



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB4618

Introduced 2/3/2026, by Rep. Dagmara Avelar

#### SYNOPSIS AS INTRODUCED:

765 ILCS 160/1-30

765 ILCS 160/1-40

Provides that the Act may be referred to as the Common Interest Community Transparency Act. Amends the Common Interest Community Act. Provides which association records must be provided to a unit owner upon request. Specifies records that may not be disclosed. Provides that a reasonable fee may be charged by the board for the actual cost of retrieving and copying records, but no fee may be charged for access to or downloading of electronic records stored on a website or other accessible electronic file. Prohibits a board from requiring a unit owner to sign a nondisclosure or confidentiality agreement concerning actions of the board or association. Changes the board's notice requirements notifying unit members of meetings of the association or the board. Requires the board to offer video conferencing for those unit owners who physically cannot attend a meeting. Provides that a unit owner may choose a proxy to attend a meeting and represent the unit owner but must identify the proxy to the board via a prescribed delivery method at least one day before the meeting. Allows a unit owner or the owner's invitee or proxy to record board meetings.

LRB104 15627 JRC 28794 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 1. This Act may be referred to as the Common  
5 Interest Community Transparency Act.

6 Section 5. Findings. The General Assembly finds that a  
7 lack of transparency by boards in common interest communities  
8 leads to poor management, embezzlement, abuse of unit owners,  
9 unequal enforcement, special treatment, theft and other  
10 problems. It further finds that unit owners are forced to  
11 struggle with and are often forced to litigate against their  
12 own boards and property managers to access the documents of  
13 the association that the unit owners are entitled to see. The  
14 General Assembly further finds that boards and property  
15 managers often charge excessive fees to unit owners to review  
16 records and documents of their association.

17 Section 10. The Common Interest Community Association Act  
18 is amended by changing Sections 1-30 and 1-40 as follows:

19 (765 ILCS 160/1-30)

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

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

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

15           (c) The bylaws or operating agreement shall provide for  
16 the maintenance, repair, and replacement of the common areas  
17 and payments therefor, including the method of approving  
18 payment vouchers.

19           (d) (Blank).

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

22           (f) The association shall have one class of membership  
23 unless the declaration, bylaws, or operating agreement provide  
24 otherwise; however, this subsection (f) shall not be construed  
25 to limit the operation of subsection (c) of Section 1-20 of  
26 this Act.

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

6 (h) Other than attorney's fees and court or arbitration  
7 costs, no fees pertaining to the collection of a member's or  
8 unit owner's financial obligation to the association,  
9 including fees charged by a manager or managing agent, shall  
10 be added to and deemed a part of a member's or unit owner's  
11 respective share of the common expenses unless: (i) the  
12 managing agent fees relate to the costs to collect common  
13 expenses for the association; (ii) the fees are set forth in a  
14 contract between the managing agent and the association; and  
15 (iii) the authority to add the management fees to a member's or  
16 unit owner's respective share of the common expenses is  
17 specifically stated in the declaration, bylaws, or operating  
18 agreement of the association.

19 (i) Board records.

20 (1) The board shall maintain the following records of  
21 the association on a website accessible to unit owners and  
22 their authorized agents and make them available for  
23 examination and copying at convenient hours of weekdays or  
24 at a mutually convenient time and location within 30 miles  
25 of the location of the common interest community by any  
26 member or unit owner in a common interest community

1 subject to the exemptions in subsection (m) ~~authority of~~  
2 ~~the board, their mortgagees, and their duly authorized~~  
3 ~~agents or attorneys:~~

4 (i) Copies of the recorded declaration, other  
5 community instruments, other duly recorded covenants  
6 and bylaws and any amendments, articles of  
7 incorporation, articles of organization, annual  
8 reports, and any rules and regulations adopted by the  
9 board shall be available. Prior to the organization of  
10 the board, the developer shall maintain and make  
11 available the records set forth in this paragraph (i)  
12 for examination and copying. An association's managing  
13 agent must deliver all of the association's original  
14 books and records to the association immediately upon  
15 termination of its management relationship with the  
16 association or upon such other demand as is made by the  
17 Board. An association managing agent may keep copies  
18 of the association records at its own expense.

19 (ii) All financial records for the last 7 years in  
20 a spreadsheet format produced by Excel or similar  
21 software in a manner that allows unit owners to  
22 download and manipulate or organize the data using  
23 Excel or similar software. Financial records include,  
24 but are not limited to, the income statement, balance  
25 sheet, check register, current budget with monthly  
26 variation, detailed records of receipts and

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

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

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

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

23 (vi) With respect to units owned by a land trust, a  
24 living trust, or other legal entity, the trustee,  
25 officer, or manager of the entity may designate, in  
26 writing, a person to cast votes on behalf of the member

1 or unit owner and a designation shall remain in effect  
2 until a subsequent document is filed with the  
3 association.

4 (vii) Any reserve study.

