



Rep. André Thapedi

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1 AMENDMENT TO SENATE BILL 948

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 948 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Community Association Manager Licensing  
5 and Disciplinary Act is amended by changing Sections 5, 10, 15,  
6 25, 30, 50, 55, 60, 70, 75, 85, 90, 92, 155, and 165 as follows:

7 (225 ILCS 427/5)

8 (Section scheduled to be repealed on January 1, 2020)

9 Sec. 5. Legislative intent. It is the intent of the General  
10 Assembly that this Act provide for the licensing and regulation  
11 of community association managers ~~and community association~~  
12 ~~management firms~~, ensure that those who hold themselves out as  
13 possessing professional qualifications to engage in the  
14 business of community association management are, in fact,  
15 qualified to render management services of a professional  
16 nature, and provide for the maintenance of high standards of

1 professional conduct by those licensed to provide community  
2 association management services.

3 (Source: P.A. 98-365, eff. 1-1-14.)

4 (225 ILCS 427/10)

5 (Section scheduled to be repealed on January 1, 2020)

6 Sec. 10. Definitions. As used in this Act:

7 "Address of record" means the designated address recorded  
8 by the Department in the applicant's or licensee's application  
9 file or license file maintained by the Department's licensure  
10 maintenance unit. It is the duty of the applicant or licensee  
11 to inform the Department of any change of address, and such  
12 changes must be made either through the Department's website or  
13 by contacting the Department's licensure maintenance unit.

14 "Advertise" means, but is not limited to, issuing or  
15 causing to be distributed any card, sign or device to any  
16 person; or causing, permitting or allowing any sign or marking  
17 on or in any building, structure, newspaper, magazine or  
18 directory, or on radio or television; or advertising by any  
19 other means designed to secure public attention.

20 "Board" means the Illinois Community Association Manager  
21 Licensing and Disciplinary Board.

22 "Community association" means an association in which  
23 membership is a condition of ownership or shareholder interest  
24 of a unit in a condominium, cooperative, townhouse, villa, or  
25 other residential unit which is part of a residential

1 development plan and that is authorized to impose an  
2 assessment, rents, or other costs that may become a lien on the  
3 unit or lot.

4 "Community association funds" means any assessments, fees,  
5 fines, or other funds collected by the community association  
6 manager from the community association, or its members, other  
7 than the compensation paid to the community association manager  
8 for performance of community association management services.

9 "Community association management firm" means a company,  
10 corporation, limited liability company, or other entity that  
11 engages in community association management services through a  
12 designated community association manager.

13 "Community association management services" means those  
14 services listed in the definition of community association  
15 manager in this Section.

16 "Community association manager" means an individual who  
17 administers for remuneration the financial, administrative,  
18 maintenance, or other duties for the community association,  
19 including, but not limited to, any of the following services:  
20 (A) collecting, controlling or disbursing funds of the  
21 community association or having the authority to do so; (B)  
22 preparing budgets or other financial documents for the  
23 community association; (C) assisting in the conduct of  
24 community association meetings; (D) maintaining association  
25 records; or ~~and~~ (E) administrating association contracts, as  
26 stated in the declaration, bylaws, proprietary lease,

1 declaration of covenants, or other governing document of the  
2 community association. ~~"Community association manager" does~~  
3 ~~not mean support staff, including, but not limited to~~  
4 ~~bookkeepers, administrative assistants, secretaries, property~~  
5 ~~inspectors, or customer service representatives.~~

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

8 "Designated community association manager" means a  
9 licensed community association manager who has an ownership  
10 interest in or is otherwise employed by a community association  
11 management firm to act as the controlling person and the  
12 authorized signatory for the firm on community association  
13 accounts and to otherwise supervise, manage, and be responsible  
14 for the firm's community association manager activities  
15 pursuant to Section 50 of this Act.

16 "License" means the license issued to a person,  
17 ~~corporation, partnership, limited liability company, or other~~  
18 ~~legal entity~~ under this Act to provide community association  
19 management services.

20 "Person" means an ~~any~~ individual, ~~corporation,~~  
21 ~~partnership, limited liability company, or other legal entity.~~

22 "Secretary" means the Secretary of Financial and  
23 Professional Regulation.

24 ~~"Supervising community association manager" means an~~  
25 ~~individual licensed as a community association manager who~~  
26 ~~manages and supervises a firm.~~

1 (Source: P.A. 98-365, eff. 1-1-14; revised 10-27-16.)

2 (225 ILCS 427/15)

3 (Section scheduled to be repealed on January 1, 2020)

4 Sec. 15. License required. It shall be unlawful for any  
5 person, corporation, partnership, limited liability company,  
6 or other entity to provide community association management  
7 services, provide services as a community association manager,  
8 or hold himself, herself, or itself out as a community  
9 association manager or community association management firm  
10 to any community association in this State, unless he, she, or  
11 it holds a current and valid license issued ~~licensed~~ by the  
12 Department, employs a designated community association manager  
13 with a current and valid license issued by the Department, or  
14 is otherwise exempt from licensure under this Act.

15 (Source: P.A. 98-365, eff. 1-1-14.)

16 (225 ILCS 427/25)

17 (Section scheduled to be repealed on January 1, 2020)

18 Sec. 25. Community Association Manager Licensing and  
19 Disciplinary Board.

20 (a) There is hereby created the Community Association  
21 Manager Licensing and Disciplinary Board, which shall consist  
22 of 7 members appointed by the Secretary. All members must be  
23 residents of the State and must have resided in the State for  
24 at least 5 years immediately preceding the date of appointment.

1 Five members of the Board must be licensees under this Act, ~~at~~  
2 ~~least two members of which shall be supervising community~~  
3 ~~association managers.~~ Two members of the Board shall be owners  
4 of, or hold a shareholder's interest in, a unit in a community  
5 association at the time of appointment who are not licensees  
6 under this Act and have no direct affiliation or work  
7 experience with the community association's community  
8 association manager. This Board shall act in an advisory  
9 capacity to the Department.

10 (b) Board members shall serve for terms of 5 years, except  
11 that, initially, 4 members shall serve for 5 years and 3  
12 members shall serve for 4 years. All members shall serve until  
13 his or her successor is appointed and qualified. All vacancies  
14 shall be filled in like manner for the unexpired term. No  
15 member shall serve for more than 2 successive terms. The  
16 Secretary shall remove from the Board any member whose license  
17 has become void or has been revoked or suspended and may remove  
18 any member of the Board for neglect of duty, misconduct, or  
19 incompetence. A member who is subject to formal disciplinary  
20 proceedings shall disqualify himself or herself from all Board  
21 business until the charge is resolved. A member also shall  
22 disqualify himself or herself from any matter on which the  
23 member cannot act objectively.

24 (c) Four Board members shall constitute a quorum. A quorum  
25 is required for all Board decisions.

26 (d) The Board shall elect annually a chairperson and vice

1 chairperson.

2 (e) Each member shall receive reimbursement as set by the  
3 Governor's Travel Control Board for expenses incurred in  
4 carrying out the duties as a Board member. The Board shall be  
5 compensated as determined by the Secretary.

6 (f) The Board may recommend policies, procedures, and rules  
7 relevant to the administration and enforcement of this Act.

8 (Source: P.A. 98-365, eff. 1-1-14.)

9 (225 ILCS 427/30)

10 (Section scheduled to be repealed on January 1, 2020)

11 Sec. 30. Powers and duties of the Department. The  
12 Department may exercise the following functions, powers and  
13 duties:

14 (a) formulate rules for the administration and  
15 enforcement of this Act;

16 (b) prescribe forms to be issued for the administration  
17 and enforcement of this Act;

18 (c) conduct hearings or proceedings to refuse to issue,  
19 renew, suspend, revoke, place on probation, reprimand, or  
20 take disciplinary or non-disciplinary action as the  
21 Department may deem appropriate under this Act;

22 (d) maintain a roster of the names and addresses of all  
23 licensees and the community association management firms  
24 that employ them in a manner as deemed appropriate by the  
25 Department; and

1 (e) seek the advice and expert knowledge of the Board  
2 on any matter relating to the administration and  
3 enforcement of this Act.

4 (Source: P.A. 96-726, eff. 7-1-10.)

