



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5617

Introduced 2/13/2026, by Rep. Margaret A. DeLaRosa

SYNOPSIS AS INTRODUCED:

765 ILCS 160/1-30

Amends the Common Interest Community Act. Specifies which records of a common interest community association must be provided to a unit owner upon request. Specifies records that may not be disclosed. Requires a board to maintain a secure website accessible only to unit owners and their authorized agents so that they may download the association's records in an electronic format at no cost. Provides that a board has no obligation to produce electronic records otherwise if it maintains the accessible, secure website. Provides that if the unit owner requests the records to be delivered in paper and the association has a photocopier available where the records are maintained, it must provide unit owners with copies on request during the inspection if the entire request is limited to no more than 25 pages. Provides that the board may charge up to 25 cents per page for copies made on the association's photocopier if more than 25 pages. Provides that a board must allow a unit owner to use a portable device capable of scanning or taking photographs to make an electronic copy of the official records at no cost in lieu of the board's providing the unit owner with a copy of records. Provides that the board may impose fees to cover the costs of providing paper copies of the records if the time spent retrieving and copying the records exceeds one-half hour and if the personnel costs do not exceed \$20 per hour and the personnel costs may not be charged for records requests that result in the copying of 25 or fewer pages. Authorizes the board to adopt reasonable written rules governing the frequency, time, location, notice, records to be inspected, and manner of inspections with some limitations. Provides that the board must make available to unit owners or their authorized agents on a quarterly basis on its secure website any transactions that the board has entered into, to include, but not be limited to, contracts, signed proposals, proof of payments, and final inspections of parcels in the association. Makes other changes.

LRB104 16272 JRC 29656 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 Sections 1-30 and 1-40 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 on a secure website accessible only to
7 unit owners and their authorized agents and make them
8 available for examination and copying at convenient hours
9 of weekdays or at a mutually convenient time and location
10 within 30 miles of the location of the common interest
11 community by any member or unit owner in a common interest
12 community subject to the exemptions in subsection (m)
13 ~~authority of the board, their mortgagees, and their duly~~
14 ~~authorized agents or attorneys:~~

15 (i) Copies of the recorded declaration, other
16 community instruments, other duly recorded covenants
17 and bylaws and any amendments, articles of
18 incorporation, articles of organization, annual
19 reports, and any rules and regulations adopted by the
20 board shall be available. Prior to the organization of
21 the board, the developer shall maintain and make
22 available the records set forth in this paragraph (i)
23 for examination and copying. An association's managing
24 agent must deliver all of the association's original
25 books and records to the association immediately upon
26 termination of its management relationship with the

1 association or upon such other demand as is made by the
2 Board. An association managing agent may keep copies
3 of the association records at its own expense.

4 (ii) All financial records for the last 7 years in
5 a spreadsheet format produced by Excel or similar
6 software in a manner that allows unit owners to
7 download and manipulate or organize the data using
8 Excel or similar software. Financial records include,
9 but are not limited to, the income statement, balance
10 sheet, check register, current budget with monthly
11 variation, detailed records of receipts and
12 expenditures affecting the operation and
13 administration of the association, reserve account
14 details, tax returns and other appropriate accounting
15 records. Detailed and accurate records in
16 chronological order of the receipts and expenditures
17 affecting the common areas, specifying and itemizing
18 the maintenance and repair expenses of the common
19 areas and any other expenses incurred, and copies of
20 all contracts, leases, or other agreements entered
21 into by the board shall be maintained.

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

24 (iv) With a written statement of a proper purpose,
25 ballots and proxies related thereto, if any, for any
26 election held for the board and for any other matters

1 voted on by the members, which shall be maintained for
2 not less than one year.

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

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

15 (vii) Any reserve study.

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

20 (3) The board has no obligation to produce records in
21 an electronic format if the records are available to the
22 unit owner or the owner's authorized agent on a secure
23 website maintained by the board. The board may not charge
24 any fee for access to or downloading by a unit owner of
25 electronic records stored on the secure website. If the
26 unit owner requests the records to be delivered in paper,

1 the following apply to such a request:

2 (A) If the association has a photocopy machine
3 available where the records are maintained, it must
4 provide unit owners with copies on request during the
5 inspection if the entire request is limited to no more
6 than 25 pages. A board must allow a unit owner or
7 authorized agent to use a portable device, including a
8 smartphone, tablet, portable scanner, or any other
9 technology capable of scanning or taking photographs,
10 to make an electronic copy of the official records in
11 lieu of the board's providing the unit owner or
12 authorized agent with a copy of such records. The
13 board may not charge a fee to a unit owner or
14 authorized agent for the use of a portable device.

15 (B) The board may adopt reasonable written rules
16 governing the frequency, time, location, notice,
17 records to be inspected, and manner of inspections,
18 but may not require a unit owner to demonstrate any
19 proper purpose for the inspection, state any reason
20 for the inspection, or limit an owner's right to
21 inspect records to less than one 8-hour business day
22 per month.

23 (C) The board may impose fees to cover the costs of
24 providing paper copies of the records, including the
25 costs of copying and the costs required for personnel
26 to retrieve and copy the records if the time spent

1 retrieving and copying the records exceeds one-half
2 hour and if the personnel costs do not exceed \$20 per
3 hour. Personnel costs may not be charged for records
4 requests that result in the copying of 25 or fewer
5 pages. The board may charge up to 25 cents per page for
6 copies made on the association's photocopier if more
7 than 25 pages. If the board does not have a photocopy
8 machine available where the records are kept, or if
9 the records requested to be copied exceed 25 pages in
10 length, the association may have copies made by an
11 outside duplicating service and may charge the actual
12 cost of copying as supported by the vendor invoice. A
13 ~~reasonable fee may be charged by the board for the cost~~
14 ~~of retrieving and copying records properly requested.~~

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

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

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

8 (l) Records provided under this Section may not be used
9 for commercial purposes other than to sell or purchases
10 properties in the association and may be withheld from
11 inspection and copying to the extent that the records concern:

12 (i) personnel and medical records relating to specific
13 individuals;

14 (ii) contracts, leases, and other commercial
15 transactions to purchase or provide goods or services
16 currently being negotiated;

17 (iii) attorney-client privileged details of current or
18 potential litigation or mediation, arbitration, or
19 administrative proceedings;

20 (iv) attorney-client privileged details of current or
21 potential matters involving federal, State, or local
22 administrative or other formal proceedings before a
23 governmental tribunal for enforcement of the governing
24 documents;

25 (v) legal advice or communications for current or
26 potential matters that are otherwise protected by the

1 attorney-client privilege or the attorney work product
2 doctrine, including communications with the managing agent
3 or other agent of the association;

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

6 (vii) records of an executive session of the board;

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

9 (ix) security access information provided to the
10 association for emergency purposes.

11 (m) The board must make available to unit owners or their
12 authorized agents on a quarterly basis on its secure website
13 any transactions that the board has entered into, to include,
14 but not be limited to, contracts, signed proposals, proof of
15 payments, and final inspections of parcels in the association.

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