



Rep. Elaine Nekritz

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09900HB4658ham001

LRB099 18521 HEP 47005 a

1 AMENDMENT TO HOUSE BILL 4658

2 AMENDMENT NO. _____. Amend House Bill 4658 by replacing
3 everything after the enacting clause with the following:

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

1 records received by the Experimental Organ Transplantation
2 Procedures Board and any and all documents or other records
3 prepared by the Experimental Organ Transplantation
4 Procedures Board or its staff relating to applications it
5 has received.

6 (d) Information and records held by the Department of
7 Public Health and its authorized representatives relating
8 to known or suspected cases of sexually transmissible
9 disease or any information the disclosure of which is
10 restricted under the Illinois Sexually Transmissible
11 Disease Control Act.

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

14 (f) Firm performance evaluations under Section 55 of
15 the Architectural, Engineering, and Land Surveying
16 Qualifications Based Selection Act.

17 (g) Information the disclosure of which is restricted
18 and exempted under Section 50 of the Illinois Prepaid
19 Tuition Act.

20 (h) Information the disclosure of which is exempted
21 under the State Officials and Employees Ethics Act, and
22 records of any lawfully created State or local inspector
23 general's office that would be exempt if created or
24 obtained by an Executive Inspector General's office under
25 that Act.

26 (i) Information contained in a local emergency energy

1 plan submitted to a municipality in accordance with a local
2 emergency energy plan ordinance that is adopted under
3 Section 11-21.5-5 of the Illinois Municipal Code.

4 (j) Information and data concerning the distribution
5 of surcharge moneys collected and remitted by wireless
6 carriers under the Wireless Emergency Telephone Safety
7 Act.

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

12 (l) Records and information provided to a residential
13 health care facility resident sexual assault and death
14 review team or the Executive Council under the Abuse
15 Prevention Review Team Act.

16 (m) Information provided to the predatory lending
17 database created pursuant to Article 3 of the Residential
18 Real Property Disclosure Act, except to the extent
19 authorized under that Article.

20 (n) Defense budgets and petitions for certification of
21 compensation and expenses for court appointed trial
22 counsel as provided under Sections 10 and 15 of the Capital
23 Crimes Litigation Act. This subsection (n) shall apply
24 until the conclusion of the trial of the case, even if the
25 prosecution chooses not to pursue the death penalty prior
26 to trial or sentencing.

1 (o) Information that is prohibited from being
2 disclosed under Section 4 of the Illinois Health and
3 Hazardous Substances Registry Act.

4 (p) Security portions of system safety program plans,
5 investigation reports, surveys, schedules, lists, data, or
6 information compiled, collected, or prepared by or for the
7 Regional Transportation Authority under Section 2.11 of
8 the Regional Transportation Authority Act or the St. Clair
9 County Transit District under the Bi-State Transit Safety
10 Act.

11 (q) Information prohibited from being disclosed by the
12 Personnel Records Review Act.

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

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

17 (t) All identified or deidentified health information
18 in the form of health data or medical records contained in,
19 stored in, submitted to, transferred by, or released from
20 the Illinois Health Information Exchange, and identified
21 or deidentified health information in the form of health
22 data and medical records of the Illinois Health Information
23 Exchange in the possession of the Illinois Health
24 Information Exchange Authority due to its administration
25 of the Illinois Health Information Exchange. The terms
26 "identified" and "deidentified" shall be given the same

1 meaning as in the Health Insurance Portability and
2 Accountability ~~and Portability~~ Act of 1996, Public Law
3 104-191, or any subsequent amendments thereto, and any
4 regulations promulgated thereunder.

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

7 (v) Names and information of people who have applied
8 for or received Firearm Owner's Identification Cards under
9 the Firearm Owners Identification Card Act or applied for
10 or received a concealed carry license under the Firearm
11 Concealed Carry Act, unless otherwise authorized by the
12 Firearm Concealed Carry Act; and databases under the
13 Firearm Concealed Carry Act, records of the Concealed Carry
14 Licensing Review Board under the Firearm Concealed Carry
15 Act, and law enforcement agency objections under the
16 Firearm Concealed Carry Act.

17 (w) Personally identifiable information which is
18 exempted from disclosure under subsection (g) of Section
19 19.1 of the Toll Highway Act.

