

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 Freedom of Information Act is amended by
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 Sec. 7.5. Statutory exemptions. To the extent provided for
8 by the statutes referenced below, the following shall be exempt
9 from inspection and copying:

10 (a) All information determined to be confidential
11 under Section 4002 of the Technology Advancement and
12 Development Act.

13 (b) Library circulation and order records identifying
14 library users with specific materials under the Library
15 Records Confidentiality Act.

16 (c) Applications, related documents, and medical
17 records received by the Experimental Organ Transplantation
18 Procedures Board and any and all documents or other records
19 prepared by the Experimental Organ Transplantation
20 Procedures Board or its staff relating to applications it
21 has received.

22 (d) Information and records held by the Department of
23 Public Health and its authorized representatives relating

1 to known or suspected cases of sexually transmissible
2 disease or any information the disclosure of which is
3 restricted under the Illinois Sexually Transmissible
4 Disease Control Act.

5 (e) Information the disclosure of which is exempted
6 under Section 30 of the Radon Industry Licensing Act.

7 (f) Firm performance evaluations under Section 55 of
8 the Architectural, Engineering, and Land Surveying
9 Qualifications Based Selection Act.

10 (g) Information the disclosure of which is restricted
11 and exempted under Section 50 of the Illinois Prepaid
12 Tuition Act.

13 (h) Information the disclosure of which is exempted
14 under the State Officials and Employees Ethics Act, and
15 records of any lawfully created State or local inspector
16 general's office that would be exempt if created or
17 obtained by an Executive Inspector General's office under
18 that Act.

19 (i) Information contained in a local emergency energy
20 plan submitted to a municipality in accordance with a local
21 emergency energy plan ordinance that is adopted under
22 Section 11-21.5-5 of the Illinois Municipal Code.

23 (j) Information and data concerning the distribution
24 of surcharge moneys collected and remitted by wireless
25 carriers under the Wireless Emergency Telephone Safety
26 Act.

1 (k) Law enforcement officer identification information
2 or driver identification information compiled by a law
3 enforcement agency or the Department of Transportation
4 under Section 11-212 of the Illinois Vehicle Code.

5 (l) Records and information provided to a residential
6 health care facility resident sexual assault and death
7 review team or the Executive Council under the Abuse
8 Prevention Review Team Act.

9 (m) Information provided to the predatory lending
10 database created pursuant to Article 3 of the Residential
11 Real Property Disclosure Act, except to the extent
12 authorized under that Article.

13 (n) Defense budgets and petitions for certification of
14 compensation and expenses for court appointed trial
15 counsel as provided under Sections 10 and 15 of the Capital
16 Crimes Litigation Act. This subsection (n) shall apply
17 until the conclusion of the trial of the case, even if the
18 prosecution chooses not to pursue the death penalty prior
19 to trial or sentencing.

20 (o) Information that is prohibited from being
21 disclosed under Section 4 of the Illinois Health and
22 Hazardous Substances Registry Act.

23 (p) Security portions of system safety program plans,
24 investigation reports, surveys, schedules, lists, data, or
25 information compiled, collected, or prepared by or for the
26 Regional Transportation Authority under Section 2.11 of

1 the Regional Transportation Authority Act or the St. Clair
2 County Transit District under the Bi-State Transit Safety
3 Act.

4 (q) Information prohibited from being disclosed by the
5 Personnel Records Review Act.

6 (r) Information prohibited from being disclosed by the
7 Illinois School Student Records Act.

8 (s) Information the disclosure of which is restricted
9 under Section 5-108 of the Public Utilities Act.

10 (t) All identified or deidentified health information
11 in the form of health data or medical records contained in,
12 stored in, submitted to, transferred by, or released from
13 the Illinois Health Information Exchange, and identified
14 or deidentified health information in the form of health
15 data and medical records of the Illinois Health Information
16 Exchange in the possession of the Illinois Health
17 Information Exchange Authority due to its administration
18 of the Illinois Health Information Exchange. The terms
19 "identified" and "deidentified" shall be given the same
20 meaning as in the Health Insurance Portability and
21 Accountability and Portability Act of 1996, Public Law
22 104-191, or any subsequent amendments thereto, and any
23 regulations promulgated thereunder.