5 (225 ILCS 427/50)

6 (Section scheduled to be repealed on January 1, 2020)

7 Sec. 50. Community association management firm.

8 (a) No corporation, partnership, limited liability  
9 company, or other legal entity shall provide or offer to  
10 provide community association management services, unless it  
11 does so through a licensed community association manager that  
12 ~~has applied in writing on the prescribed forms and has paid the~~  
13 ~~required nonrefundable fees and provided evidence to the~~  
14 Department that he or she meets the requirements to be named as  
15 a the firm has designated community association manager and  
16 agrees a licensed supervising community association manager to  
17 supervise and manage the firm's licensed activities ~~firm~~. A  
18 designated ~~supervising~~ community association manager shall be  
19 a continuing requirement of firm operation. ~~licensure~~. No  
20 ~~supervising community association manager may be the~~  
21 ~~supervising community association manager for more than one~~  
22 ~~firm~~.

23 (b) Any corporation, partnership, limited liability  
24 company, or other legal entity that is providing, or offering  
25 to provide, community association management services and is



1 not in compliance with Section 50 and other provisions of this  
2 Act shall be subject to the civil penalties ~~finer~~, injunctions,  
3 cease and desist provisions, and penalties provided for in  
4 Sections 90, 92, and 155 of this Act.

5 (c) No community association manager may be the designated  
6 community association manager ~~licensee in charge~~ for more than  
7 one firm, corporation, limited liability company, or other  
8 legal entity.

9 (d) The Department is authorized to adopt rules and set all  
10 necessary requirements for the implementation of this Section.

11 (Source: P.A. 98-365, eff. 1-1-14.)

12 (225 ILCS 427/55)

13 (Section scheduled to be repealed on January 1, 2020)

14 Sec. 55. Fidelity insurance; segregation of accounts.

15 (a) The designated ~~supervising~~ community association  
16 manager or the community association management firm with which  
17 he or she is employed shall not have access to and disburse  
18 community association funds unless each of the following  
19 conditions occur:

20 (1) There is fidelity insurance in place to insure  
21 against loss for theft of community association funds.

22 (2) The fidelity insurance is not less than all moneys  
23 under the control of the designated ~~supervising~~ community  
24 association manager ~~or the employing community association~~  
25 ~~management firm~~ for the association.

1           (3) The fidelity insurance covers the designated  
2 community association manager, all other licensees,  
3 ~~supervising community association manager,~~ and all  
4 partners, officers, and employees of the community  
5 association management firm during the term of the  
6 insurance coverage, which shall be at least for the same  
7 term as the service agreement between the community  
8 association management firm ~~or supervising community~~  
9 ~~association manager~~ as well as the community association  
10 officers, directors, and employees.

11           (4) The insurance company issuing the fidelity  
12 insurance may not cancel or refuse to renew the bond  
13 without giving at least 10 days' prior written notice.

14           (5) Unless an agreement between the community  
15 association and the ~~supervising~~ community association  
16 manager or the community association management firm  
17 provides to the contrary, a community association may  
18 secure and pay for the fidelity insurance required by this  
19 Section. The designated ~~supervising~~ community association  
20 manager, all other licensees, and ~~or~~ the community  
21 association management firm must be named as additional  
22 insured parties on the community association policy.

23           (b) A community association management firm that provides  
24 community association management services for more than one  
25 community association shall maintain separate, segregated  
26 accounts for each community association or, with the consent of

1 the community association, combine the accounts of one or more  
2 community associations, but in that event, separately account  
3 for the funds of each community association. The funds shall  
4 not, in any event, be commingled with the ~~supervising~~ community  
5 association manager's or community association management  
6 firm's funds. The maintenance of such accounts shall be  
7 custodial, and such accounts shall be in the name of the  
8 respective community association or community association  
9 manager or community association management firm ~~Community~~  
10 ~~Association Management Agency~~ as the agent for the association.

11 (c) The ~~supervising~~ community association manager or  
12 community association management firm shall obtain the  
13 appropriate general liability and errors and omissions  
14 insurance, as determined by the Department, to cover any losses  
15 or claims against the ~~supervising~~ community association  
16 manager or the community association management firm.

17 (d) The Department shall have authority to promulgate  
18 additional rules regarding insurance, fidelity insurance and  
19 all accounts maintained and to be maintained by a designated  
20 ~~supervising~~ community association manager or community  
21 association management firm.

22 (Source: P.A. 98-365, eff. 1-1-14.)

23 (225 ILCS 427/60)

24 (Section scheduled to be repealed on January 1, 2020)

25 Sec. 60. Licenses; renewals; restoration; person in

1 military service.

2 (a) The expiration date and renewal period for each license  
3 issued under this Act shall be set by rule. The Department may  
4 promulgate rules requiring continuing education and set all  
5 necessary requirements for such, including but not limited to  
6 fees, approved coursework, number of hours, and waivers of  
7 continuing education.

8 (b) Any licensee who has permitted his or her, ~~or its~~  
9 license to expire may have the license restored by making  
10 application to the Department and filing proof acceptable to  
11 the Department of fitness to have his or her, ~~or its~~ license  
12 restored, by which may include sworn evidence certifying to  
13 active practice in another jurisdiction satisfactory to the  
14 Department, complying with any continuing education  
15 requirements, and paying the required restoration fee.

16 (c) If the person has not maintained an active practice in  
17 another jurisdiction satisfactory to the Department, the  
18 Department shall determine, by an evaluation program  
19 established by rule, the person's fitness to resume active  
20 status and may require the person to complete a period of  
21 evaluated clinical experience and successful completion of a  
22 practical examination. However, any person whose license  
23 expired while (i) in federal service on active duty with the  
24 Armed Forces of the United States or called into service or  
25 training with the State Militia or (ii) in training or  
26 education under the supervision of the United States

1 preliminary to induction into the military service may have his  
2 or her license renewed or restored without paying any lapsed  
3 renewal fees if, within 2 years after honorable termination of  
4 the service, training or education, except under condition  
5 other than honorable, he or she furnishes the Department with  
6 satisfactory evidence to the effect that he or she has been so  
7 engaged and that the service, training, or education has been  
8 so terminated.

9 (d) A community association manager, ~~community association~~  
10 ~~management firm or supervising community association manager~~  
11 who notifies the Department, in writing on forms prescribed by  
12 the Department, may place his or her, ~~or its~~ license on  
13 inactive status and shall be excused from the payment of  
14 renewal fees until the person notifies the Department in  
15 writing of the intention to resume active practice.

16 (e) A community association manager, ~~community association~~  
17 ~~management firm, or supervising community association manager~~  
18 requesting his or her, ~~or its~~ license be changed from inactive  
19 to active status shall be required to pay the current renewal  
20 fee and shall also demonstrate compliance with the continuing  
21 education requirements.

22 (f) Any licensee with a nonrenewed or on inactive license  
23 status or any community association firm operating without a  
24 designated community association manager shall not provide  
25 community association management services as set forth in this  
26 Act.

1 (g) Any person or entity violating subsection (f) of this  
2 Section shall be considered to be practicing without a license  
3 and will be subject to the disciplinary provisions of this Act.  
4 (Source: P.A. 98-365, eff. 1-1-14.)

5 (225 ILCS 427/70)

6 (Section scheduled to be repealed on January 1, 2020)

7 Sec. 70. Penalty for insufficient funds; payments. Any  
8 person who delivers a check or other payment to the Department  
9 that is returned to the Department unpaid by the financial  
10 institution upon which it is drawn shall pay to the Department,  
11 in addition to the amount already owed to the Department, a  
12 fine of \$50. The Department shall notify the person that  
13 payment of fees and fines shall be paid to the Department by  
14 certified check or money order within 30 calendar days after  
15 notification. If, after the expiration of 30 days from the date  
16 of the notification, the person has failed to submit the  
17 necessary remittance, the Department shall automatically  
18 terminate the license or deny the application, without hearing.  
19 If, after termination or denial, the person seeks a license, he  
20 or she, ~~or it~~ shall apply to the Department for restoration or  
21 issuance of the license and pay all fees and fines due to the  
22 Department. The Department may establish a fee for the  
23 processing of an application for restoration of a license to  
24 pay all expenses of processing this application. The Secretary  
25 may waive the fines due under this Section in individual cases

1 where the Secretary finds that the fines would be unreasonable  
2 or unnecessarily burdensome.

3 (Source: P.A. 98-365, eff. 1-1-14.)

4 (225 ILCS 427/75)

5 (Section scheduled to be repealed on January 1, 2020)

6 Sec. 75. Endorsement. The Department may issue a community  
7 association manager ~~or supervising community association~~  
8 ~~manager~~ license, without the required examination, to an  
9 applicant licensed under the laws of another state if the  
10 requirements for licensure in that state are, on the date of  
11 licensure, substantially equal to the requirements of this Act  
12 or to a person who, at the time of his or her application for  
13 licensure, possessed individual qualifications that were  
14 substantially equivalent to the requirements then in force in  
15 this State. An applicant under this Section shall pay all of  
16 the required fees.

