



IDFPR

Illinois Department of Financial and Professional Regulation

Division of Real Estate

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Which Illinois Law Governs My Homeowners Association?

Most homeowners associations are governed by either the Illinois Condominium Property Act or the Illinois Common Interest Community Association Act. Which law applies to your community depends on whether the homeowners association is a condominium association.

In a condominium, each member owns his or her own private residence – called a “unit” – in one or more buildings containing other units. Each member also co-owns the parts of the development that are not units – called “common elements” – together with the association’s other members. Condominium associations charge a monthly fee – called “assessments” -- that covers the cost of maintaining and operating the common elements. Usually, but not always, the word “Condominium” will appear in the name of a condominium association, and the association’s key legal document will be called a “Declaration of Condominium”. All Illinois condominiums are subject to the Illinois [Condominium Property Act](#).

If your homeowners association is not a condominium, it is a non-condominium common interest community association. In a non-condo common interest community association, each member owns his or her own land and the private residence built on that land. Members living within a defined area or community pay annual or monthly fees or assessments for maintenance of shared community facilities, and must also comply with architectural and other restrictions spelled out in a document typically called a “Declaration of Covenants”. If a non-condo common interest community association includes at least 11 private residences and annually collects more than \$100,000 from its members, it is subject to the [Illinois Common Interest Community Association Act](#).

If you are a member of a non-condominium common interest community association that is too small to be subject to the Illinois Common Interest Community Association Act, [the Illinois General Not-for-Profit Corporation Act](#) will apply if your association has been incorporated.

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