



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5495

Introduced 2/13/2026, by Rep. Margaret A. DeLaRosa

SYNOPSIS AS INTRODUCED:

765 ILCS 160/1-30

765 ILCS 605/19

from Ch. 30, par. 319

765 ILCS 615/20

765 ILCS 615/40

765 ILCS 615/41 new

Amends the Common Interest Community Association Act. Provides that financial records of the association for the last 7 years must be made available to unit owners upon request. Provides that financial records include, but are not limited to, the income statement, balance sheet, check register, current budget with monthly variation, detailed records of receipts and expenditures affecting the operation and administration of the association, reserve account details, tax returns and other appropriate accounting records. Amends the Condominium and Common Interest Community Ombudsperson Act. Provides that if the Ombudsperson is unable to resolve the complaint through the dispute resolution process, the Ombudsperson may investigate the complaint. Provides that the Department of Financial and Professional Regulation must examine the issues and the records, make findings of fact and conclusions of law, and issue to the parties a written determination in response to the complaint. Provides that the determination is binding on both the parties, subject to administrative review. Provides that the respondent must comply with the requirements of a written determination from the Department within 7 days after the notice of violation is received. Provides that if a respondent fails to comply with the requirements of a notice of violation within the required time period, and the Department has not received written notice of the respondent's request for an administrative hearing, the Department may impose a penalty, up to a maximum of \$5,000 per violation per day, for each day that a violation remains uncorrected. Amends the Condominium Property Act to make some conforming changes.

LRB104 19591 JRC 33039 b

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 Common Interest Community Association Act
5 is amended by changing Section 1-30 as follows:

6 (765 ILCS 160/1-30)

7 Sec. 1-30. Board duties and obligations; records.

8 (a) The board shall meet at least 4 times annually.

9 (b) A common interest community association may not enter
10 into a contract with a current board member, or with a
11 corporation, limited liability company, or partnership in
12 which a board member or a member of his or her immediate family
13 has 25% or more interest, unless notice of intent to enter into
14 the contract is given to members within 20 days after a
15 decision is made to enter into the contract and the members are
16 afforded an opportunity by filing a petition, signed by 20% of
17 the membership, for an election to approve or disapprove the
18 contract; such petition shall be filed within 20 days after
19 such notice and such election shall be held within 30 days
20 after filing the petition. For purposes of this subsection, a
21 board member's immediate family means the board member's
22 spouse, parents, siblings, and children.

23 (c) The bylaws or operating agreement shall provide for

1 the maintenance, repair, and replacement of the common areas
2 and payments therefor, including the method of approving
3 payment vouchers.

4 (d) (Blank).

5 (e) The association may engage the services of a manager
6 or management company.

7 (f) The association shall have one class of membership
8 unless the declaration, bylaws, or operating agreement provide
9 otherwise; however, this subsection (f) shall not be construed
10 to limit the operation of subsection (c) of Section 1-20 of
11 this Act.

12 (g) The board shall have the power, after notice and an
13 opportunity to be heard, to levy and collect reasonable fines
14 from members or unit owners for violations of the declaration,
15 bylaws, operating agreement, and rules and regulations of the
16 common interest community association.

17 (h) Other than attorney's fees and court or arbitration
18 costs, no fees pertaining to the collection of a member's or
19 unit owner's financial obligation to the association,
20 including fees charged by a manager or managing agent, shall
21 be added to and deemed a part of a member's or unit owner's
22 respective share of the common expenses unless: (i) the
23 managing agent fees relate to the costs to collect common
24 expenses for the association; (ii) the fees are set forth in a
25 contract between the managing agent and the association; and
26 (iii) the authority to add the management fees to a member's or

1 unit owner's respective share of the common expenses is
2 specifically stated in the declaration, bylaws, or operating
3 agreement of the association.

4 (i) Board records.