20 (x) Information which is exempted from disclosure
21 under Section 5-1014.3 of the Counties Code or Section
22 8-11-21 of the Illinois Municipal Code.

23 (y) Confidential information under the Adult
24 Protective Services Act and its predecessor enabling
25 statute, the Elder Abuse and Neglect Act, including
26 information about the identity and administrative finding

1 against any caregiver of a verified and substantiated
2 decision of abuse, neglect, or financial exploitation of an
3 eligible adult maintained in the Registry established
4 under Section 7.5 of the Adult Protective Services Act.

5 (z) Records and information provided to a fatality
6 review team or the Illinois Fatality Review Team Advisory
7 Council under Section 15 of the Adult Protective Services
8 Act.

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

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

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

16 (dd) Information that is prohibited from being
17 disclosed under Section 45 of the Condominium and Common
18 Interest Community Ombudsperson Act.

19 (Source: P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756,
20 eff. 7-16-14; 98-1039, eff. 8-25-14; 98-1045, eff. 8-25-14;
21 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352, eff. 1-1-16;
22 revised 10-14-15.)

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

1 (765 ILCS 160/1-90)

2 (This Section may contain text from a Public Act with a
3 delayed effective date)

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

5 Sec. 1-90. Compliance with the Condominium and Common
6 Interest Community Ombudsperson Act. Every common interest
7 community association, except for those exempt from this Act
8 under Section 1-75, must comply with the Condominium and
9 Community Interest Community Ombudsperson Act and is subject to
10 all provisions of the Condominium and Community Interest
11 Community Ombudsperson Act. This Section is repealed July 1,
12 2022 ~~2021~~.

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

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

16 (765 ILCS 605/35)

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

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

20 Sec. 35. Compliance with the Condominium and Common
21 Interest Community Ombudsperson Act. Every unit owners'
22 association must comply with the Condominium and Common
23 Interest Community Ombudsperson Act and is subject to all
24 provisions of the Condominium and Common Interest Community

1 Ombudsperson Act. This Section is repealed July 1, 2022 ~~2021~~.

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

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

7 (765 ILCS 615/Act title)

8 An Act concerning condominium and common interest
9 community property.

10 (765 ILCS 615/15)

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

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

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

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

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

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

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

22 "Common interest community" means a property governed by
23 the Common Interest Community Association Act.

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

4 "Condominium" means a property governed by the Condominium
5 Property Act.

6 "Condominium association" means ~~an association in which~~
7 ~~membership is a condition of ownership or shareholder interest~~
8 ~~of a unit in a condominium, cooperative, townhouse, villa, or~~
9 ~~other residential unit which is part of a residential~~
10 ~~development plan and that is authorized to impose an~~
11 ~~assessment, rents, or other costs that may become a lien on the~~
12 ~~unit or lot, and includes~~ a unit owners' association as defined
13 in subsection (o) of Section 2 of the Condominium Property Act
14 or ~~and~~ a master association as defined in subsection (u) of
15 Section 2 of the Condominium Property Act.

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

17 (1) Section 1-5 of the Common Interest Community
18 Association Act; or

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

20 "Department" means the Department of Financial and
21 Professional Regulation.

22 "Director" means the Director of the Division of Real
23 Estate Professional Regulation.

24 "Division" means the Division of Real Estate ~~Professional~~
25 ~~Regulation~~ within the Department of Financial and Professional
26 Regulation.

1 "Office" means the Office of the Condominium and Common
2 Interest Community Ombudsperson established under Section 20
3 of this Act.

4 "Ombudsperson" means the Condominium and Common Interest
5 Community Ombudsperson named ~~employed~~ under Section 20 of this
6 Act.

7 "Person" includes a natural person, firm, association,
8 organization, partnership, business trust, corporation,
9 limited liability company, or public entity.

10 "Secretary" means the Secretary of the Department of
11 Financial and Professional Regulation.

12 "Unit" means a part of the condominium property or common
13 interest community property designed and intended for any type
14 of independent use.

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

16 (1) subsection (g) of Section 2 of the Condominium
17 Property Act; or

18 (2) Section 1-5 of the Common Interest Community
19 Association Act.

