

HB2627



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2627

by Rep. Laura Fine

SYNOPSIS AS INTRODUCED:

765 ILCS 605/19

from Ch. 30, par. 319

Amends the Condominium Property Act. Deletes language providing that: specified records may be inspected only for a proper purpose; and in an action to compel examination of specified records, the burden of proof is upon the member to establish that the member's request is based on a proper purpose.

LRB100 08655 HEP 18790 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 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;

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

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

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

12 (9) the books and records of account for the
13 association's current and 10 immediately preceding fiscal
14 years, including but not limited to itemized and detailed
15 records of all receipts and expenditures.

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

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

6 (c) (Blank).

7 (d) (Blank).

8 (e) Except as otherwise provided in subsection (g) of this
9 Section, any member of an association shall have the right to
10 inspect, examine, and make copies of the records described in
11 subdivisions (6), (7), (8), and (9) of subsection (a) of this
12 Section, in person or by agent, at any reasonable time or times
13 ~~but only for a proper purpose~~, at the association's principal
14 office. In order to exercise this right, a member must submit a
15 written request, to the association's board of managers or its
16 authorized agent, stating with particularity the records
17 sought to be examined ~~and a proper purpose for the request~~.
18 Subject to the provisions of subsection (g) of this Section,
19 failure of an association's board of managers to make available
20 all records so requested within 30 business days of receipt of
21 the member's written request shall be deemed a denial;
22 provided, however, that the board of managers of an association
23 that has adopted a secret ballot election process as provided
24 in Section 18 of this Act shall not be deemed to have denied a
25 member's request for records described in subdivision (8) of
26 subsection (a) of this Section if voting ballots, without

1 identifying unit numbers, are made available to the requesting
2 member within 30 days of receipt of the member's written
3 request.

4 ~~In an action to compel examination of records described in~~
5 ~~subdivisions (6), (7), (8), and (9) of subsection (a) of this~~
6 ~~Section, the burden of proof is upon the member to establish~~
7 ~~that the member's request is based on a proper purpose.~~ Any
8 member who prevails in an enforcement action to compel
9 examination of records described in subdivisions (6), (7), (8),
10 and (9) of subsection (a) of this Section shall be entitled to
11 recover reasonable attorney's fees and costs from the
12 association only if the court finds that the board of directors
13 acted in bad faith in denying the member's request.

14 (f) The actual cost to the association of retrieving and
15 making requested records available for inspection and
16 examination under this Section shall be charged by the
17 association to the requesting member. If a member requests
18 copies of records requested under this Section, the actual
19 costs to the association of reproducing the records shall also
20 be charged by the association to the requesting member.

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

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

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

4 (3) documents relating to actions threatened against,
5 or likely to be asserted on behalf of, the association or
6 its board of managers in a court or administrative
7 tribunal;

8 (4) documents relating to common expenses or other
9 charges owed by a member other than the requesting member;
10 and

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

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

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