17 Applicants have 3 years from the date of application to  
18 complete the application process. If the process has not been  
19 completed within the 3 years, the application shall be denied,  
20 the fee shall be forfeited, and the applicant must reapply and  
21 meet the requirements in effect at the time of reapplication.

22 (Source: P.A. 98-365, eff. 1-1-14.)

23 (225 ILCS 427/85)

24 (Section scheduled to be repealed on January 1, 2020)

1           Sec. 85. Grounds for discipline; refusal, revocation, or  
2 suspension.

3           (a) The Department may refuse to issue or renew a license,  
4 or may place on probation, reprimand, suspend, or revoke any  
5 license, or take any other disciplinary or non-disciplinary  
6 action as the Department may deem proper and impose a fine not  
7 to exceed \$10,000 for each violation upon any licensee or  
8 applicant under this Act or any person or entity who holds  
9 himself, herself, or itself out as an applicant or licensee for  
10 any one or combination of the following causes:

11           (1) Material misstatement in furnishing information to  
12 the Department.

13           (2) Violations of this Act or its rules.

14           (3) Conviction of or entry of a plea of guilty or plea  
15 of nolo contendere to a felony or a misdemeanor under the  
16 laws of the United States, any state, or any other  
17 jurisdiction or entry of an administrative sanction by a  
18 government agency in this State or any other jurisdiction.  
19 Action taken under this paragraph (3) for a misdemeanor or  
20 an administrative sanction is limited to a misdemeanor or  
21 administrative sanction that has as an essential element  
22 dishonesty or fraud, that involves larceny, embezzlement,  
23 or obtaining money, property, or credit by false pretenses  
24 or by means of a confidence game, or that is directly  
25 related to the practice of the profession.

26           (4) Making any misrepresentation for the purpose of



1 obtaining a license or violating any provision of this Act  
2 or its rules.

3 (5) Professional incompetence.

4 (6) Gross negligence.

5 (7) Aiding or assisting another person in violating any  
6 provision of this Act or its rules.

7 (8) Failing, within 30 days, to provide information in  
8 response to a request made by the Department.

9 (9) Engaging in dishonorable, unethical, or  
10 unprofessional conduct of a character likely to deceive,  
11 defraud or harm the public as defined by the rules of the  
12 Department, or violating the rules of professional conduct  
13 adopted by the Department.

14 (10) Habitual or excessive use or addiction to alcohol,  
15 narcotics, stimulants, or any other chemical agent or drug  
16 that results in the inability to practice with reasonable  
17 judgment, skill, or safety.

18 (11) Having been disciplined by another state, the  
19 District of Columbia, a territory, a foreign nation, or a  
20 governmental agency authorized to impose discipline if at  
21 least one of the grounds for the discipline is the same or  
22 substantially equivalent of one of the grounds for which a  
23 licensee may be disciplined under this Act. A certified  
24 copy of the record of the action by the other state or  
25 jurisdiction shall be prima facie evidence thereof.

26 (12) Directly or indirectly giving to or receiving from

1 any person, firm, corporation, partnership or association  
2 any fee, commission, rebate, or other form of compensation  
3 for any professional services not actually or personally  
4 rendered.

5 (13) A finding by the Department that the licensee,  
6 after having his or her, ~~or its~~ license placed on  
7 probationary status, has violated the terms of probation.

8 (14) Willfully making or filing false records or  
9 reports relating to a licensee's practice, including but  
10 not limited to false records filed with any State or  
11 federal agencies or departments.

12 (15) Being named as a perpetrator in an indicated  
13 report by the Department of Children and Family Services  
14 under the Abused and Neglected Child Reporting Act and upon  
15 proof by clear and convincing evidence that the licensee  
16 has caused a child to be an abused child or neglected child  
17 as defined in the Abused and Neglected Child Reporting Act.

18 (16) Physical illness or mental illness or impairment,  
19 including, but not limited to, deterioration through the  
20 aging process or loss of motor skill that results in the  
21 inability to practice the profession with reasonable  
22 judgment, skill, or safety.

23 (17) Solicitation of professional services by using  
24 false or misleading advertising.

25 (18) A finding that licensure has been applied for or  
26 obtained by fraudulent means.

1 (19) Practicing or attempting to practice under a name  
2 other than the full name as shown on the license or any  
3 other legally authorized name unless approved by the  
4 Department.

5 (20) Gross overcharging for professional services  
6 including, but not limited to, (i) collection of fees or  
7 moneys for services that are not rendered; and (ii)  
8 charging for services that are not in accordance with the  
9 contract between the licensee and the community  
10 association.

11 (21) Improper commingling of personal and client funds  
12 in violation of this Act or any rules promulgated thereto.

13 (22) Failing to account for or remit any moneys or  
14 documents coming into the licensee's possession that  
15 belong to another person or entity.

16 (23) Giving differential treatment to a person that is  
17 to that person's detriment because of race, color, creed,  
18 sex, religion, or national origin.

19 (24) Performing and charging for services without  
20 reasonable authorization to do so from the person or entity  
21 for whom service is being provided.

22 (25) Failing to make available to the Department, upon  
23 request, any books, records, or forms required by this Act.

24 (26) Purporting to be a designated ~~supervising~~  
25 community association manager of a firm without active  
26 participation in the firm.

1 (27) Failing to make available to the Department at the  
2 time of the request any indicia of licensure or  
3 registration issued under this Act.

4 (28) Failing to maintain and deposit funds belonging to  
5 a community association in accordance with subsection (b)  
6 of Section 55 of this Act.

7 (29) Violating the terms of a disciplinary order issued  
8 by the Department.

9 (30) Operating a community association management firm  
10 without a licensed designated community association  
11 manager.

12 (31) Failing to meet the requirements for acting as a  
13 designated community association manager, if appropriate.

14 (b) In accordance with subdivision (a)(5) of Section  
15 2105-15 of the Department of Professional Regulation Law of the  
16 Civil Administrative Code of Illinois (20 ILCS 2105/2105-15),  
17 the Department shall deny a license or renewal authorized by  
18 this Act to a person who has defaulted on an educational loan  
19 or scholarship provided or guaranteed by the Illinois Student  
20 Assistance Commission or any governmental agency of this State.

21 (c) The determination by a circuit court that a licensee is  
22 subject to involuntary admission or judicial admission, as  
23 provided in the Mental Health and Developmental Disabilities  
24 Code, operates as an automatic suspension. The suspension will  
25 terminate only upon a finding by a court that the patient is no  
26 longer subject to involuntary admission or judicial admission

1 and the issuance of an order so finding and discharging the  
2 patient, and upon the recommendation of the Board to the  
3 Secretary that the licensee be allowed to resume his or her  
4 practice as a licensed community association manager.

5 (d) In accordance with subsection (g) of Section 2105-15 of  
6 the Department of Professional Regulation Law of the Civil  
7 Administrative Code of Illinois (20 ILCS 2105/2105-15), the  
8 Department may refuse to issue or renew or may suspend the  
9 license of any person who fails to file a return, to pay the  
10 tax, penalty, or interest shown in a filed return, or to pay  
11 any final assessment of tax, penalty, or interest, as required  
12 by any tax Act administered by the Department of Revenue, until  
13 such time as the requirements of that tax Act are satisfied.

14 (e) In accordance with subdivision (a)(5) of Section  
15 2105-15 of the Department of Professional Regulation Law of the  
16 Civil Administrative Code of Illinois (20 ILCS 2105/2105-15)  
17 and in cases where the Department of Healthcare and Family  
18 Services (formerly Department of Public Aid) has previously  
19 determined that a licensee or a potential licensee is more than  
20 30 days delinquent in the payment of child support and has  
21 subsequently certified the delinquency to the Department may  
22 refuse to issue or renew or may revoke or suspend that person's  
23 license or may take other disciplinary action against that  
24 person based solely upon the certification of delinquency made  
25 by the Department of Healthcare and Family Services.

26 (f) In enforcing this Section, the Department or Board upon

1 a showing of a possible violation may compel a licensee or an  
2 individual licensed to practice under this Act, or who has  
3 applied for licensure under this Act, to submit to a mental or  
4 physical examination, or both, as required by and at the  
5 expense of the Department. The Department or Board may order  
6 the examining physician to present testimony concerning the  
7 mental or physical examination of the licensee or applicant. No  
8 information shall be excluded by reason of any common law or  
9 statutory privilege relating to communications between the  
10 licensee or applicant and the examining physician. The  
11 examining physicians shall be specifically designated by the  
12 Board or Department. The individual to be examined may have, at  
13 his or her own expense, another physician of his or her choice  
14 present during all aspects of this examination. Failure of an  
15 individual to submit to a mental or physical examination, when  
16 directed, shall be grounds for suspension of his or her license  
17 or denial of his or her application or renewal until the  
18 individual submits to the examination if the Department finds,  
19 after notice and hearing, that the refusal to submit to the  
20 examination was without reasonable cause.

