



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB4352

Introduced 02/02/04, by JoAnn D. Osmond

SYNOPSIS AS INTRODUCED:

765 ILCS 605/19

from Ch. 30, par. 319

Amends the Condominium Property Act. Provides that the board of managers of a condominium association that violates this Section by refusing to allow a unit holder to exercise his or her right to examine the books and records shall be assessed a civil penalty of \$1,000 per day for each aggrieved condominium holder. Provides that this penalty shall be payable by the condominium association to the unit holder effective the first day of the violation.

LRB093 18607 LCB 44331 b

1 AN ACT concerning condominiums.

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 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
17 corporation, the articles of incorporation of the
18 association and all amendments to the articles of
19 incorporation;

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

22 (5) all current policies of insurance of the
23 association;

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

28 (7) a current listing of the names, addresses, and
29 weighted vote of all members entitled to vote;

30 (8) ballots and proxies related to ballots for all
31 matters voted on by the members of the association during
32 the immediately preceding 12 months, including but not

1 limited to the election of members of the board of
2 managers; and

3 (9) the books and records of account for the
4 association's current and 10 immediately preceding fiscal
5 years, including but not limited to itemized and detailed
6 records of all receipts and expenditures.

7 (b) Any member of an association shall have the right to
8 inspect, examine, and make copies of the records described in
9 subdivisions (1), (2), (3), (4), and (5) of subsection (a) of
10 this Section, in person or by agent, at any reasonable time or
11 times, at the association's principal office. In order to
12 exercise this right, a member must submit a written request to
13 the association's board of managers or its authorized agent,
14 stating with particularity the records sought to be examined.
15 Failure of an association's board of managers to make available
16 all records so requested within 30 days of receipt of the
17 member's written request shall be deemed a denial.

18 Any member who prevails in an enforcement action to compel
19 examination of records described in subdivisions (1), (2), (3),
20 (4), and (5) of subsection (a) of this Section shall be
21 entitled to recover reasonable attorney's fees and costs from
22 the association.

23 (c) (Blank).

24 (d) (Blank).

25 (e) Except as otherwise provided in subsection (g) of this
26 Section, any member of an association shall have the right to
27 inspect, examine, and make copies of the records described in
28 subdivisions (6), (7), (8), and (9) of subsection (a) of this
29 Section, in person or by agent, at any reasonable time or times
30 but only for a proper purpose, at the association's principal
31 office. In order to exercise this right, a member must submit a
32 written request, to the association's board of managers or its
33 authorized agent, stating with particularity the records
34 sought to be examined and a proper purpose for the request.
35 Subject to the provisions of subsection (g) of this Section,
36 failure of an association's board of managers to make available

1 all records so requested within 30 business days of receipt of
2 the member's written request shall be deemed a denial;
3 provided, however, that the board of managers of an association
4 that has adopted a secret ballot election process as provided
5 in Section 18 of this Act shall not be deemed to have denied a
6 member's request for records described in subdivision (8) of
7 subsection (a) of this Section if voting ballots, without
8 identifying unit numbers, are made available to the requesting
9 member within 30 days of receipt of the member's written
10 request.

11 In an action to compel examination of records described in
12 subdivisions (6), (7), (8), and (9) of subsection (a) of this
13 Section, the burden of proof is upon the member to establish
14 that the member's request is based on a proper purpose. Any
15 member who prevails in an enforcement action to compel
16 examination of records described in subdivisions (6), (7), (8),
17 and (9) of subsection (a) of this Section shall be entitled to
18 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 (e-5) The board of managers of a condominium association
22 that violates this Section by refusing to allow a unit holder
23 to exercise his or her right to examine the books and records
24 shall be assessed a civil penalty of \$1,000 per day for each
25 aggrieved condominium holder. This penalty shall be payable by
26 the condominium association to the unit holder effective the
27 first day of the violation.

28 (f) The actual cost to the association of retrieving and
29 making requested records available for inspection and
30 examination under this Section shall be charged by the
31 association to the requesting member. If a member requests
32 copies of records requested under this Section, the actual
33 costs to the association of reproducing the records shall also
34 be charged by the association to the requesting member.

35 (g) Notwithstanding the provisions of subsection (e) of
36 this Section, unless otherwise directed by court order, an

1 association need not make the following records available for
2 inspection, examination, or copying by its members:

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

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

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

12 (4) documents relating to common expenses or other
13 charges owed by a member other than the requesting member;
14 and

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

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

25 (Source: P.A. 90-496, eff. 8-18-97; 90-655, eff. 7-30-98.)