24 (u) Records and information provided to an independent
25 team of experts under Brian's Law.

26 (v) Names and information of people who have applied

1 for or received Firearm Owner's Identification Cards under
2 the Firearm Owners Identification Card Act or applied for
3 or received a concealed carry license under the Firearm
4 Concealed Carry Act, unless otherwise authorized by the
5 Firearm Concealed Carry Act; and databases under the
6 Firearm Concealed Carry Act, records of the Concealed Carry
7 Licensing Review Board under the Firearm Concealed Carry
8 Act, and law enforcement agency objections under the
9 Firearm Concealed Carry Act.

10 (w) Personally identifiable information which is
11 exempted from disclosure under subsection (g) of Section
12 19.1 of the Toll Highway Act.

13 (x) Information which is exempted from disclosure
14 under Section 5-1014.3 of the Counties Code or Section
15 8-11-21 of the Illinois Municipal Code.

16 (y) Confidential information under the Adult
17 Protective Services Act and its predecessor enabling
18 statute, the Elder Abuse and Neglect Act, including
19 information about the identity and administrative finding
20 against any caregiver of a verified and substantiated
21 decision of abuse, neglect, or financial exploitation of an
22 eligible adult maintained in the Registry established
23 under Section 7.5 of the Adult Protective Services Act.

24 (z) Records and information provided to a fatality
25 review team or the Illinois Fatality Review Team Advisory
26 Council under Section 15 of the Adult Protective Services

1 Act.

2 (aa) Information which is exempted from disclosure
3 under Section 2.37 of the Wildlife Code.

4 (bb) Information which is or was prohibited from
5 disclosure by the Juvenile Court Act of 1987.

6 (cc) ~~(bb)~~ Recordings made under the Law Enforcement
7 Officer-Worn Body Camera Act, except to the extent
8 authorized under that Act.

9 (dd) Information that is prohibited from being
10 disclosed under Section 45 of the Condominium and Common
11 Interest Community Ombudsperson Act.

12 (Source: P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756,
13 eff. 7-16-14; 98-1039, eff. 8-25-14; 98-1045, eff. 8-25-14;
14 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352, eff. 1-1-16;
15 revised 10-14-15.)

16 Section 10. The Common Interest Community Association Act
17 is amended by changing Section 1-90 as follows:

18 (765 ILCS 160/1-90)

19 (This Section may contain text from a Public Act with a
20 delayed effective date)

21 (Section scheduled to be repealed on July 1, 2021)

22 Sec. 1-90. Compliance with the Condominium and Common
23 Interest Community Ombudsperson Act. Every common interest
24 community association, except for those exempt from this Act

1 under Section 1-75, must comply with the Condominium and
2 Community Interest Community Ombudsperson Act and is subject to
3 all provisions of the Condominium and Community Interest
4 Community Ombudsperson Act. This Section is repealed July 1,
5 2022 ~~2021~~.

6 (Source: P.A. 98-1135, eff. 7-1-16.)

7 Section 15. The Condominium Property Act is amended by
8 changing Section 35 as follows:

9 (765 ILCS 605/35)

10 (This Section may contain text from a Public Act with a
11 delayed effective date)

12 (Section scheduled to be repealed on July 1, 2021)

13 Sec. 35. Compliance with the Condominium and Common
14 Interest Community Ombudsperson Act. Every unit owners'
15 association must comply with the Condominium and Common
16 Interest Community Ombudsperson Act and is subject to all
17 provisions of the Condominium and Common Interest Community
18 Ombudsperson Act. This Section is repealed July 1, 2022 ~~2021~~.

19 (Source: P.A. 98-1135, eff. 7-1-16.)

20 Section 20. The Condominium and Common Interest Community
21 Ombudsperson Act is amended by changing the title of the Act
22 and Sections 15, 20, 25, 30, 35, 40, 45, 50, 60, 70, and 999 as
23 follows:

1 (765 ILCS 615/Act title)

2 An Act concerning condominium and common interest
3 community property.

4 (765 ILCS 615/15)

5 (This Section may contain text from a Public Act with a
6 delayed effective date)

7 (Section scheduled to be repealed on July 1, 2021)

8 Sec. 15. Definitions. As used in this Act:

9 "Association" means a condominium association or common
10 interest community association as defined in this Act.

