



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB3165

Introduced 2/15/2018, by Sen. Michael Connelly

SYNOPSIS AS INTRODUCED:

765 ILCS 605/18
765 ILCS 605/19

from Ch. 30, par. 318
from Ch. 30, par. 319

Amends the Condominium Property Act. Provides that the association shall provide each member with the opportunity to specify whether the association may disclose the name, address, email address, or telephone numbers of the member to other association members. Provides that if a member indicates that he or she does not want the information disclosed to other members of the association, the information shall not be disclosed. Provides that the association shall impose a fine upon any person who discloses the information in violation of the expressed wishes of the member. Makes a corresponding change in a Section concerning the contents of bylaws.

LRB100 17779 HEP 32957 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Condominium Property Act is amended by
5 changing Sections 18 and 19 as follows:

6 (765 ILCS 605/18) (from Ch. 30, par. 318)

7 Sec. 18. Contents of bylaws. The bylaws shall provide for
8 at least the following:

9 (a) (1) The election from among the unit owners of a
10 board of managers, the number of persons constituting such
11 board, and that the terms of at least one-third of the
12 members of the board shall expire annually and that all
13 members of the board shall be elected at large; if there
14 are multiple owners of a single unit, only one of the
15 multiple owners shall be eligible to serve as a member of
16 the board at any one time;

17 (2) the powers and duties of the board;

18 (3) the compensation, if any, of the members of the
19 board;

20 (4) the method of removal from office of members of the
21 board;

22 (5) that the board may engage the services of a manager
23 or managing agent;

1 (6) that each unit owner shall receive, at least 25
2 days prior to the adoption thereof by the board of
3 managers, a copy of the proposed annual budget together
4 with an indication of which portions are intended for
5 reserves, capital expenditures or repairs or payment of
6 real estate taxes;

7 (7) that the board of managers shall annually supply to
8 all unit owners an itemized accounting of the common
9 expenses for the preceding year actually incurred or paid,
10 together with an indication of which portions were for
11 reserves, capital expenditures or repairs or payment of
12 real estate taxes and with a tabulation of the amounts
13 collected pursuant to the budget or assessment, and showing
14 the net excess or deficit of income over expenditures plus
15 reserves;

16 (8) (i) that each unit owner shall receive notice, in
17 the same manner as is provided in this Act for membership
18 meetings, of any meeting of the board of managers
19 concerning the adoption of the proposed annual budget and
20 regular assessments pursuant thereto or to adopt a separate
21 (special) assessment, (ii) that except as provided in
22 subsection (iv) below, if an adopted budget or any separate
23 assessment adopted by the board would result in the sum of
24 all regular and separate assessments payable in the current
25 fiscal year exceeding 115% of the sum of all regular and
26 separate assessments payable during the preceding fiscal

1 year, the board of managers, upon written petition by unit
2 owners with 20 percent of the votes of the association
3 delivered to the board within 21 days of the board action,
4 shall call a meeting of the unit owners within 30 days of
5 the date of delivery of the petition to consider the budget
6 or separate assessment; unless a majority of the total
7 votes of the unit owners are cast at the meeting to reject
8 the budget or separate assessment, it is ratified, (iii)
9 that any common expense not set forth in the budget or any
10 increase in assessments over the amount adopted in the
11 budget shall be separately assessed against all unit
12 owners, (iv) that separate assessments for expenditures
13 relating to emergencies or mandated by law may be adopted
14 by the board of managers without being subject to unit
15 owner approval or the provisions of item (ii) above or item
16 (v) below. As used herein, "emergency" means an immediate
17 danger to the structural integrity of the common elements
18 or to the life, health, safety or property of the unit
19 owners, (v) that assessments for additions and alterations
20 to the common elements or to association-owned property not
21 included in the adopted annual budget, shall be separately
22 assessed and are subject to approval of two-thirds of the
23 total votes of all unit owners, (vi) that the board of
24 managers may adopt separate assessments payable over more
25 than one fiscal year. With respect to multi-year
26 assessments not governed by items (iv) and (v), the entire