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

21 (765 ILCS 615/20)

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. 20. Office of the Condominium and Common Interest

1 Community Ombudsperson.

2 (a) There is created in the Division of Real Estate
3 ~~Professional Regulation~~ within the Department of Financial and
4 Professional Regulation, under the supervision and control of
5 the Secretary, the Office of the Condominium and Common
6 Interest Community Ombudsperson.

7 (b) The Department shall name ~~employ~~ an Ombudsperson and
8 other persons as necessary to discharge the requirements of
9 this Act. The Ombudsperson shall have the powers delegated to
10 him or her by the Department, in addition to the powers set
11 forth in this Act.

12 (c) Neither the Ombudsperson nor the Department shall have
13 any authority to consider matters that may constitute grounds
14 for charges or complaints under the Illinois Human Rights Act
15 or that are properly brought before the Department of Human
16 Rights or the Illinois Human Rights Commission.

17 (d) ~~(e)~~ Information and advice provided by the Ombudsperson
18 has no binding legal effect and is not subject to the
19 ~~rulemaking~~ provisions of the Illinois Administrative Procedure
20 Act.

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

22 (765 ILCS 615/25)

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

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

1 Sec. 25. Training and education. On or before July 1, 2017
2 ~~2018~~, the Ombudsperson shall offer training, outreach, and
3 educational materials, and may arrange for the offering of
4 courses to unit owners, associations, boards of managers, and
5 boards of directors in subjects relevant to: (i) the operation
6 and management of condominiums and common interest
7 communities; and (ii) the Condominium Property Act and the
8 Common Interest Community Association Act.

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

10 (765 ILCS 615/30)

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

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

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

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

17 (1) the text of this Act, the Condominium Property Act,
18 the Common ~~Community~~ Interest Community Association Act,
19 and any other statute, administrative rule, or regulation
20 that the Ombudsperson determines is relevant to the
21 operation and management of a condominium association or
22 common interest community association;

23 (2) information concerning non-judicial ~~nonjudicial~~
24 resolution of disputes that may arise within a condominium
25 or common interest community, including, but not limited

1 to, alternative dispute resolution programs and contacts
2 for locally-available dispute resolution programs;

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

6 (4) any other information that the Ombudsperson
7 determines is useful to unit owners, associations, boards
8 of managers, and boards of directors.

9 (b) The Office may make available during regular business
10 hours a statewide toll-free telephone number to provide
11 information and resources on matters relating to condominium
12 property and common interest community property ~~The Office~~
13 ~~shall make the information described in subsection (a) of this~~
14 ~~Section available in printed form.~~

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

16 (765 ILCS 615/35)

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

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

20 Sec. 35. Written policy for resolving complaints.

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

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

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

5 (3) the association's timeline and manner of making
6 final determinations in response to a unit owner's
7 complaint; and

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

10 (i) made in writing;

11 (ii) made within 180 days ~~a reasonable time~~ after
12 the association received the unit owner's original
13 complaint; and

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

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

18 (c) No later than January 1, 2019 ~~180 days after the~~
19 ~~effective date of this Act,~~ associations ~~existing on the~~
20 ~~effective date of this Act,~~ except for those identified in
21 subsection (b) of this Section, must establish and adopt the
22 policy required under this Section.

23 (d) Associations first created after January 1, 2019 ~~the~~
24 ~~effective date of this Act,~~ except for those identified in
25 subsection (b) of this Section, must establish and adopt the
26 policy required under this Section within 180 days following

1 ~~creation of the association at the time of initial registration~~
2 ~~as required by Section 65 of this Act.~~

3 (e) A unit owner may not bring a request for assistance
4 under Section 40 of this Act for an association's lack of or
5 inadequacy of a written policy to resolve complaints, but may
6 notify the Department in writing of the association's lack of
7 or inadequacy of a written policy. ~~An association that fails to~~
8 ~~comply with this Section is subject to subsection (g) of~~
9 ~~Section 65 of this Act.~~

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

11 (765 ILCS 615/40)

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

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

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

16 (a) Beginning on July 1, 2020, and subject to appropriation
17 ~~2019~~, unit owners meeting the requirements of this Section may
18 make a written request, as outlined in subsection (f) of this
19 Section, to the Ombudsperson for assistance in resolving a
20 dispute between a unit owner and an association that involves a
21 violation of the Condominium Property Act or the Common
22 Interest Community Association ~~Property~~ Act.