11 "Board of managers" or "board of directors" means:

12 (1) a common interest community association's board of
13 managers or board of directors, whichever is applicable; or

14 (2) a condominium association's board of managers or
15 board of ~~or~~ directors, whichever is applicable.

16 "Common interest community" means a property governed by
17 the Common Interest Community Association Act.

18 "Common interest community association" has the meaning
19 ascribed to it in Section 1-5 of the Common Interest Community
20 Association Act.

21 "Condominium" means a property governed by the Condominium
22 Property Act.

23 "Condominium association" means ~~an association in which~~
24 ~~membership is a condition of ownership or shareholder interest~~

1 ~~of a unit in a condominium, cooperative, townhouse, villa, or~~
2 ~~other residential unit which is part of a residential~~
3 ~~development plan and that is authorized to impose an~~
4 ~~assessment, rents, or other costs that may become a lien on the~~
5 ~~unit or lot, and includes~~ a unit owners' association as defined
6 in subsection (o) of Section 2 of the Condominium Property Act
7 ~~or and~~ a master association as defined in subsection (u) of
8 Section 2 of the Condominium Property Act.

9 "Declaration" has the meaning ascribed to it in:

10 (1) Section 1-5 of the Common Interest Community
11 Association Act; or

12 (2) Section 2 of the Condominium Property Act.

13 "Department" means the Department of Financial and
14 Professional Regulation.

15 "Director" means the Director of the Division of Real
16 Estate Professional Regulation.

17 "Division" means the Division of Real Estate Professional
18 Regulation within the Department of Financial and Professional
19 Regulation.

20 "Office" means the Office of the Condominium and Common
21 Interest Community Ombudsperson established under Section 20
22 of this Act.

23 "Ombudsperson" means the Condominium and Common Interest
24 Community Ombudsperson named ~~employed~~ under Section 20 of this
25 Act.

26 "Person" includes a natural person, firm, association,

1 organization, partnership, business trust, corporation,
2 limited liability company, or public entity.

3 "Secretary" means the Secretary of the Department of
4 Financial and Professional Regulation.

5 "Unit" means a part of the condominium property or common
6 interest community property designed and intended for any type
7 of independent use.

8 "Unit owner" has the meaning ascribed to it in:

9 (1) subsection (g) of Section 2 of the Condominium
10 Property Act; or

11 (2) Section 1-5 of the Common Interest Community
12 Association Act.

13 (Source: P.A. 98-1135, eff. 7-1-16.)

14 (765 ILCS 615/20)

15 (This Section may contain text from a Public Act with a
16 delayed effective date)

17 (Section scheduled to be repealed on July 1, 2021)

18 Sec. 20. Office of the Condominium and Common Interest
19 Community Ombudsperson.

20 (a) There is created in the Division of Real Estate
21 ~~Professional Regulation~~ within the Department of Financial and
22 Professional Regulation, under the supervision and control of
23 the Secretary, the Office of the Condominium and Common
24 Interest Community Ombudsperson.

25 (b) The Department shall name ~~employ~~ an Ombudsperson and

1 other persons as necessary to discharge the requirements of
2 this Act. The Ombudsperson shall have the powers delegated to
3 him or her by the Department, in addition to the powers set
4 forth in this Act.

5 (c) Neither the Ombudsperson nor the Department shall have
6 any authority to consider matters that may constitute grounds
7 for charges or complaints under the Illinois Human Rights Act
8 or that are properly brought before the Department of Human
9 Rights or the Illinois Human Rights Commission.

10 (d) ~~(e)~~ Information and advice provided by the Ombudsperson
11 has no binding legal effect and is not subject to the
12 rulemaking provisions of the Illinois Administrative Procedure
13 Act.

14 (Source: P.A. 98-1135, eff. 7-1-16.)

