

HB1235



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB1235

Introduced 1/31/2023, by Rep. Jonathan Carroll

SYNOPSIS AS INTRODUCED:

765 ILCS 605/19

from Ch. 30, par. 319

Amends the Condominium Property Act. Allows a member of a condominium association to decline to provide information regarding the member's name, address, email address, telephone number, and weighted vote in order to prevent such information from being used for a commercial purpose.

LRB103 05754 LNS 50774 b

A BILL FOR

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 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
11 copies of these records, at the association's principal
12 office:

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

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

17 (3) if the association is incorporated as a
18 corporation, the articles of incorporation of the
19 association and all amendments to the articles of
20 incorporation;

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

23 (5) all current policies of insurance of the

1 association;

2 (6) all contracts, leases, and other agreements then
3 in effect to which the association is a party or under
4 which the association or the unit owners have obligations
5 or liabilities;

6 (7) a current listing of the names, addresses, email
7 addresses, telephone numbers, and weighted vote of all
8 members entitled to vote; however, a member may decline to
9 provide such information in order to prevent the
10 information from being used for a commercial purpose;

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

16 (9) the books and records for the association's
17 current and 10 immediately preceding fiscal years,
18 including, but not limited to, itemized and detailed
19 records of all receipts, expenditures, and accounts; and

20 (10) any reserve study.

21 (b) Any member of an association shall have the right to
22 inspect, examine, and make copies of the records described in
23 subdivisions (1), (2), (3), (4), (5), (6), (9), and (10) of
24 subsection (a) of this Section, in person or by agent, at any
25 reasonable time or times, at the association's principal
26 office. In order to exercise this right, a member must submit a

1 written request to the association's board of managers or its
2 authorized agent, stating with particularity the records
3 sought to be examined. Failure of an association's board of
4 managers to make available all records so requested within 10
5 business days of receipt of the member's written request shall
6 be deemed a denial.

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

12 (c) (Blank).

13 (d) (Blank).

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

20 (e) Except as otherwise provided in subsection (g) of this
21 Section, any member of an association shall have the right to
22 inspect, examine, and make copies of the records described in
23 subdivisions (7) and (8) of subsection (a) of this Section, in
24 person or by agent, at any reasonable time or times but only
25 for a purpose that relates to the association, at the
26 association's principal office. In order to exercise this

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

24 Any member who prevails in an enforcement action to compel
25 examination of records described in subdivision (7) or (8) of
26 subsection (a) of this Section shall be entitled to recover

1 reasonable attorney's fees and costs from the association only
2 if the court finds that the board of directors acted in bad
3 faith in denying the member's request.

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

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

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

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

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

24 (4) documents relating to common expenses or other
25 charges owed by a member other than the requesting member;
26 and

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

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

11 (Source: P.A. 102-921, eff. 5-27-22.)