21 If the Department or Board finds an individual unable to  
22 practice because of the reasons set forth in this Section, the  
23 Department or Board may require that individual to submit to  
24 care, counseling, or treatment by physicians approved or  
25 designated by the Department or Board, as a condition, term, or  
26 restriction for continued, reinstated, or renewed licensure to

1 practice; or, in lieu of care, counseling, or treatment, the  
2 Department may file, or the Board may recommend to the  
3 Department to file, a complaint to immediately suspend, revoke,  
4 deny, or otherwise discipline the license of the individual. An  
5 individual whose license was granted, continued, reinstated,  
6 renewed, disciplined or supervised subject to such terms,  
7 conditions, or restrictions, and who fails to comply with such  
8 terms, conditions, or restrictions, shall be referred to the  
9 Secretary for a determination as to whether the individual  
10 shall have his or her license suspended immediately, pending a  
11 hearing by the Department.

12 In instances in which the Secretary immediately suspends a  
13 person's license under this Section, a hearing on that person's  
14 license must be convened by the Department within 30 days after  
15 the suspension and completed without appreciable delay. The  
16 Department and Board shall have the authority to review the  
17 subject individual's record of treatment and counseling  
18 regarding the impairment to the extent permitted by applicable  
19 federal statutes and regulations safeguarding the  
20 confidentiality of medical records.

21 An individual licensed under this Act and affected under  
22 this Section shall be afforded an opportunity to demonstrate to  
23 the Department or Board that he or she can resume practice in  
24 compliance with acceptable and prevailing standards under the  
25 provisions of his or her license.

26 (Source: P.A. 97-333, eff. 8-12-11; 98-365, eff. 1-1-14;

1 98-756, eff. 7-16-14.)

2 (225 ILCS 427/90)

3 (Section scheduled to be repealed on January 1, 2020)

4 Sec. 90. Violations; injunctions; cease and desist orders.

5 (a) If any person violates a provision of this Act, the  
6 Secretary may, in the name of the People of the State of  
7 Illinois, through the Attorney General of the State of  
8 Illinois, petition for an order enjoining the violation or for  
9 an order enforcing compliance with this Act. Upon the filing of  
10 a verified petition in court, the court may issue a temporary  
11 restraining order, without notice or bond, and may  
12 preliminarily and permanently enjoin the violation. If it is  
13 established that the person has violated or is violating the  
14 injunction, the Court may punish the offender for contempt of  
15 court. Proceedings under this Section are in addition to, and  
16 not in lieu of, all other remedies and penalties provided by  
17 this Act.

18 (b) If any person, entity or other business may provide  
19 community association management services or provide services  
20 as community association manager to any community association  
21 in this State without having a valid license under this Act or  
22 without a designated community association manager for a  
23 community association management firm, then any licensee, any  
24 interested party or any person injured thereby may, in addition  
25 to the Secretary, petition for relief as provided in subsection



1 (a) of this Section.

2 (c) Whenever in the opinion of the Department any person,  
3 entity or other business violates any provision of this Act,  
4 the Department may issue a rule to show cause why an order to  
5 cease and desist should not be entered against such person,  
6 firm or other entity. The rule shall clearly set forth the  
7 grounds relied upon by the Department and shall provide a  
8 period of at least 7 days from the date of the rule to file an  
9 answer to the satisfaction of the Department. If the person,  
10 firm or other entity fails to file an answer satisfactory to  
11 the Department, the matter shall be considered as a default and  
12 the Department may cause an order to cease and desist to be  
13 issued immediately.

14 (Source: P.A. 96-726, eff. 7-1-10.)

15 (225 ILCS 427/92)

16 (Section scheduled to be repealed on January 1, 2020)

17 Sec. 92. Unlicensed practice; violation; civil penalty.

18 (a) Any person, entity or other business who practices,  
19 offers to practice, attempts to practice, or holds himself,  
20 herself or itself out to practice as a community association  
21 manager or community association management firm or provide  
22 services as a community association manager or community  
23 association management firm to any community association in  
24 this State without being licensed under this Act or without a  
25 designated community association manager for a community

1 association management firm shall, in addition to any other  
2 penalty provided by law, pay a civil penalty to the Department  
3 in an amount not to exceed \$10,000 for each offense, as  
4 determined by the Department. The civil penalty shall be  
5 assessed by the Department after a hearing is held in  
6 accordance with the provisions set forth in this Act regarding  
7 the provision of a hearing for the discipline of a licensee.

8 (b) The Department may investigate any and all unlicensed  
9 activity.

10 (c) The civil penalty shall be paid within 60 days after  
11 the effective date of the order imposing the civil penalty. The  
12 order shall constitute a judgment and may be filed and  
13 execution had thereon in the same manner as any judgment from  
14 any court of record.

15 (Source: P.A. 98-365, eff. 1-1-14.)

16 (225 ILCS 427/155)

17 (Section scheduled to be repealed on January 1, 2020)

18 Sec. 155. Violations; penalties.

19 (a) A person who violates any of the following provisions  
20 shall be guilty of a Class A misdemeanor; a person who commits  
21 a second or subsequent violation of these provisions is guilty  
22 of a Class 4 felony:

23 (1) The practice of or attempted practice of or holding  
24 out as available to practice as a community association  
25 manager ~~or supervising community association manager~~

1 without a license.

2 (2) Operation of or attempt to operate a community  
3 association management firm without ~~a firm license or a~~  
4 designated ~~supervising~~ community association manager.

5 (3) The obtaining of or the attempt to obtain any  
6 license or authorization issued under this Act by  
7 fraudulent misrepresentation.

8 (b) Whenever a licensee is convicted of a felony related to  
9 the violations set forth in this Section, the clerk of the  
10 court in any jurisdiction shall promptly report the conviction  
11 to the Department and the Department shall immediately revoke  
12 any license authorized under this Act held by that licensee.  
13 The licensee shall not be eligible for licensure under this Act  
14 until at least 10 years have elapsed since the time of full  
15 discharge from any sentence imposed for a felony conviction. If  
16 any person in making any oath or affidavit required by this Act  
17 swears falsely, the person is guilty of perjury and may be  
18 punished accordingly.

19 (Source: P.A. 98-365, eff. 1-1-14; 99-78, eff. 7-20-15.)

20 (225 ILCS 427/165)

21 (Section scheduled to be repealed on January 1, 2020)

22 Sec. 165. Home rule. The regulation and licensing of  
23 community association managers, ~~supervising community~~  
24 ~~association managers, and community association management~~  
25 ~~firms~~ are exclusive powers and functions of the State. A home

1 rule unit may not regulate or license community association  
2 managers, ~~supervising community association managers, or~~  
3 ~~community association management firms~~. This Section is a  
4 denial and limitation of home rule powers and functions under  
5 subsection (h) of Section 6 of Article VII of the Illinois  
6 Constitution.

7 (Source: P.A. 98-365, eff. 1-1-14.)

8 (225 ILCS 427/42 rep.)

9 Section 10. The Community Association Manager Licensing  
10 and Disciplinary Act is amended by repealing Section 42.

11 Section 15. The Common Interest Community Association Act  
12 is amended by changing Sections 1-35 and 1-45 as follows:

13 (765 ILCS 160/1-35)

14 Sec. 1-35. Member powers, duties, and obligations.

15 (a) The provisions of this Act, the declaration, bylaws,  
16 other community instruments, and rules and regulations that  
17 relate to the use of an individual unit or the common areas  
18 shall be applicable to any person leasing a unit and shall be  
19 deemed to be incorporated in any lease executed or renewed on  
20 or after the effective date of this Act. Unless otherwise  
21 provided in the community instruments, with regard to any lease  
22 entered into subsequent to the effective date of this Act, the  
23 unit owner leasing the unit shall deliver a copy of the signed

1 lease to the association or if the lease is oral, a memorandum  
2 of the lease, not later than the date of occupancy or 10 days  
3 after the lease is signed, whichever occurs first.

4 (b) If there are multiple owners of a single unit, only one  
5 of the multiple owners shall be eligible to serve as a member  
6 of the board at any one time, unless the unit owner owns  
7 another unit independently.