15 (765 ILCS 615/25)

16 (This Section may contain text from a Public Act with a
17 delayed effective date)

18 (Section scheduled to be repealed on July 1, 2021)

19 Sec. 25. Training and education. On or before July 1, 2017
20 ~~2018~~, the Ombudsperson shall offer training, outreach, and
21 educational materials, and may arrange for the offering of
22 courses to unit owners, associations, boards of managers, and
23 boards of directors in subjects relevant to: (i) the operation
24 and management of condominiums and common interest
25 communities; and (ii) the Condominium Property Act and the

1 Common Interest Community Association Act.

2 (Source: P.A. 98-1135, eff. 7-1-16.)

3 (765 ILCS 615/30)

4 (This Section may contain text from a Public Act with a
5 delayed effective date)

6 (Section scheduled to be repealed on July 1, 2021)

7 Sec. 30. Website; toll-free number.

8 (a) The Office shall maintain on the Department's website
9 the following information:

10 (1) the text of this Act, the Condominium Property Act,
11 the Common Community Interest Community Association Act,
12 and any other statute, administrative rule, or regulation
13 that the Ombudsperson determines is relevant to the
14 operation and management of a condominium association or
15 common interest community association;

16 (2) information concerning non-judicial ~~nonjudicial~~
17 resolution of disputes that may arise within a condominium
18 or common interest community, including, but not limited
19 to, alternative dispute resolution programs and contacts
20 for locally-available dispute resolution programs;

21 (3) a description of the services provided by the
22 Ombudsperson and information on how to contact the
23 Ombudsperson for assistance; and

24 (4) any other information that the Ombudsperson
25 determines is useful to unit owners, associations, boards

1 of managers, and boards of directors.

2 (b) The Office may make available during regular business
3 hours a statewide toll-free telephone number to provide
4 information and resources on matters relating to condominium
5 property and common interest community property ~~The Office~~
6 ~~shall make the information described in subsection (a) of this~~
7 ~~Section available in printed form.~~

8 (Source: P.A. 98-1135, eff. 7-1-16.)

9 (765 ILCS 615/35)

10 (This Section may contain text from a Public Act with a
11 delayed effective date)

12 (Section scheduled to be repealed on July 1, 2021)

13 Sec. 35. Written policy for resolving complaints.

14 (a) Each association, except for those outlined in
15 subsection (d) ~~Section (b)~~ of this Section, shall adopt a
16 written policy for resolving complaints made by unit owners.
17 The association shall make the policy available to all unit
18 owners upon request. The policy must include:

19 (1) a sample form on which a unit owner may make a
20 complaint to the association;

21 (2) a description of the process by which complaints
22 shall be delivered to the association;

23 (3) the association's timeline and manner of making
24 final determinations in response to a unit owner's
25 complaint; and

1 (4) a requirement that the final determination made by
2 the association in response to a unit owner's complaint be:

3 (i) made in writing;

4 (ii) made within 180 days ~~a reasonable time~~ after
5 the association received the unit owner's original
6 complaint; and

7 (iii) marked clearly and conspicuously as "final".

8 (b) Common interest community associations exempt from the
9 Common Interest Community Association Act are not required to
10 have a written policy for resolving complaints.

11 (c) No later than January 1, 2019 ~~180 days after the~~
12 ~~effective date of this Act,~~ associations ~~existing on the~~
13 ~~effective date of this Act,~~ except for those identified in
14 subsection (b) of this Section, must establish and adopt the
15 policy required under this Section.

16 (d) Associations first created after January 1, 2019 ~~the~~
17 ~~effective date of this Act,~~ except for those identified in
18 subsection (b) of this Section, must establish and adopt the
19 policy required under this Section within 180 days following
20 creation of the association ~~at the time of initial registration~~
21 ~~as required by Section 65 of this Act.~~

22 (e) A unit owner may not bring a request for assistance
23 under Section 40 of this Act for an association's lack of or
24 inadequacy of a written policy to resolve complaints, but may
25 notify the Department in writing of the association's lack of
26 or inadequacy of a written policy. ~~An association that fails to~~

1 ~~comply with this Section is subject to subsection (g) of~~
2 ~~Section 65 of this Act.~~

3 (Source: P.A. 98-1135, eff. 7-1-16.)