5 (1) The board shall maintain the following records of
6 the association and make them available for examination
7 and copying at convenient hours of weekdays by any current
8 or prospective member or unit owner in a common interest
9 community subject to the authority of the board, their
10 mortgagees, and their duly authorized agents or attorneys:

11 (i) Copies of the recorded declaration, other
12 community instruments, other duly recorded covenants
13 and bylaws and any amendments, articles of
14 incorporation, articles of organization, annual
15 reports, and any rules and regulations adopted by the
16 board shall be available. Prior to the organization of
17 the board, the developer shall maintain and make
18 available the records set forth in this paragraph (i)
19 for examination and copying.

20 (ii) All financial records for the last 7 years.
21 Financial records include, but are not limited to, the
22 income statement, balance sheet, check register,
23 current budget with monthly variation, detailed
24 records of receipts and expenditures affecting the
25 operation and administration of the association,
26 reserve account details, tax returns and other

1 appropriate accounting records. ~~Detailed and accurate~~
2 ~~records in chronological order of the receipts and~~
3 ~~expenditures affecting the common areas, specifying~~
4 ~~and itemizing the maintenance and repair expenses of~~
5 ~~the common areas and any other expenses incurred, and~~
6 ~~copies of all contracts, leases, or other agreements~~
7 ~~entered into by the board shall be maintained.~~

8 (iii) The minutes of all meetings of the board
9 which shall be maintained for not less than 7 years.

10 (iv) With a written statement of a proper purpose,
11 ballots and proxies related thereto, if any, for any
12 election held for the board and for any other matters
13 voted on by the members, which shall be maintained for
14 not less than one year.

15 (v) With a written statement of a proper purpose,
16 such other records of the board as are available for
17 inspection by members of a not-for-profit corporation
18 pursuant to Section 107.75 of the General Not For
19 Profit Corporation Act of 1986 shall be maintained.

20 (vi) With respect to units owned by a land trust, a
21 living trust, or other legal entity, the trustee,
22 officer, or manager of the entity may designate, in
23 writing, a person to cast votes on behalf of the member
24 or unit owner and a designation shall remain in effect
25 until a subsequent document is filed with the
26 association.

1 (vii) Any reserve study.

2 (2) Where a request for records under this subsection
3 is made in writing to the board or its agent, failure to
4 provide the requested record or to respond within 30 days
5 shall be deemed a denial by the board.

6 (3) A reasonable fee may be charged by the board for
7 the cost of retrieving and copying records properly
8 requested.

9 (4) If the board fails to provide records properly
10 requested under paragraph (1) of this subsection (i)
11 within the time period provided in that paragraph (1), the
12 member may seek appropriate relief and shall be entitled
13 to an award of reasonable attorney's fees and costs if the
14 member prevails and the court finds that such failure is
15 due to the acts or omissions of the board of managers or
16 the board of directors.

17 (j) The board shall have standing and capacity to act in a
18 representative capacity in relation to matters involving the
19 common areas or more than one unit, on behalf of the members or
20 unit owners as their interests may appear.

21 (k) The board may contract with the highway commissioner
22 of a road district in which the association is located, if the
23 association comprises 50% of the population or greater of the
24 township or road district, to furnish materials related to the
25 maintenance or repair of roads. Any such purchases shall be
26 included in the board's finance report as outlined in Section

1 1-45.

2 (Source: P.A. 102-921, eff. 5-27-22; 103-486, eff. 1-1-24.)

3 Section 10. The Condominium Property Act is amended by
4 changing Section 19 as follows:

5 (765 ILCS 605/19) (from Ch. 30, par. 319)

6 Sec. 19. Records of the association; availability for
7 examination.

8 (a) The board of managers of every association shall keep
9 and maintain the following records, or true and complete
10 copies of these records, at the association's principal
11 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

1 in effect to which the association is a party or under
2 which the association or the unit owners have obligations
3 or liabilities;

4 (7) a current listing of the names, addresses, email
5 addresses, telephone numbers, and weighted vote of all
6 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;

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

16 (10) any reserve study.

17 (b) Any current or prospective member of an association
18 shall have the right to inspect, examine, and make copies of
19 the records described in subdivisions (1), (2), (3), (4), (5),
20 (6), (9), and (10) of subsection (a) of this Section, in person
21 or by agent, at any reasonable time or times, at the
22 association's principal office. In order to exercise this
23 right, a member must submit a written request to the
24 association's board of managers or its authorized agent,
25 stating with particularity the records sought to be examined.
26 Failure of an association's board of managers to make

1 available all records so requested within 10 business days of
2 receipt of the member's written request shall be deemed a
3 denial.

