

2016 BRINGS NEW LEGISLATIVE CHANGES FOR CONDOMINIUM ASSOCIATIONS



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As we kick off 2016, it is important to bear in mind the legislative changes directly impacting condominium associations that will become effective this year, specifically June 1, 2016. Certain amendments will impact not only when key association meetings may be held in the coming year, but also how board members will be permitted to participate, a major transformation from prior years.

Central to these legislative revisions are those made to the Illinois Condominium Property Act (ICPA), 765 ILCS 605, which governs all condo associations in the State of Illinois. In particular, this year, the following key changes will come into play with respect to all condo associations:

Remote Participation in Board Meetings Allowed – Section 18(a)(9)(B)

In a move that greatly expands the use of technology, board members will be permitted to participate in meetings via any acceptable technological means, on the condition that they simply allow participants to communicate with one another. This includes Skype, FaceTime and similar applications.

Emergency Action by the Board – Section 18(a)(21)

As a result of this new revision, a board may take actions in response to an emergency so long as the board provides: (1) notice to the unit owners of the event within seven business days of the event; and (2) a general description of the actions taken to address the event must be presented within seven days after the event. As used in the ICPA, an “emergency” means an immediate danger to the structural integrity of the common elements or to the life, health, safety or property of the unit owners. This is a sizeable shift from the current law that provides no authority for a board to take emergency action without first consulting unit owners.

Distribution of Proposed Annual Budget – Section 18(a)(6)

Under this change, unit owners are to receive a copy of the board’s proposed annual budget at least 25 days before it is to be voted on. This is down from the previous requirement of 30 days.

Correction of Association Documents – Section 27

This revision allows amendments to be made to key condo documents such as the bylaws and declaration without requiring a vote of the owners to do so. As a result, an association can more efficiently correct errors, omissions or inconsistencies in condo documents.

Compliance with the Condominium and Common Interest Community Ombudsperson Act – Section 35

The ICPA will include an entirely new provision specifically stating that every unit owners’ association must comply with the Condominium and Common Interest Community Ombudsperson Act and is also subject to all provisions of that Act.

Even though these changes do not take effect until later in 2016, it is imperative that condo association boards take note of their impact and prepare themselves accordingly in order to ensure compliance. We will continue to stay tuned to additional legislative changes as further revisions are expected in the coming year.

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