1 amount of the multi-year assessment shall be deemed
2 considered and authorized in the first fiscal year in which
3 the assessment is approved;

4 (9) (A) that every meeting of the board of managers
5 shall be open to any unit owner, except that the board may
6 close any portion of a noticed meeting or meet separately
7 from a noticed meeting to: (i) discuss litigation when an
8 action against or on behalf of the particular association
9 has been filed and is pending in a court or administrative
10 tribunal, or when the board of managers finds that such an
11 action is probable or imminent, (ii) discuss the
12 appointment, employment, engagement, or dismissal of an
13 employee, independent contractor, agent, or other provider
14 of goods and services, (iii) interview a potential
15 employee, independent contractor, agent, or other provider
16 of goods and services, (iv) discuss violations of rules and
17 regulations of the association, (v) discuss a unit owner's
18 unpaid share of common expenses, or (vi) consult with the
19 association's legal counsel; that any vote on these matters
20 shall take place at a meeting of the board of managers or
21 portion thereof open to any unit owner;

22 (B) that board members may participate in and act at
23 any meeting of the board of managers in person, by
24 telephonic means, or by use of any acceptable technological
25 means whereby all persons participating in the meeting can
26 communicate with each other; that participation

1 constitutes attendance and presence in person at the
2 meeting;

3 (C) that any unit owner may record the proceedings at
4 meetings of the board of managers or portions thereof
5 required to be open by this Act by tape, film or other
6 means, and that the board may prescribe reasonable rules
7 and regulations to govern the right to make such
8 recordings;

9 (D) that notice of every meeting of the board of
10 managers shall be given to every board member at least 48
11 hours prior thereto, unless the board member waives notice
12 of the meeting pursuant to subsection (a) of Section 18.8;
13 and

14 (E) that notice of every meeting of the board of
15 managers shall be posted in entranceways, elevators, or
16 other conspicuous places in the condominium at least 48
17 hours prior to the meeting of the board of managers except
18 where there is no common entranceway for 7 or more units,
19 the board of managers may designate one or more locations
20 in the proximity of these units where the notices of
21 meetings shall be posted; that notice of every meeting of
22 the board of managers shall also be given at least 48 hours
23 prior to the meeting, or such longer notice as this Act may
24 separately require, to: (i) each unit owner who has
25 provided the association with written authorization to
26 conduct business by acceptable technological means, and

1 (ii) to the extent that the condominium instruments of an
2 association require, to each other unit owner, as required
3 by subsection (f) of Section 18.8, by mail or delivery, and
4 that no other notice of a meeting of the board of managers
5 need be given to any unit owner;

6 (10) that the board shall meet at least 4 times
7 annually;

8 (11) that no member of the board or officer shall be
9 elected for a term of more than 2 years, but that officers
10 and board members may succeed themselves;

11 (12) the designation of an officer to mail and receive
12 all notices and execute amendments to condominium
13 instruments as provided for in this Act and in the
14 condominium instruments;

15 (13) the method of filling vacancies on the board which
16 shall include authority for the remaining members of the
17 board to fill the vacancy by two-thirds vote until the next
18 annual meeting of unit owners or for a period terminating
19 no later than 30 days following the filing of a petition
20 signed by unit owners holding 20% of the votes of the
21 association requesting a meeting of the unit owners to fill
22 the vacancy for the balance of the term, and that a meeting
23 of the unit owners shall be called for purposes of filling
24 a vacancy on the board no later than 30 days following the
25 filing of a petition signed by unit owners holding 20% of
26 the votes of the association requesting such a meeting, and

1 the method of filling vacancies among the officers that
2 shall include the authority for the members of the board to
3 fill the vacancy for the unexpired portion of the term;

4 (14) what percentage of the board of managers, if other
5 than a majority, shall constitute a quorum;

6 (15) provisions concerning notice of board meetings to
7 members of the board;

