



IDFPR

Illinois Department of Financial and Professional Regulation

Division of Real Estate

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Can My Board of Directors Meet in Private or Should Everything be Handled Out in the Open?

Both the Illinois Condominium Property Act at Section 18(a)(9)(A) and the Illinois Common Interest Community Association Act at Section 1-40(b)(5) provide that meetings of the board shall be open to all unit owners or members except in limited circumstances including: discussions on pending or threatened litigation; interviewing or discussions on the appointment, employment, engagement, or dismissal of an employee, independent contractor, agent, or other provider of goods and services; discussions on violations of rules and regulations of the association or an owner's delinquency; or lastly to consult with the association's legal counsel. However, any decision (i.e. vote) on any of these matters must take place at an open meeting of the board. Discussions relating to the above matters do not need to occur at or during a properly noticed meeting.

Section 18(a)(9)(E) of the Condominium Property Act provides that notice of every meeting of the board of managers shall be posted in entranceways, elevators, or other conspicuous places in the condominium at least 48 hours prior to the meeting of the board of managers except where there is no common entranceway for 7 or more units, the board of managers may designate one or more locations in the proximity of these units where the notices of meetings shall be posted; that notice of every meeting of the board of managers shall also be given at least 48 hours prior to the meeting, or such longer notice as this Act may separately require, to: (i) each unit owner who has provided the association with written authorization to conduct business by acceptable technological means, and (ii) to the extent that the condominium instruments of an association require, to each other unit owner, as required by subsection (f) of Section 18.8, by mail or delivery, and that no other notice of a meeting of the board of managers need be given to any unit owner.

Section 1-40(b)(4) of the Common Interest Community Association Act requires that the board give the members notice of all board meetings at least 48 hours prior to the meeting by sending notice by using a prescribed delivery method or by posting copies of notices of meetings in entranceways, elevators, or other conspicuous places in the common areas of the common interest community at least 48 hours prior to the meeting except where there is no common entranceway for 7 or more units, the board may designate one or more locations in the proximity of these units where the notices of meetings shall be posted.

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