



If you have questions or would like further information regarding Homeowners' Associations, please contact:

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ILLINOIS LAW MANUAL

CHAPTER VIII VICARIOUS LIABILITY

C. HOMEOWNERS' ASSOCIATIONS - CONDOMINIUMS

The board of managers of a condominium association is vested with certain authority and obligations under the Illinois Condominium Property Act, 765 ILCS 605/1, et seq. (1991). Section 18.4 of the Act empowers every board of managers to, among other things, provide for the operation, care, upkeep, maintenance, replacement, and improvement of the common elements.

The board also has the power to purchase insurance and pay taxes on behalf of the association membership. Each member of the board has a duty to act in good faith on behalf of the unit owners. Members of the board of managers occupy a position similar to officers of a corporation. They have the power to act on the association's behalf, but have no personal liability for the injurious conduct of the association. They cannot be held liable for negligent performance of their duties. Robinson v. La Casa Grande Condominium Ass'n., 204 Ill. App. 3d 853 (1990).

Example: A visitor slips and falls on the icy sidewalk of a condominium complex after the board of managers failed to have a leaky gutter repaired. The condominium association itself may have liability for failure to maintain the sidewalk in a reasonably safe condition, but the individual members of the board of managers will not normally have personal liability for the injuries.