8 (16) the board of managers may not enter into a
9 contract with a current board member or with a corporation
10 or partnership in which a board member or a member of the
11 board member's immediate family has 25% or more interest,
12 unless notice of intent to enter the contract is given to
13 unit owners within 20 days after a decision is made to
14 enter into the contract and the unit owners are afforded an
15 opportunity by filing a petition, signed by 20% of the unit
16 owners, for an election to approve or disapprove the
17 contract; such petition shall be filed within 30 days after
18 such notice and such election shall be held within 30 days
19 after filing the petition; for purposes of this subsection,
20 a board member's immediate family means the board member's
21 spouse, parents, and children;

22 (17) that the board of managers may disseminate to unit
23 owners biographical and background information about
24 candidates for election to the board if (i) reasonable
25 efforts to identify all candidates are made and all
26 candidates are given an opportunity to include

1 biographical and background information in the information
2 to be disseminated; and (ii) the board does not express a
3 preference in favor of any candidate;

4 (18) any proxy distributed for board elections by the
5 board of managers gives unit owners the opportunity to
6 designate any person as the proxy holder, and gives the
7 unit owner the opportunity to express a preference for any
8 of the known candidates for the board or to write in a
9 name;

10 (19) that special meetings of the board of managers can
11 be called by the president or 25% of the members of the
12 board;

13 (20) that the board of managers may establish and
14 maintain a system of master metering of public utility
15 services and collect payments in connection therewith,
16 subject to the requirements of the Tenant Utility Payment
17 Disclosure Act; and

18 (21) that the board may ratify and confirm actions of
19 the members of the board taken in response to an emergency,
20 as that term is defined in subdivision (a)(8)(iv) of this
21 Section; that the board shall give notice to the unit
22 owners of: (i) the occurrence of the emergency event within
23 7 business days after the emergency event, and (ii) the
24 general description of the actions taken to address the
25 event within 7 days after the emergency event.

26 The intent of the provisions of Public Act 99-472

1 adding this paragraph (21) is to empower and support boards
2 to act in emergencies.

3 (b) (1) What percentage of the unit owners, if other
4 than 20%, shall constitute a quorum provided that, for
5 condominiums with 20 or more units, the percentage of unit
6 owners constituting a quorum shall be 20% unless the unit
7 owners holding a majority of the percentage interest in the
8 association provide for a higher percentage, provided that
9 in voting on amendments to the association's bylaws, a unit
10 owner who is in arrears on the unit owner's regular or
11 separate assessments for 60 days or more, shall not be
12 counted for purposes of determining if a quorum is present,
13 but that unit owner retains the right to vote on amendments
14 to the association's bylaws;

15 (2) that the association shall have one class of
16 membership;

17 (3) that the members shall hold an annual meeting, one
18 of the purposes of which shall be to elect members of the
19 board of managers;

20 (4) the method of calling meetings of the unit owners;

21 (5) that special meetings of the members can be called
22 by the president, board of managers, or by 20% of unit
23 owners;

24 (6) that written notice of any membership meeting shall
25 be mailed or delivered giving members no less than 10 and
26 no more than 30 days notice of the time, place and purpose

1 of such meeting except that notice may be sent, to the
2 extent the condominium instruments or rules adopted
3 thereunder expressly so provide, by electronic
4 transmission consented to by the unit owner to whom the
5 notice is given, provided the director and officer or his
6 agent certifies in writing to the delivery by electronic
7 transmission;

8 (7) that voting shall be on a percentage basis, and
9 that the percentage vote to which each unit is entitled is
10 the percentage interest of the undivided ownership of the
11 common elements appurtenant thereto, provided that the
12 bylaws may provide for approval by unit owners in
13 connection with matters where the requisite approval on a
14 percentage basis is not specified in this Act, on the basis
15 of one vote per unit;

16 (8) that, where there is more than one owner of a unit,
17 if only one of the multiple owners is present at a meeting
18 of the association, he is entitled to cast all the votes
19 allocated to that unit, if more than one of the multiple
20 owners are present, the votes allocated to that unit may be
21 cast only in accordance with the agreement of a majority in
22 interest of the multiple owners, unless the declaration
23 expressly provides otherwise, that there is majority
24 agreement if any one of the multiple owners cast the votes
25 allocated to that unit without protest being made promptly
26 to the person presiding over the meeting by any of the

