



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB4816

by Rep. Sara Feigenholtz

#### SYNOPSIS AS INTRODUCED:

765 ILCS 605/19

from Ch. 30, par. 319

Amends the Condominium Property Act. Provides that the board of managers of an association or any person who obtains information under the Act shall not sell or distribute the names, addresses, email addresses, telephone numbers, and weighted vote of members entitled to vote to any commercial or other entity not related to the condominium association. Provides that the information may be used only for matters related to the condominium association. Effective immediately.

LRB100 16768 HEP 32684 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 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, email  
6 addresses, telephone numbers, and weighted vote of all  
7 members entitled to vote;

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

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

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

1 business days of receipt of the member's written request shall  
2 be deemed a denial.

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

8 (c) (Blank).

9 (d) (Blank).

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

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

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

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

25 (f) The actual cost to the association of retrieving and  
26 making requested records available for inspection and

1 examination under this Section may be charged by the  
2 association to the requesting member. If a member requests  
3 copies of records requested under this Section, the actual  
4 costs to the association of reproducing the records may also be  
5 charged by the association to the requesting member.

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

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

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

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

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

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

25 (g-5) The board of managers of an association or any person  
26 who obtains information under this Act shall not sell or

1 distribute the information collected under paragraph (7) of  
2 subsection (a) to any commercial or other entity not related to  
3 the condominium association. The information collected under  
4 paragraph (7) of subsection (a) may be used only for matters  
5 related to the condominium association.

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

13 (Source: P.A. 100-292, eff. 1-1-18; revised 10-6-17.)

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