4 (765 ILCS 615/40)

5 (This Section may contain text from a Public Act with a
6 delayed effective date)

7 (Section scheduled to be repealed on July 1, 2021)

8 Sec. 40. Dispute resolution ~~Requests for assistance.~~

9 (a) Beginning on July 1, 2020, and subject to appropriation
10 ~~2019~~, unit owners meeting the requirements of this Section may
11 make a written request, as outlined in subsection (f) of this
12 Section, to the Ombudsperson for assistance in resolving a
13 dispute between a unit owner and an association that involves a
14 violation of the Condominium Property Act or the Common
15 Interest Community Association Property ~~Property~~ Act.

16 (b) The Ombudsperson shall not accept requests for
17 resolutions of disputes with community association managers,
18 supervising community association managers, or community
19 association management firms, as defined in the Community
20 Association Manager Licensing and Disciplinary Act.

21 (c) The Ombudsperson shall not accept requests for
22 resolutions of disputes for which there is a pending complaint
23 filed in any court or administrative tribunal in any
24 jurisdiction or for which arbitration or alternative dispute
25 resolution is scheduled to occur or has previously occurred.

1 (d) The assistance described in subsection (a) of this
2 Section is available only to unit owners. In order for a unit
3 owner to receive the assistance from the Ombudsperson described
4 in subsection (a) of this Section, the unit owner must:

5 (1) owe no outstanding assessments, fees, or funds to
6 the association, unless the assessments, fees, or funds are
7 central to the dispute;

8 (2) allege a dispute that was initiated, or initially
9 occurred, within the ~~past~~ 2 calendar years preceding ~~of~~ the
10 date of the request;

11 (3) have made a written complaint pursuant to the unit
12 owner's association's complaint policy, as outlined in
13 Section 35, which alleged ~~alleges~~ violations of the
14 Condominium Property Act or the Common Interest Community
15 Association Act;

16 (4) have received a final and adverse decision from the
17 association and attach a copy of the association's final
18 adverse decision marked "final" to the request to the
19 Ombudsperson; and

20 (5) have filed the request within 30 days after the
21 receipt of the association's final adverse decision.

22 (e) A unit owner who has not received a response, marked
23 "final", to his or her complaint from the association within a
24 reasonable time may request assistance from the Ombudsperson
25 pursuant to subsection (a) of this Section if the unit owner
26 meets the requirements of items (1), (2), and (3) of subsection

1 (d) of this Section. A unit owner may not request assistance
2 from the Ombudsperson until at least 90 days after the initial
3 written complaint was submitted to the association. The
4 Ombudsperson may decline a unit owner's request for assistance
5 on the basis that a reasonable time has not yet passed.

6 (f) The request for assistance shall be in writing, on
7 forms provided electronically by the Office, and include the
8 following:

9 (1) the name, address, and contact information of the
10 unit owner;

11 (2) the name, address, and contact information of the
12 association;

13 (3) the applicable association governing documents
14 unless the absence of governing documents is central to the
15 dispute;

16 (4) the date of the final adverse decision by the
17 association;

18 (5) a copy of the association's written complaint
19 policy required under Section 35 of this Act;

20 (6) a copy of the unit owner's complaint to the
21 association with a specific reference to the alleged
22 violations of the Condominium Property Act or the Common
23 Interest Community Association Act;

24 (7) documentation verifying the unit owner's ownership
25 of a unit, such as a copy of a recorded deed or other
26 document conferring title; and

1 (8) a copy of the association's adverse decision marked
2 "final", if applicable.

3 (g) On receipt of a unit owner's request for assistance
4 that the Department determines meets the requirements of this
5 Section, the Ombudsperson shall, within the limits of the
6 available resources, confer with the interested parties and
7 assist in efforts to resolve the dispute by mutual agreement of
8 the parties.

9 (h) The Ombudsperson shall assist only opposing parties who
10 mutually agree to participate in dispute resolution.

11 (i) A unit owner is limited to one request for assistance
12 per dispute. The meaning of dispute is to be broadly
13 interpreted by the Department.