1 other owners of the unit;

2 (9) (A) except as provided in subparagraph (B) of this
3 paragraph (9) in connection with board elections, that a
4 unit owner may vote by proxy executed in writing by the
5 unit owner or by his duly authorized attorney in fact; that
6 the proxy must bear the date of execution and, unless the
7 condominium instruments or the written proxy itself
8 provide otherwise, is invalid after 11 months from the date
9 of its execution; to the extent the condominium instruments
10 or rules adopted thereunder expressly so provide, a vote or
11 proxy may be submitted by electronic transmission,
12 provided that any such electronic transmission shall
13 either set forth or be submitted with information from
14 which it can be determined that the electronic transmission
15 was authorized by the unit owner or the unit owner's proxy;

16 (B) that if a rule adopted at least 120 days before a
17 board election or the declaration or bylaws provide for
18 balloting as set forth in this subsection, unit owners may
19 not vote by proxy in board elections, but may vote only (i)
20 by submitting an association-issued ballot in person at the
21 election meeting or (ii) by submitting an
22 association-issued ballot to the association or its
23 designated agent by mail or other means of delivery
24 specified in the declaration, bylaws, or rule; that the
25 ballots shall be mailed or otherwise distributed to unit
26 owners not less than 10 and not more than 30 days before

1 the election meeting, and the board shall give unit owners
2 not less than 21 days' prior written notice of the deadline
3 for inclusion of a candidate's name on the ballots; that
4 the deadline shall be no more than 7 days before the
5 ballots are mailed or otherwise distributed to unit owners;
6 that every such ballot must include the names of all
7 candidates who have given the board or its authorized agent
8 timely written notice of their candidacy and must give the
9 person casting the ballot the opportunity to cast votes for
10 candidates whose names do not appear on the ballot; that a
11 ballot received by the association or its designated agent
12 after the close of voting shall not be counted; that a unit
13 owner who submits a ballot by mail or other means of
14 delivery specified in the declaration, bylaws, or rule may
15 request and cast a ballot in person at the election
16 meeting, and thereby void any ballot previously submitted
17 by that unit owner;

18 (B-5) that if a rule adopted at least 120 days before a
19 board election or the declaration or bylaws provide for
20 balloting as set forth in this subparagraph, unit owners
21 may not vote by proxy in board elections, but may vote only
22 (i) by submitting an association-issued ballot in person at
23 the election meeting; or (ii) by any acceptable
24 technological means as defined in Section 2 of this Act;
25 instructions regarding the use of electronic means for
26 voting shall be distributed to all unit owners not less

1 than 10 and not more than 30 days before the election
2 meeting, and the board shall give unit owners not less than
3 21 days' prior written notice of the deadline for inclusion
4 of a candidate's name on the ballots; the deadline shall be
5 no more than 7 days before the instructions for voting
6 using electronic or acceptable technological means is
7 distributed to unit owners; every instruction notice must
8 include the names of all candidates who have given the
9 board or its authorized agent timely written notice of
10 their candidacy and must give the person voting through
11 electronic or acceptable technological means the
12 opportunity to cast votes for candidates whose names do not
13 appear on the ballot; a unit owner who submits a vote using
14 electronic or acceptable technological means may request
15 and cast a ballot in person at the election meeting,
16 thereby voiding any vote previously submitted by that unit
17 owner;

18 (C) that if a written petition by unit owners with at
19 least 20% of the votes of the association is delivered to
20 the board within 30 days after the board's approval of a
21 rule adopted pursuant to subparagraph (B) or subparagraph
22 (B-5) of this paragraph (9), the board shall call a meeting
23 of the unit owners within 30 days after the date of
24 delivery of the petition; that unless a majority of the
25 total votes of the unit owners are cast at the meeting to
26 reject the rule, the rule is ratified;

