



Illinois Department of Financial and Professional Regulation

Division of Real Estate

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How Are The Declarations and Rules Enforced?

Most Declarations for both Condominium and for Common Interest Community Associations have provisions for the enforcement of covenants and restrictions if there has been a violation. Besides the filing of a Complaint in Court against an Owner in the event of a violation, the Illinois Condominium Property Act and the Illinois Common Interest Community Association Act allow for the imposition of a fine against an Owner.

The Board of an Association has the power to levy a fine, after giving notice to the violating Owner, stating in that notice:

- (i) the substance of the violation;
- (ii) the right to be heard before the Board if the Owner contests the violation;
- (iii) the opportunity to cross-examine the witness who brought the violation to the attention of the Board or its agent or the person who saw the violation occur; and
- (iv) the right to be represented by an attorney at the hearing.

This notice is necessary and is referred to as procedural due process. The Board, after considering the testimony and information presented at a hearing, can levy and collect a reasonable fine from the Owner. Fining is permitted under the Condominium or the Common Interest Community statutes for violations of either the Declaration, By-Laws, or the rules and regulations of the Association.

Collection of fines from Owners by an Association can be accomplished in the same manner as the collection of delinquent assessments.

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