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

9 (3) A reasonable fee may be charged by the board for  
10 the actual cost of retrieving and copying records properly  
11 requested but may not charge any fee for access to or  
12 downloading by a unit owner of electronic records stored  
13 on a website or other accessible electronic file. A unit  
14 owner has the right to request these records by  
15 photocopying or through electronic means.

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 (l) A board may not require a unit owner to sign a  
10 nondisclosure or confidentiality agreement concerning the  
11 board or association.

12 (m) Records provided under this Section may not be used  
13 for commercial purposes other than to sell or purchases  
14 properties in the association and may be withheld from  
15 inspection and copying to the extent that the records concern:

16 (i) personnel and medical records relating to  
17 specific individuals;

18 (ii) contracts, leases, and other commercial  
19 transactions to purchase or provide goods or services  
20 currently being negotiated;

21 (iii) attorney-client privileged details of  
22 current or potential litigation or mediation,  
23 arbitration, or administrative proceedings;

24 (iv) attorney-client privileged details of current  
25 or potential matters involving federal, State, or  
26 local administrative or other formal proceedings

1 before a governmental tribunal for enforcement of the  
2 governing documents;

3 (v) legal advice or communications for current or  
4 potential matters that are otherwise protected by the  
5 attorney-client privilege or the attorney work product  
6 doctrine, including communications with the managing  
7 agent or other agent of the association;

8 (vi) information the disclosure of which would  
9 violate a court order or law;

10 (vii) records of an executive session of the  
11 board;

12 (viii) the personal phone number of a member if  
13 requested to be held confidential by the member; and

14 (ix) security access information provided to the  
15 association for emergency purposes.

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

17 (765 ILCS 160/1-40)

18 Sec. 1-40. Meetings.

19 (a) Notice of any membership meeting shall be given  
20 detailing the time, place, and purpose of such meeting no less  
21 than 14 ~~10~~ and no more than 30 days prior to the meeting  
22 through a prescribed delivery method, or if requested by a  
23 unit owner, by first class mail by the United States Postal  
24 Service.

25 (b) Meetings.

1           (1) Twenty percent of the membership shall constitute  
2 a quorum, unless the community instruments indicate a  
3 lesser amount.

4           (2) The membership shall hold an annual meeting. The  
5 board of directors may be elected at the annual meeting.

6           (3) Special meetings of the board may be called by the  
7 president, by 25% of the members of the board, or by any  
8 other method that is prescribed in the community  
9 instruments. Special meetings of the membership may be  
10 called by the president, the board, 20% of the membership,  
11 or any other method that is prescribed in the community  
12 instruments.

13           (4) ~~The Except to the extent otherwise provided by~~  
14 ~~this Act, the~~ board shall give the members notice of all  
15 board meetings at least 14 days ~~48 hours~~ prior to the  
16 meeting by sending notice by using a prescribed delivery  
17 method and ~~or~~ by posting copies of notices of meetings in  
18 entranceways, elevators, or other conspicuous places in  
19 the common areas of the common interest community at least  
20 48 hours prior to the meeting except where there is no  
21 common entranceway for 7 or more units, the board may  
22 designate one or more locations in the proximity of these  
23 units where the notices of meetings shall be posted. The  
24 board shall give members notice of any board meeting,  
25 through a prescribed delivery method, concerning the  
26 adoption of (i) the proposed annual budget, (ii) regular

1 assessments, or (iii) a separate or special assessment  
2 within 14 ~~10~~ to 60 days prior to the meeting, unless  
3 otherwise provided in Section 1-45 (a) or any other  
4 provision of this Act.

5 (5) Meetings of the board shall be open to any unit  
6 owner or a person specifically invited to the meeting by  
7 the unit owner. ~~A, except that the~~ board may close any  
8 portion of a noticed meeting or meet separately from a  
9 noticed meeting: (i) to discuss litigation when an action  
10 against or on behalf of the particular association has  
11 been filed and is pending in a court or administrative  
12 tribunal, or when the common interest community  
13 association finds that such an action is probable or  
14 imminent, (ii) to discuss third party contracts or  
15 information regarding appointment, employment,  
16 engagement, or dismissal of an employee, independent  
17 contractor, agent, or other provider of goods and  
18 services, (iii) to interview a potential employee,  
19 independent contractor, agent, or other provider of goods  
20 and services, (iv) to discuss violations of rules and  
21 regulations of the association, (v) to discuss a member's  
22 or unit owner's unpaid share of common expenses, or (vi)  
23 to consult with the association's legal counsel. Any vote  
24 on these matters shall be taken at a meeting or portion  
25 thereof open to any member.

26 (6) The board must reserve a portion of the meeting of

1 the board for comments by members; provided, however, the  
2 duration and meeting order for the member comment period  
3 is within the sole discretion of the board.

4 (7) The board must offer video conferencing for unit  
5 owners who physically cannot attend a meeting. A unit  
6 owner may choose a proxy to attend a meeting and represent  
7 the owner but must identify the proxy to the board via a  
8 prescribed delivery method at least one day before the  
9 meeting. All meetings may be recorded by any unit owner or  
10 by the owner's invitee or proxy.

11 (Source: P.A. 99-567, eff. 1-1-17.)