1 (D) that votes cast by ballot under subparagraph (B) or
2 electronic or acceptable technological means under
3 subparagraph (B-5) of this paragraph (9) are valid for the
4 purpose of establishing a quorum;

5 (10) that the association may, upon adoption of the
6 appropriate rules by the board of managers, conduct
7 elections by secret ballot whereby the voting ballot is
8 marked only with the percentage interest for the unit and
9 the vote itself, provided that the board further adopt
10 rules to verify the status of the unit owner issuing a
11 proxy or casting a ballot; and further, that a candidate
12 for election to the board of managers or such candidate's
13 representative shall have the right to be present at the
14 counting of ballots at such election;

15 (11) that in the event of a resale of a condominium
16 unit the purchaser of a unit from a seller other than the
17 developer pursuant to an installment sales contract for
18 purchase shall during such times as he or she resides in
19 the unit be counted toward a quorum for purposes of
20 election of members of the board of managers at any meeting
21 of the unit owners called for purposes of electing members
22 of the board, shall have the right to vote for the election
23 of members of the board of managers and to be elected to
24 and serve on the board of managers unless the seller
25 expressly retains in writing any or all of such rights. In
26 no event may the seller and purchaser both be counted

1 toward a quorum, be permitted to vote for a particular
2 office or be elected and serve on the board. Satisfactory
3 evidence of the installment sales contract shall be made
4 available to the association or its agents. For purposes of
5 this subsection, "installment sales contract" shall have
6 the same meaning as set forth in Section 5 of the
7 Installment Sales Contract Act and Section 1(e) of the
8 Dwelling Unit Installment Contract Act;

9 (12) the method by which matters subject to the
10 approval of unit owners set forth in this Act, or in the
11 condominium instruments, will be submitted to the unit
12 owners at special membership meetings called for such
13 purposes; and

14 (13) that matters subject to the affirmative vote of
15 not less than 2/3 of the votes of unit owners at a meeting
16 duly called for that purpose, shall include, but not be
17 limited to:

18 (i) merger or consolidation of the association;

19 (ii) sale, lease, exchange, or other disposition
20 (excluding the mortgage or pledge) of all, or
21 substantially all of the property and assets of the
22 association; and

23 (iii) the purchase or sale of land or of units on
24 behalf of all unit owners.

25 (c) Election of a president from among the board of
26 managers, who shall preside over the meetings of the board

1 of managers and of the unit owners.

2 (d) Election of a secretary from among the board of
3 managers, who shall keep the minutes of all meetings of the
4 board of managers and of the unit owners and who shall, in
5 general, perform all the duties incident to the office of
6 secretary.

7 (e) Election of a treasurer from among the board of
8 managers, who shall keep the financial records and books of
9 account.

10 (f) Maintenance, repair and replacement of the common
11 elements and payments therefor, including the method of
12 approving payment vouchers.

13 (g) An association with 30 or more units shall obtain
14 and maintain fidelity insurance covering persons who
15 control or disburse funds of the association for the
16 maximum amount of coverage available to protect funds in
17 the custody or control of the association plus the
18 association reserve fund. All management companies which
19 are responsible for the funds held or administered by the
20 association shall maintain and furnish to the association a
21 fidelity bond for the maximum amount of coverage available
22 to protect funds in the custody of the management company
23 at any time. The association shall bear the cost of the
24 fidelity insurance and fidelity bond, unless otherwise
25 provided by contract between the association and a
26 management company. The association shall be the direct

1 obligee of any such fidelity bond. A management company
2 holding reserve funds of an association shall at all times
3 maintain a separate account for each association,
4 provided, however, that for investment purposes, the Board
5 of Managers of an association may authorize a management
6 company to maintain the association's reserve funds in a
7 single interest bearing account with similar funds of other
8 associations. The management company shall at all times
9 maintain records identifying all moneys of each
10 association in such investment account. The management
11 company may hold all operating funds of associations which
12 it manages in a single operating account but shall at all
13 times maintain records identifying all moneys of each
14 association in such operating account. Such operating and
15 reserve funds held by the management company for the
16 association shall not be subject to attachment by any
17 creditor of the management company.