8 (c) Two-thirds of the membership may remove a board member  
9 as a director at a duly called special meeting.

10 (d) In the event of any resale of a unit in a common  
11 interest community association by a member or unit owner other  
12 than the developer, the board shall make available for  
13 inspection to the prospective purchaser, upon demand, the  
14 following:

15 (1) A copy of the declaration, other instruments, ~~and~~  
16 any rules and regulations, and any adopted common expense  
17 collection policies.

18 (2) A statement of any liens, including a statement of  
19 the account of the unit setting forth the amounts of unpaid  
20 assessments and other charges due and owing.

21 (3) A statement of any capital expenditures  
22 anticipated by the association within the current or  
23 succeeding 2 fiscal years.

24 (4) A statement of the status and amount of any reserve  
25 or replacement fund and any other fund specifically  
26 designated for association projects.

1           (5) A copy of the statement of financial condition of  
2 the association for the last fiscal year for which such a  
3 statement is available.

4           (6) A statement of the status of any pending suits or  
5 judgments in which the association is a party.

6           (7) A statement setting forth what insurance coverage  
7 is provided for all members or unit owners by the  
8 association for common properties.

9           (8) A statement setting forth the current assessment  
10 obligations, including any special assessments or other  
11 common expenses.

12           (9) A statement setting forth the current late fees or  
13 interest that may be charged on an unpaid balance, if any.

14           The principal officer of the board, ~~or~~ such other officer  
15 as is specifically designated, or agent for the association  
16 shall disclose ~~furnish~~ the above information within 30 days  
17 after receiving a written request for such information.

18           A reasonable fee covering the direct out-of-pocket cost of  
19 copying and providing such information may be charged by the  
20 association or the board to the unit seller for providing the  
21 information.

22           (Source: P.A. 97-605, eff. 8-26-11; 97-1090, eff. 8-24-12;  
23 98-842, eff. 1-1-15.)

24           (765 ILCS 160/1-45)

25           Sec. 1-45. Finances.

1           (a) Each member shall receive through a prescribed delivery  
2 method, at least 30 days but not more than 60 days prior to the  
3 adoption thereof by the board, a copy of the proposed annual  
4 budget together with an indication of which portions are  
5 intended for reserves, capital expenditures or repairs or  
6 payment of real estate taxes.

7           (b) The board shall provide all members with a reasonably  
8 detailed summary of the receipts, common expenses, and reserves  
9 for the preceding budget year. The board shall (i) make  
10 available for review to all members an itemized accounting of  
11 the common expenses for the preceding year actually incurred or  
12 paid, together with an indication of which portions were for  
13 reserves, capital expenditures or repairs or payment of real  
14 estate taxes and with a tabulation of the amounts collected  
15 pursuant to the budget or assessment, and showing the net  
16 excess or deficit of income over expenditures plus reserves or  
17 (ii) provide a consolidated annual independent audit report of  
18 the financial status of all fund accounts within the  
19 association.

20           (c) If an adopted budget or any separate assessment adopted  
21 by the board would result in the sum of all regular and  
22 separate assessments payable in the current fiscal year  
23 exceeding 115% of the sum of all regular and separate  
24 assessments payable during the preceding fiscal year, the  
25 common interest community association, upon written petition  
26 by members with 20% of the votes of the association delivered

1 to the board within 21 ~~14~~ days of the board action, shall call  
2 a meeting of the members within 30 days of the date of delivery  
3 of the petition to consider the budget or separate assessment;  
4 unless a majority of the total votes of the members are cast at  
5 the meeting to reject the budget or separate assessment, it  
6 shall be deemed ratified.

7 (d) If total common expenses exceed the total amount of the  
8 approved and adopted budget, the common interest community  
9 association shall disclose this variance to all its members and  
10 specifically identify the subsequent assessments needed to  
11 offset this variance in future budgets.

12 (e) Separate assessments for expenditures relating to  
13 emergencies or mandated by law may be adopted by the board  
14 without being subject to member approval or the provisions of  
15 subsection (c) or (f) of this Section. As used herein,  
16 "emergency" means a danger to or a compromise of the structural  
17 integrity of the common areas or any of the common facilities  
18 of the common interest community. "Emergency" also includes a  
19 danger to the life, health or safety of the membership.

20 (f) Assessments for additions and alterations to the common  
21 areas or to association-owned property not included in the  
22 adopted annual budget, shall be separately assessed and are  
23 subject to approval of a simple majority of the total members  
24 at a meeting called for that purpose.

25 (g) The board may adopt separate assessments payable over  
26 more than one fiscal year. With respect to multi-year



1 assessments not governed by subsections (e) and (f) of this  
2 Section, the entire amount of the multi-year assessment shall  
3 be deemed considered and authorized in the first fiscal year in  
4 which the assessment is approved.

5 (h) The board of a common interest community association  
6 shall have the authority to establish and maintain a system of  
7 master metering of public utility services to collect payments  
8 in conjunction therewith, subject to the requirements of the  
9 Tenant Utility Payment Disclosure Act.

10 (Source: P.A. 96-1400, eff. 7-29-10; 97-605, eff. 8-26-11;  
11 97-1090, eff. 8-24-12.)

12 Section 20. The Condominium Property Act is amended by  
13 changing Sections 9.2 and 18.5 as follows:

14 (765 ILCS 605/9.2) (from Ch. 30, par. 309.2)

15 Sec. 9.2. Other remedies.

16 (a) In the event of any default by any unit owner, his  
17 tenant, invitee or guest in the performance of his obligations  
18 under this Act or under the declaration, bylaws, or the rules  
19 and regulations of the board of managers, the board of managers  
20 or its agents shall have such rights and remedies as provided  
21 in the Act or condominium instruments including the right to  
22 maintain an action for possession against such defaulting unit  
23 owner or his tenant for the benefit of all the other unit  
24 owners in the manner prescribed by Article IX of the Code of

1 Civil Procedure.

2 (b) Except for attorney's fees incurred in any litigation  
3 or arbitration described in subsection (d) in which a unit  
4 owner is deemed by the court or arbitrator to be the prevailing  
5 party, any ~~Any~~ attorneys' fees incurred by the Association  
6 arising out of an adjudicated ~~a~~ default by any unit owner, his  
7 tenant, invitee or guest in the performance of any of the  
8 provisions of the condominium instruments, rules and  
9 regulations or any applicable statute or ordinance shall be  
10 added to, and deemed a part of, his respective share of the  
11 common expense.

12 (c) Other than attorney's fees, no fees pertaining to the  
13 collection of a unit owner's financial obligation to the  
14 Association, including fees charged by a manager or managing  
15 agent, shall be added to and deemed a part of an owner's  
16 respective share of the common expenses unless: (i) the  
17 managing agent fees relate to the costs to collect common  
18 expenses for the Association; (ii) the fees are set forth in a  
19 contract between the managing agent and the Association; and  
20 (iii) the authority to add the management fees to an owner's  
21 respective share of the common expenses is specifically stated  
22 in the declaration or bylaws of the Association.

23 (d) In any litigation or arbitration between a unit owner  
24 and the Association or its board of managers or any individual  
25 member of the Association or its board of managers regarding:  
26 (i) the enforcement of obligations of the board or the

1 Association, set forth either in this Act, the condominium  
2 instruments, rules and regulations, or any applicable statute  
3 or ordinance; (ii) a disputed charge on the unit owner's  
4 account; or (iii) a purported default as described in  
5 subsection (a), if the unit owner is deemed by the court or  
6 arbitrator to be the prevailing party, then the court or the  
7 arbitrator shall award to the unit owner from the  
8 non-prevailing party reasonable attorney's fees and costs  
9 incurred by the unit owner in the litigation or arbitration.

10 (Source: P.A. 94-384, eff. 1-1-06.)

11 (765 ILCS 605/18.5) (from Ch. 30, par. 318.5)

12 Sec. 18.5. Master Associations.

13 (a) If the declaration, other condominium instrument, or  
14 other duly recorded covenants provide that any of the powers of  
15 the unit owners associations are to be exercised by or may be  
16 delegated to a nonprofit corporation or unincorporated  
17 association that exercises those or other powers on behalf of  
18 one or more condominiums, or for the benefit of the unit owners  
19 of one or more condominiums, such corporation or association  
20 shall be a master association.

21 (b) There shall be included in the declaration, other  
22 condominium instruments, or other duly recorded covenants  
23 establishing the powers and duties of the master association  
24 the provisions set forth in subsections (c) through (h).

