Yingling) PRIVATE ROAD TRANSFER. This bill provides that a residential neighborhood within the unincorporated boundaries of a township road district whose private roadways are maintained by a homeowner's association, and whose neighborhood was platted before 1970 may vote to turn authority and control over its roadways to the township road district. This bill failed to obtain the necessary votes in the Counties and Township Committee on both March 25, 2014 and March 27, 2014. The bill has been tabled.</p>	<p>This bill failed to obtain the necessary votes in the House Counties and Township Committee and has been tabled.</p>
<p>HB5870 (Rep. Yingling) NO AUTHORITY OVER SINGLE FAMILY HOMES. This bills creates new Section 1-85 of the Common Interest Community Association Act. The bill provides that seeks specifically provides that a Common Interest Community, that has "single family homes" (an undefined term), has no authority over the single-family home or the property upon which the home is located. Additionally, the bill provides that any term or provision in a declaration to the contrary is void. Effectively, this bill provides that all restrictive covenants, rules, restrictions or regulations imposed against single</p>	<p>As of 2/14/14, this bill is in the House (referred to Rules Committee).</p>

family homes, are void. This would apply to covenants and rules regarding fences, pools, sheds, architectural control, outbuildings, swing sets, additions, dog runs, pets, pigeon aviaries, chicken coops, etc., on single family home lots. Basically this provision would invalidate almost every restrictive covenant in a HOA declaration. In addition it would invalidate any restrictions regarding operating a business, such as a daycare, at a single family home lot. On February 14, 2014 this bill was referred to the Rules Committee of the House.

Senate Bills

BILL NUMBER*	BILL STATUS
<p>SB 2664 (Sen. Hastings) ISBA FORECLOSURE BILL. The Illinois State Bar Association has proposed a bill that amends only the Illinois Condominium Property Act by expanding condominium association's right to collect unpaid regular assessments on foreclosed units from 6 months to 9 months. This expansion would only apply to regular assessments and not to any other unpaid common expense. Further, while attorney fees and costs of collection can be charged to the third-party buyer, in no event can the total balance collected exceed an amount equal to 9 months of regular assessments. The bill amends Section 2 of the Act to include definition of "regular monthly assessments." The bill would remove the "initiation of an action" prerequisite to collecting these amounts. Finally, the bill amends Section 22.1 of the Illinois Condominium Property Act and reduces the days an association (or its management company) has to respond to a request from a purchaser for information from 30 days to 14 days, if the association is managed. If the association is self-managed it has 21 days. Currently the law requires the information to be made available within 30 days. On April 8, 2014 this bill passed the entire Senate and was sent to the House. On May 7, 2014 this bill was passed by the Judiciary Committee in House. CAI OPPOSES SB 2664 AS IT IS HARMFUL AND DETERIMENTAL TO CONDOMINIUM ASSOCIATIONS.</p>	<p>On 4/8/14, this bill passed the entire Senate. On 5/7/14 this bill was passed by the House Judiciary Committee.</p>
<p>SB 2892 (Sen. Mulroe) VOIDS CERTAIN DEVELOPER PROVISIONS IN CONDOMINIUM INSTRUMENTS. This bill is similar to HB 4783. It creates a new Section 18.8 of the Illinois Condominium Property Act and states that any condition in the condominium instruments is void and unenforceable if: (1) it restricts the right of a board to represent the association in legal matters which affect the common elements by requiring consent of unit owners; (2) requires arbitration, or mediation prior to the filing of an action in a court, or (3) restricts or delays a board's ability to bring an action affecting the common elements in court and/or to demand a trial by jury. Additionally, the bill provides that any of the foregoing restrictions could be valid and enforceable but only if approved by 75% of the unit ownership. On March 4, 2014 this bill passed the Senate and has been sent to the House. On April 23,</p>	<p>On 3/4/14, this bill passed the Senate. As of 4/23/14, this bill is in the House Judiciary.</p>