18 For the purpose of this subsection, a management
19 company shall be defined as a person, partnership,
20 corporation, or other legal entity entitled to transact
21 business on behalf of others, acting on behalf of or as an
22 agent for a unit owner, unit owners or association of unit
23 owners for the purpose of carrying out the duties,
24 responsibilities, and other obligations necessary for the
25 day to day operation and management of any property subject
26 to this Act. For purposes of this subsection, the term

1 "fiduciary insurance coverage" shall be defined as both a
2 fidelity bond and directors and officers liability
3 coverage, the fidelity bond in the full amount of
4 association funds and association reserves that will be in
5 the custody of the association, and the directors and
6 officers liability coverage at a level as shall be
7 determined to be reasonable by the board of managers, if
8 not otherwise established by the declaration or by laws.

9 Until one year after September 21, 1985 (the effective
10 date of Public Act 84-722), if a condominium association
11 has reserves plus assessments in excess of \$250,000 and
12 cannot reasonably obtain 100% fidelity bond coverage for
13 such amount, then it must obtain a fidelity bond coverage
14 of \$250,000.

15 (h) Method of estimating the amount of the annual
16 budget, and the manner of assessing and collecting from the
17 unit owners their respective shares of such estimated
18 expenses, and of any other expenses lawfully agreed upon.

19 (i) That upon 10 days notice to the manager or board of
20 managers and payment of a reasonable fee, any unit owner
21 shall be furnished a statement of his account setting forth
22 the amount of any unpaid assessments or other charges due
23 and owing from such owner.

24 (j) Designation and removal of personnel necessary for
25 the maintenance, repair and replacement of the common
26 elements.

1 (k) Such restrictions on and requirements respecting
2 the use and maintenance of the units and the use of the
3 common elements, not set forth in the declaration, as are
4 designed to prevent unreasonable interference with the use
5 of their respective units and of the common elements by the
6 several unit owners.

7 (l) Method of adopting and of amending administrative
8 rules and regulations governing the operation and use of
9 the common elements.

10 (m) The percentage of votes required to modify or amend
11 the bylaws, but each one of the particulars set forth in
12 this section shall always be embodied in the bylaws.

13 (n) (i) The provisions of this Act, the declaration,
14 bylaws, other condominium instruments, and rules and
15 regulations that relate to the use of the individual unit
16 or the common elements shall be applicable to any person
17 leasing a unit and shall be deemed to be incorporated in
18 any lease executed or renewed on or after August 30, 1984
19 (the effective date of Public Act 83-1271).

20 (ii) With regard to any lease entered into subsequent
21 to July 1, 1990 (the effective date of Public Act 86-991),
22 the unit owner leasing the unit shall deliver a copy of the
23 signed lease to the board or if the lease is oral, a
24 memorandum of the lease, not later than the date of
25 occupancy or 10 days after the lease is signed, whichever
26 occurs first. In addition to any other remedies, by filing

1 an action jointly against the tenant and the unit owner, an
2 association may seek to enjoin a tenant from occupying a
3 unit or seek to evict a tenant under the provisions of
4 Article IX of the Code of Civil Procedure for failure of
5 the lessor-owner to comply with the leasing requirements
6 prescribed by this Section or by the declaration, bylaws,
7 and rules and regulations. The board of managers may
8 proceed directly against a tenant, at law or in equity, or
9 under the provisions of Article IX of the Code of Civil
10 Procedure, for any other breach by tenant of any covenants,
11 rules, regulations or bylaws.

12 (o) The association shall have no authority to forbear
13 the payment of assessments by any unit owner.