25 In interpreting subsections (c) through (h), the courts

1 should interpret these provisions so that they are interpreted  
2 consistently with the similar parallel provisions found in  
3 other parts of this Act.

4 (c) Meetings and finances.

5 (1) Each unit owner of a condominium subject to the  
6 authority of the board of the master association shall  
7 receive, at least 30 days prior to the adoption thereof by  
8 the board of the master association, a copy of the proposed  
9 annual budget.

10 (2) The board of the master association shall annually  
11 supply to all unit owners of condominiums subject to the  
12 authority of the board of the master association an  
13 itemized accounting of the common expenses for the  
14 preceding year actually incurred or paid, together with a  
15 tabulation of the amounts collected pursuant to the budget  
16 or assessment, and showing the net excess or deficit of  
17 income over expenditures plus reserves.

18 (3) Each unit owner of a condominium subject to the  
19 authority of the board of the master association shall  
20 receive written notice mailed or delivered no less than 10  
21 and no more than 30 days prior to any meeting of the board  
22 of the master association concerning the adoption of the  
23 proposed annual budget or any increase in the budget, or  
24 establishment of an assessment.

25 (4) Meetings of the board of the master association  
26 shall be open to any unit owner in a condominium subject to

1 the authority of the board of the master association,  
2 except for the portion of any meeting held:

3 (A) to discuss litigation when an action against or  
4 on behalf of the particular master association has been  
5 filed and is pending in a court or administrative  
6 tribunal, or when the board of the master association  
7 finds that such an action is probable or imminent,

8 (B) to consider information regarding appointment,  
9 employment or dismissal of an employee, or

10 (C) to discuss violations of rules and regulations  
11 of the master association or unpaid common expenses  
12 owed to the master association.

13 Any vote on these matters shall be taken at a meeting or  
14 portion thereof open to any unit owner of a condominium  
15 subject to the authority of the master association.

16 Any unit owner may record the proceedings at meetings  
17 required to be open by this Act by tape, film or other  
18 means; the board may prescribe reasonable rules and  
19 regulations to govern the right to make such recordings.  
20 Notice of meetings shall be mailed or delivered at least 48  
21 hours prior thereto, unless a written waiver of such notice  
22 is signed by the persons entitled to notice before the  
23 meeting is convened. Copies of notices of meetings of the  
24 board of the master association shall be posted in  
25 entranceways, elevators, or other conspicuous places in  
26 the condominium at least 48 hours prior to the meeting of

1 the board of the master association. Where there is no  
2 common entranceway for 7 or more units, the board of the  
3 master association may designate one or more locations in  
4 the proximity of these units where the notices of meetings  
5 shall be posted.

6 (5) If the declaration provides for election by unit  
7 owners of members of the board of directors in the event of  
8 a resale of a unit in the master association, the purchaser  
9 of a unit from a seller other than the developer pursuant  
10 to an installment contract for purchase shall, during such  
11 times as he or she resides in the unit, be counted toward a  
12 quorum for purposes of election of members of the board of  
13 directors at any meeting of the unit owners called for  
14 purposes of electing members of the board, and shall have  
15 the right to vote for the election of members of the board  
16 of directors and to be elected to and serve on the board of  
17 directors unless the seller expressly retains in writing  
18 any or all of those rights. In no event may the seller and  
19 purchaser both be counted toward a quorum, be permitted to  
20 vote for a particular office, or be elected and serve on  
21 the board. Satisfactory evidence of the installment  
22 contract shall be made available to the association or its  
23 agents. For purposes of this subsection, "installment  
24 contract" shall have the same meaning as set forth in  
25 subsection (e) of Section 1 of the Dwelling Unit  
26 Installment Contract Act.

1           (6) The board of the master association shall have the  
2 authority to establish and maintain a system of master  
3 metering of public utility services and to collect payments  
4 in connection therewith, subject to the requirements of the  
5 Tenant Utility Payment Disclosure Act.

6           (7) The board of the master association ~~or a common~~  
7 ~~interest community association~~ shall have the power, after  
8 notice and an opportunity to be heard, to levy and collect  
9 reasonable fines from members for violations of the  
10 declaration, bylaws, and rules and regulations of the  
11 master association ~~or the common interest community~~  
12 ~~association~~. Nothing contained in this subdivision (7)  
13 shall give rise to a statutory lien for unpaid fines.

14           (8) Other than attorney's fees, no fees pertaining to  
15 the collection of a unit owner's financial obligation to  
16 the Association, including fees charged by a manager or  
17 managing agent, shall be added to and deemed a part of an  
18 owner's respective share of the common expenses unless: (i)  
19 the managing agent fees relate to the costs to collect  
20 common expenses for the Association; (ii) the fees are set  
21 forth in a contract between the managing agent and the  
22 Association; and (iii) the authority to add the management  
23 fees to an owner's respective share of the common expenses  
24 is specifically stated in the declaration or bylaws of the  
25 Association.

26           (d) Records.

1           (1) The board of the master association shall keep and  
2           maintain the following records, or true and complete copies  
3           of the records, at the association's principal office ~~of~~  
4           ~~the association and make them available for examination and~~  
5           ~~copying at convenient hours of weekdays by any unit owners~~  
6           ~~in a condominium subject to the authority of the board or~~  
7           ~~their mortgagees and their duly authorized agents or~~  
8           ~~attorneys:~~

9                   (i) the association's declaration, bylaws, and  
10                  plats of survey, and all amendments of the  
11                  association's declaration, bylaws, and plats of  
12                  survey;

13                  (ii) the rules and regulations of the association,  
14                  if any;

15                  (iii) if the association is incorporated as a  
16                  corporation, the articles of incorporation of the  
17                  association and all amendments to the articles of  
18                  incorporation;

19                  (iv) minutes of all meetings of the association and  
20                  its board of managers for the immediately preceding 7  
21                  years;

22                  (v) all current policies of insurance of the  
23                  association;

24                  (vi) all contracts, leases, and other agreements  
25                  then in effect to which the association is a party or  
26                  under which the association or the unit owners have



1 obligations or liabilities;

2 (vii) a current listing of the names, addresses,  
3 email addresses, telephone numbers, and weighted vote  
4 of all members entitled to vote;

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

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

14 With respect to units owned by a land trust, if a  
15 trustee designates in writing a person to cast votes on  
16 behalf of the unit owner, the designation shall remain in  
17 effect until a subsequent document is filed with the  
18 association.

19 (2) Any member of an association has the right to  
20 inspect, examine, and make copies of the records described  
21 in subdivisions (i), (ii), (iii), (iv), (v), (vi), and (ix)  
22 of paragraph (1) of this subsection, in person or by agent,  
23 at any reasonable time or times, at the association's  
24 principal office. In order to exercise this right, a member  
25 must submit a written request to the association's board of  
26 directors or its authorized agent, stating with

1 particularity the records sought. Failure of an  
2 association's board of directors to make available all  
3 requested records within 10 days of receipt of the member's  
4 written request shall be deemed a denial.

5 Any member who prevails in an enforcement action to  
6 compel examination of records described in subdivisions  
7 (i), (ii), (iii), (iv), (v), (vi), and (ix) of paragraph  
8 (1) of this subsection is entitled to recover reasonable  
9 attorney's fees and costs from the association.

10 (2.5) As used in this Section, "commercial purpose"  
11 means the use of any part of a record or records described  
12 in subdivisions (vii) and (viii) of paragraph (1) of this  
13 subsection, or information derived from such records, in  
14 any form for sale, resale, or solicitation or advertisement  
15 for sales or services.

16 (3) Except as otherwise provided in this subsection,  
17 any member of an association has the right to inspect,  
18 examine, and make copies of the records described in  
19 subdivisions (vii) and (viii) of paragraph (1) of this  
20 subsection, in person or by agent, at any reasonable time  
21 or times, but only for a purpose that relates to the  
22 association, at the association's principal office. In  
23 order to exercise this right, a member must submit a  
24 written request to the association's board of directors or  
25 its authorized agent, stating with particularity the  
26 records sought to be examined. As a condition for

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

21 Any member who prevails in an enforcement action to  
22 compel examination of records described in subdivisions  
23 (vii) or (viii) of paragraph (1) of this subsection is  
24 entitled to recover reasonable attorney's fees and costs  
25 from the association only if the court finds that the board  
26 of directors acted in bad faith in denying the member's

1       request.

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

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

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

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

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

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

25           (v) documents provided to an association in  
26       connection with the lease, sale, or other transfer of a

1 unit by a member other than the requesting member.