4 Any member who prevails in an enforcement action to compel
5 examination of records described in subdivisions (1), (2),
6 (3), (4), (5), (6), (9), and (10) of subsection (a) of this
7 Section shall be entitled to recover reasonable attorney's
8 fees and costs from the association.

9 (c) (Blank).

10 (d) (Blank).

11 (d-5) As used in this Section, "commercial purpose" means
12 the use of any part of a record or records described in
13 subdivisions (7) and (8) of subsection (a) of this Section, or
14 information derived from such records, in any form for sale,
15 resale, or solicitation or advertisement for sales or
16 services.

17 (e) Except as otherwise provided in subsection (g) of this
18 Section, any member of an association shall have the right to
19 inspect, examine, and make copies of the records described in
20 subdivisions (7) and (8) of subsection (a) of this Section, in
21 person or by agent, at any reasonable time or times but only
22 for a purpose that relates to the association, at the
23 association's principal office. In order to exercise this
24 right, a member must submit a written request, to the
25 association's board of managers or its authorized agent,
26 stating with particularity the records sought to be examined.

1 As a condition for exercising this right, the board of
2 managers or authorized agent of the association may require
3 the member to certify in writing that the information
4 contained in the records obtained by the member will not be
5 used by the member for any commercial purpose or for any
6 purpose that does not relate to the association. The board of
7 managers of the association may impose a fine in accordance
8 with item (1) of Section 18.4 upon any person who makes a false
9 certification. Subject to the provisions of subsection (g) of
10 this Section, failure of an association's board of managers to
11 make available all records so requested within 10 business
12 days of receipt of the member's written request shall be
13 deemed a denial; provided, however, that the board of managers
14 of an association that has adopted a secret ballot election
15 process as provided in Section 18 of this Act shall not be
16 deemed to have denied a member's request for records described
17 in subdivision (8) of subsection (a) of this Section if voting
18 ballots, without identifying unit numbers, are made available
19 to the requesting member within 10 business days of receipt of
20 the member's written request.

21 Any member who prevails in an enforcement action to compel
22 examination of records described in subdivision (7) or (8) of
23 subsection (a) of this Section shall be entitled to recover
24 reasonable attorney's fees and costs from the association only
25 if the court finds that the board of directors acted in bad
26 faith in denying the member's request.

1 (f) The actual cost to the association of retrieving and
2 making requested records available for inspection and
3 examination under this Section may be charged by the
4 association to the requesting member. If a member requests
5 copies of records requested under this Section, the actual
6 costs to the association of reproducing the records may also
7 be charged by the association to the requesting member.

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

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

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

17 (3) documents relating to actions threatened against,
18 or likely to be asserted on behalf of, the association or
19 its board of managers in a court or administrative
20 tribunal;

21 (4) documents relating to common expenses or other
22 charges owed by a member other than the requesting member;
23 and

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

1 (h) The provisions of this Section are applicable to all
2 condominium instruments recorded under this Act. Any portion
3 of a condominium instrument that contains provisions contrary
4 to these provisions shall be void as against public policy and
5 ineffective. Any condominium instrument that fails to contain
6 the provisions required by this Section shall be deemed to
7 incorporate the provisions by operation of law.

8 (Source: P.A. 102-921, eff. 5-27-22.)

9 Section 15. The Condominium and Common Interest Community
10 Ombudsperson Act is amended by changing Sections 20 and 40 and
11 by adding Section 41 as follows:

12 (765 ILCS 615/20)

13 (Section scheduled to be repealed on January 1, 2029)

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

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

20 (b) The Department shall name an Ombudsperson and other
21 persons as necessary to discharge the requirements of this
22 Act. The Ombudsperson shall have the powers delegated to him
23 or her by the Department, in addition to the powers set forth
24 in this Act.

