



Fullett Rosenlund Anderson PC

Attorneys at Law

10 THINGS YOU SHOULD KNOW ABOUT THE COMMON INTEREST COMMUNITY ASSOCIATION ACT

By, Lara A. Anderson

1. CICA applies to all community associations except:

- Condominiums
- Cooperatives
- Master associations
- Community associations incorporated under the General Not for Profit Corporation Act with less than 10 units and
- Community associations incorporated under the General Not for Profit Corporation Act with annual budgeted assessments of \$100,000 or less.

Associations in the last two categories above may elect to be covered by CICA by a majority of its board and members.

2. Although CICA requires associations to hold annual meetings, community associations only have to hold elections once every 24 months and the elections do not have to be conducted during an annual meeting. This may allow community associations to conduct elections by mail or electronically if

proper rules are adopted and the community association's declaration and bylaws otherwise allow such elections.

3. Under CICA, community associations are required to have at least three board members who may not be elected to terms of more than four (4) years, but they may succeed themselves. CICA boards must meet at least four times annually.
4. CICA requires the Board to reserve a portion of every Board meeting for comments by members. However, the amount of time allotted to member comments and the order in which the member comment period occurs during the meeting are within the sole discretion of the board.
5. Unlike the Illinois Condominium Property Act, CICA does not address the recording of meetings. Therefore, community association boards can prohibit the recording of any or all of their meetings.
6. Notice of community association meetings may be by a "prescribed delivery method." CICA defines "prescribed delivery method" as the following:
 - Mailing;
 - Delivering;
 - Posting in an association publication that is routinely mailed to all members; or
 - Any other delivery method that is approved in writing by the member and authorized by the community instruments.

7. CICAA requires notice of board meetings concerning the adoption of the proposed annual budget, regular assessments or a separate or special assessment must be given through a prescribed delivery method within 10 to 60 days prior to the meeting.
8. CICAA provides that for any lease entered into or renewed after July 29, 2010, CICAA, the declaration, bylaws, other community instruments, and rules and regulations of the association are deemed to be incorporated therein and the owner is required to provide a copy to the association no later than the date of occupancy or 10 days after the lease is signed whichever occurs first.
9. CICAA's record production requirements are very similar to those of the Illinois Condominium Property Act. CICAA requires the Board of an association to maintain certain records of the association and make them available for examination and copying at convenient hours of weekdays by any member. It also allows the Board to charge a reasonable fee for the cost of retrieving and copying properly requested records. If the board fails to provide records properly requested within 30 days of the request and the member prevails in court, the association may be required to pay the member's attorneys' fees and costs.
10. After providing notice and an opportunity for a hearing, CICAA authorizes a board to levy and collect reasonable fines for violations of the declaration, bylaws and rules and regulations of the association.

And one more thing you should know . . .

Common interest community associations are also subject to Section 18.5(g-1) of the Illinois Condominium Property Act which allows a common interest community association to collect up to six months of common expenses from the purchaser of unit at a judicial foreclosure sale (other than the mortgagee) or the purchaser from the mortgagee. The common expenses that may be collected are those that accrued the six months immediately preceding the institution of an action to enforce the collection of assessments. A common interest community association may also collect the court costs incurred by the association in an action to enforce the collection.



Lara A. Anderson
Fullett Rosenlund Anderson PC
430-440 Telser Road
Lake Zurich, Illinois 60047
(847) 259-5100
l.anderson@frapc.com