



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB2648

Introduced 2/6/2025, by Rep. Martin McLaughlin

#### SYNOPSIS AS INTRODUCED:

765 ILCS 160/1-30

Amends the Common Interest Community Association Act. Authorizes the imposition of a reasonable fee that may not exceed \$375 for the cost of retrieving and copying association records that are properly requested. Authorizes the board to charge an additional rush fee of not more than \$100 if the records are needed within 72 hours of the request being made. Requires any fees charged to be accompanied by an itemized statement detailing the basis of the fees. Provides that, beginning one year after the effective date of the amendatory Act, the \$375 fee shall be increased or decreased, as applicable, by a percentage equal to the percentage change in the consumer price index-u during the preceding 12-month calendar year. "Consumer price index-u" means the index published by the Bureau of Labor Statistics of the United States Department of Labor that measures the average change in prices of goods and services purchased by all urban consumers, United States city average, all items, 1982-84 = 100.

LRB104 09657 JRC 19723 b

1 AN ACT concerning civil law.

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

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

6 (765 ILCS 160/1-30)

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

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

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

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

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

4 (d) (Blank).

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

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

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

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

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

4 (i) Board records.

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

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

20 (ii) Detailed and accurate records in  
21 chronological order of the receipts and expenditures  
22 affecting the common areas, specifying and itemizing  
23 the maintenance and repair expenses of the common  
24 areas and any other expenses incurred, and copies of  
25 all contracts, leases, or other agreements entered  
26 into by the board shall be maintained.

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

3 (iv) With a written statement of a proper purpose,  
4 ballots and proxies related thereto, if any, for any  
5 election held for the board and for any other matters  
6 voted on by the members, which shall be maintained for  
7 not less than one year.

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

13 (vi) With respect to units owned by a land trust, a  
14 living trust, or other legal entity, the trustee,  
15 officer, or manager of the entity may designate, in  
16 writing, a person to cast votes on behalf of the member  
17 or unit owner and a designation shall remain in effect  
18 until a subsequent document is filed with the  
19 association.

20 (vii) Any reserve study.

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

25 (3) A reasonable fee not to exceed \$375 may be charged  
26 by the board for the cost of retrieving and copying

1 records properly requested. The board may charge an  
2 additional rush fee of not to exceed \$100 if the records  
3 are needed within 72 hours of the request being made. Any  
4 fees charged shall be accompanied by an itemized statement  
5 detailing the basis of the fees. Beginning one year after  
6 the effective date of this amendatory Act of the 104th  
7 General Assembly, the \$375 fee shall be increased or  
8 decreased, as applicable, by a percentage equal to the  
9 percentage change in the consumer price index-u during the  
10 preceding 12-month calendar year. "Consumer price index-u"  
11 means the index published by the Bureau of Labor  
12 Statistics of the United States Department of Labor that  
13 measures the average change in prices of goods and  
14 services purchased by all urban consumers, United States  
15 city average, all items, 1982-84 = 100.

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

24 (j) The board shall have standing and capacity to act in a  
25 representative capacity in relation to matters involving the  
26 common areas or more than one unit, on behalf of the members or

1 unit owners as their interests may appear.

2 (k) The board may contract with the highway commissioner  
3 of a road district in which the association is located, if the  
4 association comprises 50% of the population or greater of the  
5 township or road district, to furnish materials related to the  
6 maintenance or repair of roads. Any such purchases shall be  
7 included in the board's finance report as outlined in Section  
8 1-45.

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