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

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

17 (Source: P.A. 98-1135, eff. 1-1-17 (See Section 20 of P.A.
18 99-776 for effective date of P.A. 98-1135); 99-776, eff.
19 8-12-16.)

20 (765 ILCS 615/40)

21 (Section scheduled to be repealed on January 1, 2029)

22 Sec. 40. Dispute resolution.

23 (a) Beginning on July 1, 2020, and subject to
24 appropriation, unit owners meeting the requirements of this
25 Section may make a written request, as outlined in subsection

1 (f) of this Section, to the Ombudsperson for assistance in
2 resolving a dispute between a unit owner and an association
3 that involves a violation of the Condominium Property Act or
4 the Common Interest Community Association Act.

5 (b) The Ombudsperson shall not accept requests for
6 resolutions of disputes with community association managers,
7 supervising community association managers, or community
8 association management firms, as defined in the Community
9 Association Manager Licensing and Disciplinary Act.

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

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

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

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

26 (3) have made a written complaint pursuant to the unit

1 owner's association's complaint policy, as outlined in
2 Section 35, which alleged violations of the Condominium
3 Property Act or the Common Interest Community Association
4 Act;

5 (4) have received a final and adverse decision from
6 the association and attach a copy of the association's
7 final adverse decision marked "final" to the request to
8 the Ombudsperson; and

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

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

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

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

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

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

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

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

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

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

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

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

25 (h) (Blank). ~~The Ombudsperson shall assist only opposing~~
26 ~~parties who mutually agree to participate in dispute~~

1 ~~resolution.~~

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

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

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

11 (l) (Blank).

12 (Source: P.A. 98-1135, eff. 1-1-17 (See Section 20 of P.A.
13 99-776 for effective date of P.A. 98-1135); 99-776, eff.
14 8-12-16.)

15 (765 ILCS 615/41 new)

16 Sec. 41. Ombudsperson investigation.

17 (a) If the Ombudsperson is unable to resolve the complaint
18 through the dispute resolution process, the Ombudsperson may
19 investigate the complaint. Complainants and respondents must
20 cooperate with the Ombudsperson in the course of the dispute
21 resolution and investigation. Failure to cooperate with the
22 Ombudsperson is a violation of this Act. If a party fails to
23 furnish specified records under this Section, or if otherwise
24 necessary, the Department may issue a subpoena to the party.
25 The Department must examine the issues and the records, make

1 findings of fact and conclusions of law, and issue to the
2 parties a written determination in response to the complaint.
3 The determination is binding on both the parties subject to
4 administrative review.

5 (b) If the Department finds by written determination that
6 a violation of this Act has occurred, the Department must
7 include in the written determination the action required to
8 cure the violation, the time within which that action must be
9 taken, the penalties that will be imposed if that action is not
10 taken within the specified time period, and the ability to
11 contest the determination by means of an administrative
12 hearing. If the respondent requests an administrative hearing,
13 the respondent must provide written notice to the Ombudsperson
14 within 7 business days.

15 (c) If the Department finds by written determination that
16 a violation of this act has not occurred, the Department shall
17 include the basis for the Department's determination and the
18 ability to contest the determination by means of an
19 administrative hearing. If the complainant requests an
20 administrative hearing, the complainant shall provide written
21 notice to the Ombudsperson within 7 business days.

22 (d) The respondent must comply with the requirements of a
23 written determination from the Department within seven days
24 after the notice of violation is received. If a respondent
25 fails to comply with the requirements of a notice of violation
26 within the required time period, and the Department has not

1 received written notice of the respondent's request for an
2 administrative hearing, the Department may impose a penalty,
3 up to a maximum of \$5,000 per violation per day, for each day
4 that a violation remains uncorrected. When determining the
5 amount of the penalty to impose, the Ombudspersons must
6 consider the severity and duration of the violation and the
7 impact of the violation on other residents of the association.
8 If the respondent shows, upon timely application to the
9 Ombudsperson, that a good-faith effort to comply with the
10 requirements of the written determination has been made and
11 that the respondent has not complied because of mitigating
12 factors beyond the respondent's control, the Ombudsperson may
13 delay or dismiss the imposition of the penalty.