<p>2014 this bill was referred to the Judiciary Committee in the House.</p>	
<p>SB 3014 (Sen. Haine) AMENDMENTS TO INSURANCE REQUIREMENTS FOR CONDOMINIUMS. This bill amends Section 12 of the Illinois Condominium Property Act regarding insurance requirements. Despite passing out of the Insurance Committee on March 27, 2014 this bill has been re-referred to Assignments. The bill as currently proposed with clarify issues regarding amount of coverage required for replacement costs of the insured property, defense costs obligations of condominium insurance and improvements and betterments coverage. The bill provides greater specificity as to the types of defense coverage required under an association’s directors and officer’s liability policy. Additionally, the bill will remove the right of an association to purchase mandatory owner insurance and charge the cost of such insurance back to the owner. On April 8, 2014 this bill passed the entire Senate and was sent to the House. On April 28, 2014 the bill was assigned to the Judiciary Committee in the House.</p>	<p>On 4/8/14, this bill passed the entire Senate. As of 5/15/14, this bill passed in the House Judiciary.</p>
<p>SB 3040 (Sen. Raoul) ELECTRONIC VOTING, NOTICE AND USE OF TECHNOLOGY. This bill, introduced by CAI and identical to HB 5511, amends both the Illinois Condominium Property Act and the Common Interest Community Association Act. The bill permits boards to adopt rules and regulations concerning the use of acceptable, verifiable means of technology, including electronic means for unit owner notice, voting, signatures, consents and approvals. The bill establishes that electronic votes are valid and may be used for the purpose of establishing meeting quorums. The bill also provides that a verifiable electronic signature satisfies any requirements for signatures on documents. It acknowledges that if an owner either does not have the capability or desire to conduct business electronically, an association shall make reasonable accommodation, at its expense, for the person to conduct business without the use of electronic or other means. Following some minor amendments this bill passed the Senate Judiciary Committee on with amendments on March 26, 2014. On April 3, 2014 this bill unanimously passed the Senate. On April 3, 2014 this bill was referred to the rules Committee in the House.</p>	<p>On 4/3/14, this bill unanimously passed in the Senate. As of 4/3/14, the bill is in the House Rules Committee.</p>
<p>SB 3057 (Sen. Haine) LEASING AND COMMON INTEREST ASSOCIATION. This bill amends Section 1-35 of the Common Interest Community Association Act and adds a qualification to which leases must be provided to the association when a unit is not owner occupied. Originally the bill stated that only leases in excess of 30 days must be provided by the owner to the association. This bill was introduced with support of the Illinois Association of Lake Communities. In conjunction with CAI an amendment to the bill has been made which simply provides that “Unless otherwise provided in the community instruments” leases are required to be provided to the association in accordance with Section 1-35.</p>	<p>This bill passed both houses as of 5/9/14 and will be sent to the Governor for signature.</p>

<p>thereby removing the reference to “leases in excess of 30 days.” The bill, as amended, passed the Senate on March 5, 2014 and passed the House on May 9, 2014. This bill will be sent to the Governor for signature.</p>	
<p>SB3286 (Sen. Jacobs) PROCESS SERVERS IN GATED COMMUNITIES. This bill amends Section 2-203 of the Illinois Code of Civil Procedure regarding service of process on individuals. The bill, as amended, requires employees of “gated residential communities” (including condominiums, cooperatives and private communities) to permit entry to a process server (as defined under the Code) for the purposes of serving process on a defendant or witness who resides or is known to be in the community. On March 20, 2014 this bill passed the Judiciary Committee of the Senate. On April 2, 2014 this bill unanimously passed the Senate. On April 30, 2014 this bill was passed to the Judiciary Committee in the House.</p>	<p>On 4/2/13, this bill unanimously passed in the Senate. As of 5/15/14, the bill is in the House Judiciary Committee.</p>
<p>SB3537 (Sen. Hastings) EXEMPTIONS UNDER THE COMMON INTEREST COMMUNITY ASSOCIATION ACT. This bill amends Section 1-75 of the Common Interest Community Association Act. The bill modifies the \$100,000 annual budget exemption. Under the language of the bill an association with an annual budget of less than \$100,000.00 would only be exempt from the provisions of the Act if, a majority of owners voted to exempt the association. Otherwise only an association of less than 10 units would be automatically exempt for the binding provision in the Act. On March 28, 2014 this bill has been re-referred to Assignments.</p>	<p>As of 3/28/14, this bill is in the Senate Assignments Committee.</p>

* The Bill Summaries found here were published by CAI’s Illinois Legislative Action Committee (ILAC).
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Updates noted to the right are as of 5-16-14.