23 (b) The Ombudsperson shall not accept requests for
24 resolutions of disputes with community association managers,
25 supervising community association managers, or community

1 association management firms, as defined in the Community
2 Association Manager Licensing and Disciplinary Act.

3 (c) The Ombudsperson shall not accept requests for
4 resolutions of disputes for which there is a pending complaint
5 filed in any court or administrative tribunal in any
6 jurisdiction or for which arbitration or alternative dispute
7 resolution is scheduled to occur or has previously occurred.

8 (d) The assistance described in subsection (a) of this
9 Section is available only to unit owners. In order for a unit
10 owner to receive the assistance from the Ombudsperson described
11 in subsection (a) of this Section, the unit owner must:

12 (1) owe no outstanding assessments, fees, or funds to
13 the association, unless the assessments, fees, or funds are
14 central to the dispute;

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

18 (3) have made a written complaint pursuant to the unit
19 owner's association's complaint policy, as outlined in
20 Section 35, which alleged ~~alleges~~ violations of the
21 Condominium Property Act or the Common Interest Community
22 Association Act;

23 (4) have received a final and adverse decision from the
24 association and attach a copy of the association's final
25 adverse decision marked "final" to the request to the
26 Ombudsperson; and

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

3 (e) A unit owner who has not received a response, marked
4 "final", to his or her complaint from the association within a
5 reasonable time may request assistance from the Ombudsperson
6 pursuant to subsection (a) of this Section if the unit owner
7 meets the requirements of items (1), (2), and (3) of subsection
8 (d) of this Section. A unit owner may not request assistance
9 from the Ombudsperson until at least 90 days after the initial
10 written complaint was submitted to the association. The
11 Ombudsperson may decline a unit owner's request for assistance
12 on the basis that a reasonable time has not yet passed.

13 (f) The request for assistance shall be in writing, on
14 forms provided electronically by the Office, and include the
15 following:

16 (1) the name, address, and contact information of the
17 unit owner;

18 (2) the name, address, and contact information of the
19 association;

20 (3) the applicable association governing documents
21 unless the absence of governing documents is central to the
22 dispute;

23 (4) the date of the final adverse decision by the
24 association;

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

1 (6) a copy of the unit owner's complaint to the
2 association with a specific reference to the alleged
3 violations of the Condominium Property Act or the Common
4 Interest Community Association Act;

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

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

10 (g) On receipt of a unit owner's request for assistance
11 that the Department determines meets the requirements of this
12 Section, the Ombudsperson shall, within the limits of the
13 available resources, confer with the interested parties and
14 assist in efforts to resolve the dispute by mutual agreement of
15 the parties.

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

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

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

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

1 (1) (Blank) ~~A request under the Freedom of Information Act~~
2 ~~for information does not constitute a request for assistance~~
3 ~~under this Section.~~

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

5 (765 ILCS 615/45)

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

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

9 Sec. 45. Confidentiality.

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

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

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

1 (765 ILCS 615/50)

2 (This Section may contain text from a Public Act with a
3 delayed effective date)

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

5 Sec. 50. Reports.

6 (a) The Department shall submit an annual written report on
7 the activities of the Office to the General Assembly. The
8 Department shall submit the first report no later than July 1,
9 2018. Beginning in 2019, the Department shall submit the
10 report, no later than October 1 of each year, ~~with the initial~~
11 ~~report being due October 1, 2020.~~ The report shall include all
12 of the following:

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

22 (2) where relevant information is available, analysis
23 of the most common and serious types of concerns ~~disputes~~
24 within condominiums and common interest communities, along
25 with any recommendations for statutory reform to reduce the
26 frequency or severity of those disputes.

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

2 (765 ILCS 615/60)

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

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

6 Sec. 60. Rules. The Department may, from time to time,
7 adopt such rules as are necessary for the administration and
8 enforcement of any provision of this Act. Any rule adopted
9 under this Act is subject to the rulemaking provisions of the
10 Illinois Administrative Procedure Act.

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

12 (765 ILCS 615/70)

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

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

18 (765 ILCS 615/999)

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. 999. Effective date. This Act takes effect January 1,
23 2017 ~~July 1, 2016~~.

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

2 (765 ILCS 615/55 rep.)

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

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.".