

AN ACT concerning civil law.

**Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:**

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

(5 ILCS 140/7.5)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(v) Names and information of people who have applied

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

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

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

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

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

Act.

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

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

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

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

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

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

(765 ILCS 160/1-90)

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

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

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

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

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

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

(765 ILCS 605/35)

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

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

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

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

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

(765 ILCS 615/Act title)

An Act concerning condominium and common interest community property.

(765 ILCS 615/15)

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

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

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

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

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

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

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

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

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

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

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



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

"Declaration" has the meaning ascribed to it in:

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

(2) Section 2 of the Condominium Property Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

(765 ILCS 615/20)

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

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

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

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

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

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

(c) Neither the Ombudsperson nor the Department shall have any authority to consider matters that may constitute grounds for charges or complaints under the Illinois Human Rights Act or that are properly brought before the Department of Human Rights or the Illinois Human Rights Commission, before a comparable department or body established by a county, municipality, or township pursuant to an ordinance prohibiting discrimination and established for the purpose of investigating and adjudicating charges or complaints of discrimination under the ordinance, or before a federal agency or commission that administers and enforces federal anti-discrimination laws and investigates and adjudicates charges or complaints of discrimination under such laws.

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

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

(765 ILCS 615/25)

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

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

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

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

(765 ILCS 615/30)

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

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

Sec. 30. Website; toll-free number.

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

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

(2) information concerning non-judicial ~~nonjudicial~~  
resolution of disputes that may arise within a condominium

or common interest community, including, but not limited to, alternative dispute resolution programs and contacts for locally-available dispute resolution programs;

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

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

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

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

(765 ILCS 615/35)

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

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

Sec. 35. Written policy for resolving complaints.

(a) Each association, except for those outlined in subsection ~~Section~~ (b) of this Section, shall adopt a written policy for resolving complaints made by unit owners. The association shall make the policy available to all unit owners

upon request. The policy must include:

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

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

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

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

(i) made in writing;

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

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

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

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

(d) Associations first created after January 1, 2019 ~~the effective date of this Act~~, except for those identified in subsection (b) of this Section, must establish and adopt the

policy required under this Section within 180 days following creation of the association ~~at the time of initial registration as required by Section 65 of this Act.~~

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

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

(765 ILCS 615/40)

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

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

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

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

(b) The Ombudsperson shall not accept requests for resolutions of disputes with community association managers,

supervising community association managers, or community association management firms, as defined in the Community Association Manager Licensing and Disciplinary Act.

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

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

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

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

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

(4) have received a final and adverse decision from the association and attach a copy of the association's final adverse decision marked "final" to the request to the



Ombudsperson; and

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

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

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

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

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

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

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

(5) a copy of the association's written complaint

policy required under Section 35 of this Act;

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

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

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

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

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

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

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

(k) The Department shall, on or before July 1, 2020, establish rules describing the time limit, method, and manner

for dispute resolution.

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

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

(765 ILCS 615/45)

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

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

Sec. 45. Confidentiality.

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

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

(c) The confidentiality provisions of this Section do not

extend to educational, training, and outreach material, statistical data, or operational information maintained by the Department in administering this Act.

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

(765 ILCS 615/50)

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

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

Sec. 50. Reports.

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

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

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

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

(765 ILCS 615/60)

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

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

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

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

(765 ILCS 615/70)

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

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

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

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

(765 ILCS 615/999)

Public Act 099-0776

HB4658 Enrolled

LRB099 18521 HEP 42900 b

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

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

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

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

(765 ILCS 615/55 rep.)

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

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