



Sen. Kwame Raoul

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LRB100 04830 HEP 33025 a

1 AMENDMENT TO SENATE BILL 572

2 AMENDMENT NO. _____. Amend Senate Bill 572 by replacing
3 everything after the enacting clause with the following:

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

6 (765 ILCS 605/19) (from Ch. 30, par. 319)

7 Sec. 19. Records of the association; availability for
8 examination.

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

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

14 (2) the rules and regulations of the association, if
15 any;

16 (3) if the association is incorporated as a

1 corporation, the articles of incorporation of the
2 association and all amendments to the articles of
3 incorporation;

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

6 (5) all current policies of insurance of the
7 association;

8 (6) all contracts, leases, and other agreements then in
9 effect to which the association is a party or under which
10 the association or the unit owners have obligations or
11 liabilities;

12 (7) a current listing of the names, addresses, ~~email~~
13 ~~addresses, telephone numbers,~~ and weighted vote of all
14 members entitled to vote;

15 (8) ballots and proxies related to ballots for all
16 matters voted on by the members of the association during
17 the immediately preceding 12 months, including but not
18 limited to the election of members of the board of
19 managers; and

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

24 (b) Any member of an association shall have the right to
25 inspect, examine, and make copies of the records described in
26 subdivisions (1), (2), (3), (4), (5), (6), and (9) of

1 subsection (a) of this Section, in person or by agent, at any
2 reasonable time or times, at the association's principal
3 office. In order to exercise this right, a member must submit a
4 written request to the association's board of managers or its
5 authorized agent, stating with particularity the records
6 sought to be examined. Failure of an association's board of
7 managers to make available all records so requested within 10
8 business days of receipt of the member's written request shall
9 be deemed a denial.

10 Any member who prevails in an enforcement action to compel
11 examination of records described in subdivisions (1), (2), (3),
12 (4), (5), (6), and (9) of subsection (a) of this Section shall
13 be entitled to recover reasonable attorney's fees and costs
14 from the association.

15 (c) (Blank).

16 (d) (Blank).

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

22 (e) Except as otherwise provided in subsection (g) of this
23 Section, any member of an association shall have the right to
24 inspect, examine, and make copies of the records described in
25 subdivisions (7) and (8) of subsection (a) of this Section, in
26 person or by agent, at any reasonable time or times but only

1 for a purpose that relates to the association, at the
2 association's principal office. In order to exercise this
3 right, a member must submit a written request, to the
4 association's board of managers or its authorized agent,
5 stating with particularity the records sought to be examined.
6 As a condition for exercising this right, the board of managers
7 or authorized agent of the association may require the member
8 to certify in writing that the information contained in the
9 records obtained by the member will not be used by the member
10 for any commercial purpose or for any purpose that does not
11 relate to the association. The board of managers of the
12 association may impose a fine in accordance with item (1) of
13 Section 18.4 upon any person who makes a false certification.
14 Subject to the provisions of subsection (g) of this Section,
15 failure of an association's board of managers to make available
16 all records so requested within 10 business days of receipt of
17 the member's written request shall be deemed a denial;
18 provided, however, that the board of managers of an association
19 that has adopted a secret ballot election process as provided
20 in Section 18 of this Act shall not be deemed to have denied a
21 member's request for records described in subdivision (8) of
22 subsection (a) of this Section if voting ballots, without
23 identifying unit numbers, are made available to the requesting
24 member within 10 business days of receipt of the member's
25 written request.

26 Any member who prevails in an enforcement action to compel

1 examination of records described in subdivision ~~subdivisions~~
2 (7) or (8) of subsection (a) of this Section shall be entitled
3 to recover reasonable attorney's fees and costs from the
4 association only if the court finds that the board of directors
5 acted in bad faith in denying the member's request.

6 (f) The actual cost to the association of retrieving and
7 making requested records available for inspection and
8 examination under this Section may be charged by the
9 association to the requesting member. If a member requests
10 copies of records requested under this Section, the actual
11 costs to the association of reproducing the records may also be
12 charged by the association to the requesting member.

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

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

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

22 (3) documents relating to actions threatened against,
23 or likely to be asserted on behalf of, the association or
24 its board of managers in a court or administrative
25 tribunal;

26 (4) documents relating to common expenses or other

1 charges owed by a member other than the requesting member;
2 and

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

14 Section 99. Effective date. This Act takes effect upon
15 becoming law."