14 (p) That when 30% or fewer of the units, by number,
15 possess over 50% in the aggregate of the votes in the
16 association, any percentage vote of members specified
17 herein or in the condominium instruments shall require the
18 specified percentage by number of units rather than by
19 percentage of interest in the common elements allocated to
20 units that would otherwise be applicable and garage units
21 or storage units, or both, shall have, in total, no more
22 votes than their aggregate percentage of ownership in the
23 common elements; this shall mean that if garage units or
24 storage units, or both, are to be given a vote, or portion
25 of a vote, that the association must add the total number
26 of votes cast of garage units, storage units, or both, and

1 divide the total by the number of garage units, storage
2 units, or both, and multiply by the aggregate percentage of
3 ownership of garage units and storage units to determine
4 the vote, or portion of a vote, that garage units or
5 storage units, or both, have. For purposes of this
6 subsection (p), when making a determination of whether 30%
7 or fewer of the units, by number, possess over 50% in the
8 aggregate of the votes in the association, a unit shall not
9 include a garage unit or a storage unit.

10 (q) That a unit owner may not assign, delegate,
11 transfer, surrender, or avoid the duties,
12 responsibilities, and liabilities of a unit owner under
13 this Act, the condominium instruments, or the rules and
14 regulations of the Association; and that such an attempted
15 assignment, delegation, transfer, surrender, or avoidance
16 shall be deemed void.

17 (r) The amount of and procedures for the imposition of
18 the fine charged for disclosing information in a manner
19 inconsistent with subsection (g-5) of Section 19.

20 The provisions of this Section are applicable to all
21 condominium instruments recorded under this Act. Any portion of
22 a condominium instrument which contains provisions contrary to
23 these provisions shall be void as against public policy and
24 ineffective. Any such instrument which fails to contain the
25 provisions required by this Section shall be deemed to
26 incorporate such provisions by operation of law.

1 (Source: P.A. 99-472, eff. 6-1-16; 99-567, eff. 1-1-17; 99-642,
2 eff. 7-28-16; 100-292, eff. 1-1-18; 100-416, eff. 1-1-18;
3 revised 10-6-17.)

4 (765 ILCS 605/19) (from Ch. 30, par. 319)

5 Sec. 19. Records of the association; availability for
6 examination.

7 (a) The board of managers of every association shall keep
8 and maintain the following records, or true and complete copies
9 of these records, at the association's principal office:

10 (1) the association's declaration, bylaws, and plats
11 of survey, and all amendments of these;

12 (2) the rules and regulations of the association, if
13 any;

14 (3) if the association is incorporated as a
15 corporation, the articles of incorporation of the
16 association and all amendments to the articles of
17 incorporation;

18 (4) minutes of all meetings of the association and its
19 board of managers for the immediately preceding 7 years;

20 (5) all current policies of insurance of the
21 association;

22 (6) all contracts, leases, and other agreements then in
23 effect to which the association is a party or under which
24 the association or the unit owners have obligations or
25 liabilities;

1 (7) a current listing of the names, addresses, email
2 addresses, telephone numbers, and weighted vote of all
3 members entitled to vote;

4 (8) ballots and proxies related to ballots for all
5 matters voted on by the members of the association during
6 the immediately preceding 12 months, including, but not
7 limited to, the election of members of the board of
8 managers; and

9 (9) the books and records for the association's current
10 and 10 immediately preceding fiscal years, including, but
11 not limited to, itemized and detailed records of all
12 receipts, expenditures, and accounts.

13 (b) Any member of an association shall have the right to
14 inspect, examine, and make copies of the records described in
15 subdivisions (1), (2), (3), (4), (5), (6), and (9) of
16 subsection (a) of this Section, in person or by agent, at any
17 reasonable time or times, at the association's principal
18 office. In order to exercise this right, a member must submit a
19 written request to the association's board of managers or its
20 authorized agent, stating with particularity the records
21 sought to be examined. Failure of an association's board of
22 managers to make available all records so requested within 10
23 business days of receipt of the member's written request shall
24 be deemed a denial.

25 Any member who prevails in an enforcement action to compel
26 examination of records described in subdivisions (1), (2), (3),

1 (4), (5), (6), and (9) of subsection (a) of this Section shall
2 be entitled to recover reasonable attorney's fees and costs
3 from the association.

4 (c) (Blank).