14 (j) The Department has the authority to determine whether
15 or not a final decision is adverse under paragraph (4) of
16 subsection (d) of this Section.

17 (k) The Department shall, on or before July 1, 2020,
18 establish rules describing the time limit, method, and manner
19 for dispute resolution.

20 (l) (Blank) ~~A request under the Freedom of Information Act~~
21 ~~for information does not constitute a request for assistance~~
22 ~~under this Section.~~

23 (Source: P.A. 98-1135, eff. 7-1-16.)

24 (765 ILCS 615/45)

25 (This Section may contain text from a Public Act with a

1 delayed effective date)

2 (Section scheduled to be repealed on July 1, 2021)

3 Sec. 45. Confidentiality.

4 (a) All information collected by the Department in the
5 course of addressing a request for assistance or for any other
6 purpose pursuant to this Act ~~Section 40~~ shall be maintained for
7 the confidential use of the Department and shall not be
8 disclosed. The Department shall not disclose the information to
9 anyone other than law enforcement officials or regulatory
10 agencies that have an appropriate regulatory interest as
11 determined by the Secretary. Information and documents
12 disclosed to a federal, State, county, or local law enforcement
13 agency shall not be disclosed by that agency for any purpose to
14 any other agency or person.

15 (b) A request for information made to the Department, or
16 the Ombudsperson, under this Act does not constitute a request
17 under the Freedom of Information Act.

18 (Source: P.A. 98-1135, eff. 7-1-16.)

19 (765 ILCS 615/50)

20 (This Section may contain text from a Public Act with a
21 delayed effective date)

22 (Section scheduled to be repealed on July 1, 2021)

23 Sec. 50. Reports.

24 (a) The Department shall submit an annual written report on
25 the activities of the Office to the General Assembly. The

1 Department shall submit the first report no later than July 1,
2 2018. Beginning in 2019, the Department shall submit the
3 report, no later than October 1 of each year, ~~with the initial~~
4 ~~report being due October 1, 2020.~~ The report shall include all
5 of the following:

6 (1) annual workload and performance data, including
7 (i) the number of requests for information; (ii) training,
8 education, or other information provided; (iii) assistance
9 ~~received,~~ the manner in which education and training was
10 conducted; requests were or were not resolved and (iv) the
11 staff time required to provide the training, education, or
12 other information ~~resolve the requests.~~ For each category
13 of data, the report shall provide subtotals based on the
14 type of question or dispute involved in the request; and

15 (2) where relevant information is available, analysis
16 of the most common and serious types of concerns ~~disputes~~
17 within condominiums and common interest communities, along
18 with any recommendations for statutory reform to reduce the
19 frequency or severity of those disputes.

20 (Source: P.A. 98-1135, eff. 7-1-16.)

21 (765 ILCS 615/60)

22 (This Section may contain text from a Public Act with a
23 delayed effective date)

24 (Section scheduled to be repealed on July 1, 2021)

25 Sec. 60. Rules. The Department may, from time to time,

1 adopt such rules as are necessary for the administration and
2 enforcement of any provision of this Act. Any rule adopted
3 under this Act is subject to the rulemaking provisions of the
4 Illinois Administrative Procedure Act.

5 (Source: P.A. 98-1135, eff. 7-1-16.)

6 (765 ILCS 615/70)

7 (This Section may contain text from a Public Act with a
8 delayed effective date)

9 (Section scheduled to be repealed on July 1, 2021)

10 Sec. 70. Repeal. This Act is repealed on July 1, 2022 ~~2021~~.

11 (Source: P.A. 98-1135, eff. 7-1-16.)

12 (765 ILCS 615/999)

13 (This Section may contain text from a Public Act with a
14 delayed effective date)

15 (Section scheduled to be repealed on July 1, 2021)

16 Sec. 999. Effective date. This Act takes effect January 1,
17 2017 ~~July 1, 2016~~.

18 (Source: P.A. 98-1135, eff. 7-1-16.)

19 (765 ILCS 615/55 rep.)

20 Section 25. The Condominium and Common Interest Community
21 Ombudsperson Act is amended by repealing Section 55.

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.