2 ~~(i) Copies of the recorded declaration, other~~  
3 ~~condominium instruments, other duly recorded covenants~~  
4 ~~and bylaws and any amendments, articles of~~  
5 ~~incorporation of the master association, annual~~  
6 ~~reports and any rules and regulations adopted by the~~  
7 ~~master association or its board shall be available.~~  
8 ~~Prior to the organization of the master association,~~  
9 ~~the developer shall maintain and make available the~~  
10 ~~records set forth in this subdivision (d)(1) for~~  
11 ~~examination and copying.~~

12 ~~(ii) Detailed and accurate records in~~  
13 ~~chronological order of the receipts and expenditures~~  
14 ~~affecting the common areas, specifying and itemizing~~  
15 ~~the maintenance and repair expenses of the common areas~~  
16 ~~and any other expenses incurred, and copies of all~~  
17 ~~contracts, leases, or other agreements entered into by~~  
18 ~~the master association, shall be maintained.~~

19 ~~(iii) The minutes of all meetings of the master~~  
20 ~~association and the board of the master association~~  
21 ~~shall be maintained for not less than 7 years.~~

22 ~~(iv) Ballots and proxies related thereto, if any,~~  
23 ~~for any election held for the board of the master~~  
24 ~~association and for any other matters voted on by the~~  
25 ~~unit owners shall be maintained for not less than one~~  
26 ~~year.~~

1           ~~(v) Such other records of the master association as~~  
2           ~~are available for inspection by members of a~~  
3           ~~not for profit corporation pursuant to Section 107.75~~  
4           ~~of the General Not For Profit Corporation Act of 1986~~  
5           ~~shall be maintained.~~

6           ~~(vi) With respect to units owned by a land trust,~~  
7           ~~if a trustee designates in writing a person to cast~~  
8           ~~votes on behalf of the unit owner, the designation~~  
9           ~~shall remain in effect until a subsequent document is~~  
10          ~~filed with the association.~~

11          ~~(2) Where a request for records under this subsection~~  
12          ~~is made in writing to the board of managers or its agent,~~  
13          ~~failure to provide the requested record or to respond~~  
14          ~~within 30 days shall be deemed a denial by the board of~~  
15          ~~directors.~~

16          ~~(3) A reasonable fee may be charged by the master~~  
17          ~~association or its board for the cost of copying.~~

18          ~~(4) If the board of directors fails to provide records~~  
19          ~~properly requested under subdivision (d)(1) within the~~  
20          ~~time period provided in subdivision (d)(2), the unit owner~~  
21          ~~may seek appropriate relief, including an award of~~  
22          ~~attorney's fees and costs.~~

23          (e) The board of directors shall have standing and capacity  
24          to act in a representative capacity in relation to matters  
25          involving the common areas of the master association or more  
26          than one unit, on behalf of the unit owners as their interests

1 may appear.

2 (f) Administration of property prior to election of the  
3 initial board of directors.

4 (1) Until the election, by the unit owners or the  
5 boards of managers of the underlying condominium  
6 associations, of the initial board of directors of a master  
7 association whose declaration is recorded on or after  
8 August 10, 1990, the same rights, titles, powers,  
9 privileges, trusts, duties and obligations that are vested  
10 in or imposed upon the board of directors by this Act or in  
11 the declaration or other duly recorded covenant shall be  
12 held and performed by the developer.

13 (2) The election of the initial board of directors of a  
14 master association whose declaration is recorded on or  
15 after August 10, 1990, by the unit owners or the boards of  
16 managers of the underlying condominium associations, shall  
17 be held not later than 60 days after the conveyance by the  
18 developer of 75% of the units, or 3 years after the  
19 recording of the declaration, whichever is earlier. The  
20 developer shall give at least 21 days notice of the meeting  
21 to elect the initial board of directors and shall upon  
22 request provide to any unit owner, within 3 working days of  
23 the request, the names, addresses, and weighted vote of  
24 each unit owner entitled to vote at the meeting. Any unit  
25 owner shall upon receipt of the request be provided with  
26 the same information, within 10 days of the request, with

1           respect to each subsequent meeting to elect members of the  
2           board of directors.

3           (3) If the initial board of directors of a master  
4           association whose declaration is recorded on or after  
5           August 10, 1990 is not elected by the unit owners or the  
6           members of the underlying condominium association board of  
7           managers at the time established in subdivision (f) (2), the  
8           developer shall continue in office for a period of 30 days,  
9           whereupon written notice of his resignation shall be sent  
10          to all of the unit owners or members of the underlying  
11          condominium board of managers entitled to vote at an  
12          election for members of the board of directors.

13          (4) Within 60 days following the election of a majority  
14          of the board of directors, other than the developer, by  
15          unit owners, the developer shall deliver to the board of  
16          directors:

17                 (i) All original documents as recorded or filed  
18                 pertaining to the property, its administration, and  
19                 the association, such as the declaration, articles of  
20                 incorporation, other instruments, annual reports,  
21                 minutes, rules and regulations, and contracts, leases,  
22                 or other agreements entered into by the association. If  
23                 any original documents are unavailable, a copy may be  
24                 provided if certified by affidavit of the developer, or  
25                 an officer or agent of the developer, as being a  
26                 complete copy of the actual document recorded or filed.



1           (ii) A detailed accounting by the developer,  
2           setting forth the source and nature of receipts and  
3           expenditures in connection with the management,  
4           maintenance and operation of the property, copies of  
5           all insurance policies, and a list of any loans or  
6           advances to the association which are outstanding.

7           (iii) Association funds, which shall have been at  
8           all times segregated from any other moneys of the  
9           developer.

10          (iv) A schedule of all real or personal property,  
11          equipment and fixtures belonging to the association,  
12          including documents transferring the property,  
13          warranties, if any, for all real and personal property  
14          and equipment, deeds, title insurance policies, and  
15          all tax bills.

16          (v) A list of all litigation, administrative  
17          action and arbitrations involving the association, any  
18          notices of governmental bodies involving actions taken  
19          or which may be taken concerning the association,  
20          engineering and architectural drawings and  
21          specifications as approved by any governmental  
22          authority, all other documents filed with any other  
23          governmental authority, all governmental certificates,  
24          correspondence involving enforcement of any  
25          association requirements, copies of any documents  
26          relating to disputes involving unit owners, and

1 originals of all documents relating to everything  
2 listed in this subparagraph.

3 (vi) If the developer fails to fully comply with  
4 this paragraph (4) within the 60 days provided and  
5 fails to fully comply within 10 days of written demand  
6 mailed by registered or certified mail to his or her  
7 last known address, the board may bring an action to  
8 compel compliance with this paragraph (4). If the court  
9 finds that any of the required deliveries were not made  
10 within the required period, the board shall be entitled  
11 to recover its reasonable attorneys' fees and costs  
12 incurred from and after the date of expiration of the  
13 10 day demand.

14 (5) With respect to any master association whose  
15 declaration is recorded on or after August 10, 1990, any  
16 contract, lease, or other agreement made prior to the  
17 election of a majority of the board of directors other than  
18 the developer by or on behalf of unit owners or underlying  
19 condominium associations, the association or the board of  
20 directors, which extends for a period of more than 2 years  
21 from the recording of the declaration, shall be subject to  
22 cancellation by more than 1/2 of the votes of the unit  
23 owners, other than the developer, cast at a special meeting  
24 of members called for that purpose during a period of 90  
25 days prior to the expiration of the 2 year period if the  
26 board of managers is elected by the unit owners, otherwise

1 by more than 1/2 of the underlying condominium board of  
2 managers. At least 60 days prior to the expiration of the 2  
3 year period, the board of directors, or, if the board is  
4 still under developer control, then the board of managers  
5 or the developer shall send notice to every unit owner or  
6 underlying condominium board of managers, notifying them  
7 of this provision, of what contracts, leases and other  
8 agreements are affected, and of the procedure for calling a  
9 meeting of the unit owners or for action by the underlying  
10 condominium board of managers for the purpose of acting to  
11 terminate such contracts, leases or other agreements.  
12 During the 90 day period the other party to the contract,  
13 lease, or other agreement shall also have the right of  
14 cancellation.

15 (6) The statute of limitations for any actions in law  
16 or equity which the master association may bring shall not  
17 begin to run until the unit owners or underlying  
18 condominium board of managers have elected a majority of  
19 the members of the board of directors.

20 (g) In the event of any resale of a unit in a master  
21 association by a unit owner other than the developer, the owner  
22 shall obtain from the board of directors and shall make  
23 available for inspection to the prospective purchaser, upon  
24 demand, the following:

25 (1) A copy of the declaration, other instruments and  
26 any rules and regulations.

