

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 adding Section 18.12 as follows:

6 (765 ILCS 605/18.12 new)

7 Sec. 18.12. Accessible parking.

8 (a) The board of managers shall adopt a policy to
9 reasonably accommodate a unit owner who is a person with a
10 disability who requires accessible parking. Such a policy
11 shall include, without limitation, the procedure for
12 submitting a request for an accessible parking space and the
13 time in which the board shall review the request. The time for
14 review shall not be more than 45 days from the date the request
15 is submitted. The board must review and make a decision on the
16 request within a reasonable period of time. A copy of such
17 policy shall be given to any unit owner upon request. The board
18 of managers shall adopt such policy no later than 90 days after
19 the effective date of this amendatory Act of the 103rd General
20 Assembly for condominiums existing on said effective date or
21 90 days after the date of the election of the initial board of
22 managers pursuant to Section 18.2 of this Act.

23 (b) The board of managers shall make reasonable efforts to

1 facilitate a resolution between unit owners to provide for
2 accessible parking when the association does not own or
3 otherwise control parking that meets the accessible parking
4 needs of a unit owner who is a person with a disability who
5 requires accessible parking.

6 (c) For all new construction condominiums and conversion
7 condominiums submitted to the provisions of this Act after the
8 effective date of this amendatory Act of the 103rd General
9 Assembly, all accessible parking spaces constructed or created
10 in accordance with applicable federal, State, and local
11 building and accessibility statutes, codes, and ordinances
12 must remain part of the common elements. No developer or
13 declarant shall construct, create, or otherwise make parking
14 units (a unit as defined in Section 2 of this Act that is a
15 parking space) or limited common elements of such accessible
16 parking spaces. The board of managers has the authority to
17 establish rules and regulations for the use of such common
18 element accessible parking spaces, including, but not limited
19 to, renting or licensing such common element accessible
20 parking spaces to non-disabled unit owners, provided that the
21 rules and regulations must provide that a unit owner who is a
22 person with a disability who requires accessible parking has
23 priority over non-disabled unit owners, and that non-disabled
24 unit owners must immediately stop using such common element
25 accessible parking space when a request by a unit owner who is
26 a person with a disability for accessible parking is approved

1 by the board.

2 Nothing in this subsection (c) shall preclude a disabled
3 person from purchasing a parking unit or a residential unit to
4 which a limited common element parking space is assigned, and
5 no developer or declarant shall refuse to sell a parking unit
6 to a disabled person or assign a limited common element
7 parking space to a residential unit purchased by a disabled
8 person. If a disabled person purchases a parking unit or a
9 residential unit to which a limited common element parking
10 space is assigned, that unit owner who is a person with a
11 disability who requires accessible parking may request use of
12 a common element accessible parking space in exchange for
13 permitting the association use of that disabled unit owner's
14 parking unit or limited common element parking space.

15 (d) Subsections (a) and (b) apply to all condominiums that
16 have parking, regardless of whether the parking comprises
17 parking units, limited common elements, common elements, or
18 parking rights.

19 (e) An aggrieved unit owner, an aggrieved prospective unit
20 owner, or the board of managers may commence a civil action in
21 State court against a developer or declarant who fails to
22 comply with its requirements under subsection (c). If the
23 court finds that the developer or declarant failed to comply
24 with these requirements, it may award declaratory relief,
25 actual damages, punitive damages and, if appropriate,
26 equitable relief.

1 The condominium association shall not be held liable for
2 the failure of the developer or declarant to comply with its
3 requirements under subsection (c).