5 (d) (Blank).

6 (d-5) As used in this Section, "commercial purpose" means
7 the use of any part of a record or records described in
8 subdivisions (7) and (8) of subsection (a) of this Section, or
9 information derived from such records, in any form for sale,
10 resale, or solicitation or advertisement for sales or services.

11 (e) Except as otherwise provided in subsection (g) or (g-5)
12 of this Section, any member of an association shall have the
13 right to inspect, examine, and make copies of the records
14 described in subdivisions (7) and (8) of subsection (a) of this
15 Section, in person or by agent, at any reasonable time or times
16 but only for a purpose that relates to the association, at the
17 association's principal office. In order to exercise this
18 right, a member must submit a written request, to the
19 association's board of managers or its authorized agent,
20 stating with particularity the records sought to be examined.
21 As a condition for exercising this right, the board of managers
22 or authorized agent of the association may require the member
23 to certify in writing that the information contained in the
24 records obtained by the member will not be used by the member
25 for any commercial purpose or for any purpose that does not
26 relate to the association. The board of managers of the

1 association may impose a fine in accordance with item (1) of
2 Section 18.4 upon any person who makes a false certification.
3 Subject to the provisions of subsection (g) of this Section,
4 failure of an association's board of managers to make available
5 all records so requested within 10 business days of receipt of
6 the member's written request shall be deemed a denial;
7 provided, however, that the board of managers of an association
8 that has adopted a secret ballot election process as provided
9 in Section 18 of this Act shall not be deemed to have denied a
10 member's request for records described in subdivision (8) of
11 subsection (a) of this Section if voting ballots, without
12 identifying unit numbers, are made available to the requesting
13 member within 10 business days of receipt of the member's
14 written request.

15 Any member who prevails in an enforcement action to compel
16 examination of records described in subdivision ~~subdivisions~~
17 (7) or (8) of subsection (a) of this Section shall be entitled
18 to recover reasonable attorney's fees and costs from the
19 association only if the court finds that the board of directors
20 acted in bad faith in denying the member's request.

21 (f) The actual cost to the association of retrieving and
22 making requested records available for inspection and
23 examination under this Section may be charged by the
24 association to the requesting member. If a member requests
25 copies of records requested under this Section, the actual
26 costs to the association of reproducing the records may also be

1 charged by the association to the requesting member.

2 (g) Notwithstanding the provisions of subsection (e) of
3 this Section, unless otherwise directed by court order, an
4 association need not make the following records available for
5 inspection, examination, or copying by its members:

6 (1) documents relating to appointment, employment,
7 discipline, or dismissal of association employees;

8 (2) documents relating to actions pending against or on
9 behalf of the association or its board of managers in a
10 court or administrative tribunal;

11 (3) documents relating to actions threatened against,
12 or likely to be asserted on behalf of, the association or
13 its board of managers in a court or administrative
14 tribunal;

15 (4) documents relating to common expenses or other
16 charges owed by a member other than the requesting member;
17 and

18 (5) documents provided to an association in connection
19 with the lease, sale, or other transfer of a unit by a
20 member other than the requesting member.

21 (g-5) When collecting the information required in
22 subdivision (7) of subsection (a), the association shall
23 provide each member with the opportunity to specify whether the
24 association may disclose the name, address, email address, or
25 telephone numbers of the member to other association members in
26 accordance with subsection (e). If a member indicates that he

1 or she does not want the information disclosed to other members
2 of the association, the information shall not be disclosed
3 under subsection (e). The association shall impose a fine upon
4 any person who discloses the information in violation of the
5 expressed wishes of the member.

6 (h) The provisions of this Section are applicable to all
7 condominium instruments recorded under this Act. Any portion of
8 a condominium instrument that contains provisions contrary to
9 these provisions shall be void as against public policy and
10 ineffective. Any condominium instrument that fails to contain
11 the provisions required by this Section shall be deemed to
12 incorporate the provisions by operation of law.

13 (Source: P.A. 100-292, eff. 1-1-18; revised 10-6-17.)