1           (2) A statement of any liens, including a statement of  
2 the account of the unit setting forth the amounts of unpaid  
3 assessments and other charges due and owing.

4           (3) A statement of any capital expenditures  
5 anticipated by the association within the current or  
6 succeeding 2 fiscal years.

7           (4) A statement of the status and amount of any reserve  
8 for replacement fund and any portion of such fund earmarked  
9 for any specified project by the board of directors.

10          (5) A copy of the statement of financial condition of  
11 the association for the last fiscal year for which such a  
12 statement is available.

13          (6) A statement of the status of any pending suits or  
14 judgments in which the association is a party that may have  
15 a material adverse impact on the association's financial  
16 condition.

17          (7) A statement setting forth what insurance coverage  
18 is provided for all unit owners by the association.

19          (8) A statement that any known improvements or  
20 alterations made to the unit, or any part of the common  
21 areas assigned thereto, by the prior unit owner are in good  
22 faith believed to be in compliance with the declaration of  
23 the master association.

24          The principal officer of the unit owner's association or  
25 such other officer, manager, or agent as is specifically  
26 designated shall furnish the above information when requested

1 to do so in writing, within 30 days of receiving the request.

2 A reasonable fee covering the direct out-of-pocket cost of  
3 copying and providing such information may be charged by the  
4 association or its board of directors to the unit seller for  
5 providing the information.

6 Within 15 days of the recording of a mortgage or trust deed  
7 against a unit ownership given by the owner of that unit to  
8 secure a debt, the owner shall inform the board of the master  
9 association of the identity of the lender, together with a  
10 mailing address at which the lender can receive notices from  
11 the association. If a unit owner fails or refuses to inform the  
12 board as required under this subsection, then that unit owner  
13 is liable to the association for all costs, expenses, and  
14 reasonable attorney's fees and other damages, if any, incurred  
15 by the association as a result of the failure or refusal.

16 (g-1) The purchaser of a unit of a common interest  
17 community at a judicial foreclosure sale, other than a  
18 mortgagee, who takes possession of a unit of a common interest  
19 community pursuant to a court order or a purchaser who acquires  
20 title from a mortgagee shall have the duty to pay the  
21 proportionate share, if any, of the common expenses for the  
22 unit that would have become due in the absence of any  
23 assessment acceleration during the 6 months immediately  
24 preceding institution of an action to enforce the collection of  
25 assessments and the court costs incurred by the association in  
26 an action to enforce the collection that remain unpaid by the

1 owner during whose possession the assessments accrued. If the  
2 outstanding assessments and the court costs incurred by the  
3 association in an action to enforce the collection are paid at  
4 any time during any action to enforce the collection of  
5 assessments, the purchaser shall have no obligation to pay any  
6 assessments that accrued before he or she acquired title. The  
7 notice of sale of a unit of a common interest community under  
8 subsection (c) of Section 15-1507 of the Code of Civil  
9 Procedure shall state that the purchaser of the unit other than  
10 a mortgagee shall pay the assessments and court costs required  
11 by this subsection (g-1).

12 (h) Errors and omissions.

13 (1) If there is an omission or error in the declaration  
14 or other instrument of the master association, the master  
15 association may correct the error or omission by an  
16 amendment to the declaration or other instrument, as may be  
17 required to conform it to this Act, to any other applicable  
18 statute, or to the declaration. The amendment shall be  
19 adopted by vote of two-thirds of the members of the board  
20 of directors or by a majority vote of the unit owners at a  
21 meeting called for that purpose, unless the Act or the  
22 declaration of the master association specifically  
23 provides for greater percentages or different procedures.

24 (2) If, through a scrivener's error, a unit has not  
25 been designated as owning an appropriate undivided share of  
26 the common areas or does not bear an appropriate share of

1 the common expenses, or if all of the common expenses or  
2 all of the common elements in the condominium have not been  
3 distributed in the declaration, so that the sum total of  
4 the shares of common areas which have been distributed or  
5 the sum total of the shares of the common expenses fail to  
6 equal 100%, or if it appears that more than 100% of the  
7 common elements or common expenses have been distributed,  
8 the error may be corrected by operation of law by filing an  
9 amendment to the declaration, approved by vote of  
10 two-thirds of the members of the board of directors or a  
11 majority vote of the unit owners at a meeting called for  
12 that purpose, which proportionately adjusts all percentage  
13 interests so that the total is equal to 100%, unless the  
14 declaration specifically provides for a different  
15 procedure or different percentage vote by the owners of the  
16 units and the owners of mortgages thereon affected by  
17 modification being made in the undivided interest in the  
18 common areas, the number of votes in the unit owners  
19 association or the liability for common expenses  
20 appertaining to the unit.

21 (3) If an omission or error or a scrivener's error in  
22 the declaration or other instrument is corrected by vote of  
23 two-thirds of the members of the board of directors  
24 pursuant to the authority established in subdivisions  
25 (h) (1) or (h) (2) of this Section, the board, upon written  
26 petition by unit owners with 20% of the votes of the

1 association or resolutions adopted by the board of managers  
2 or board of directors of the condominium and common  
3 interest community associations which select 20% of the  
4 members of the board of directors of the master  
5 association, whichever is applicable, received within 30  
6 days of the board action, shall call a meeting of the unit  
7 owners or the boards of the condominium and common interest  
8 community associations which select members of the board of  
9 directors of the master association within 30 days of the  
10 filing of the petition or receipt of the condominium and  
11 common interest community association resolution to  
12 consider the board action. Unless a majority of the votes  
13 of the unit owners of the association are cast at the  
14 meeting to reject the action, or board of managers or board  
15 of directors of condominium and common interest community  
16 associations which select over 50% of the members of the  
17 board of the master association adopt resolutions prior to  
18 the meeting rejecting the action of the board of directors  
19 of the master association, it is ratified whether or not a  
20 quorum is present.

21 (4) The procedures for amendments set forth in this  
22 subsection (h) cannot be used if such an amendment would  
23 materially or adversely affect property rights of the unit  
24 owners unless the affected unit owners consent in writing.  
25 This Section does not restrict the powers of the  
26 association to otherwise amend the declaration, bylaws, or



1 other condominium instruments, but authorizes a simple  
2 process of amendment requiring a lesser vote for the  
3 purpose of correcting defects, errors, or omissions when  
4 the property rights of the unit owners are not materially  
5 or adversely affected.

6 (5) If there is an omission or error in the declaration  
7 or other instruments that may not be corrected by an  
8 amendment procedure set forth in subdivision (h)(1) or  
9 (h)(2) of this Section, then the circuit court in the  
10 county in which the master association is located shall  
11 have jurisdiction to hear a petition of one or more of the  
12 unit owners thereon or of the association, to correct the  
13 error or omission, and the action may be a class action.  
14 The court may require that one or more methods of  
15 correcting the error or omission be submitted to the unit  
16 owners to determine the most acceptable correction. All  
17 unit owners in the association must be joined as parties to  
18 the action. Service of process on owners may be by  
19 publication, but the plaintiff shall furnish all unit  
20 owners not personally served with process with copies of  
21 the petition and final judgment of the court by certified  
22 mail, return receipt requested, at their last known  
23 address.

24 (6) Nothing contained in this Section shall be  
25 construed to invalidate any provision of a declaration  
26 authorizing the developer to amend an instrument prior to

1 the latest date on which the initial membership meeting of  
2 the unit owners must be held, whether or not it has  
3 actually been held, to bring the instrument into compliance  
4 with the legal requirements of the Federal National  
5 Mortgage Association, the Federal Home Loan Mortgage  
6 Corporation, the Federal Housing Administration, the  
7 United States Veterans Administration or their respective  
8 successors and assigns.

9 (i) The provisions of subsections (c) through (h) are  
10 applicable to all declarations, other condominium instruments,  
11 and other duly recorded covenants establishing the powers and  
12 duties of the master association recorded under this Act. Any  
13 portion of a declaration, other condominium instrument, or  
14 other duly recorded covenant establishing the powers and duties  
15 of a master association which contains provisions contrary to  
16 the provisions of subsection (c) through (h) shall be void as  
17 against public policy and ineffective. Any declaration, other  
18 condominium instrument, or other duly recorded covenant  
19 establishing the powers and duties of the master association  
20 which fails to contain the provisions required by subsections  
21 (c) through (h) shall be deemed to incorporate such provisions  
22 by operation of law.

23 (j) (Blank).

24 (Source: P.A. 96-1045, eff. 7-14-10; 97-535, eff. 1-1-12;  
25 97-605, eff. 8-26-11; 97-813, eff. 7-13-12.)

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