



Legislative Update – Spring 2022

This article will provide an update on the current legislation impacting Illinois community associations (our clients). **As always, this article contains tips only and does not constitute legal advice or guidance. For specific issues related to your community, consult with your association’s legal professional.**

On April 9, 2022, the Illinois General Assembly adjourned until the fall veto session. Five bills affecting community associations and community association managers passed both Houses during the Spring legislative session, which have all been sent to the Governor. The Governor has 60 days to sign a bill into law or veto the bill (including an “amendatory veto” or “item veto”). If the Governor does nothing during that 60-day period, then the bill becomes law. Those five bills are as follows:

HB 4158

As introduced, the bill amended the Common Interest Community Association Act (Section 1-30) and the Condominium Property Act (Section 19). The bill clarifies that if an association obtains a reserve study, that reserve study is part of the association’s books and records, and therefore, owners have a right to examine and copy that reserve study. The bill does not mandate that an association obtain a reserve study. Assuming it becomes law, the bill will become effective upon becoming law.

HB 5167

As introduced, the bill amended numerous statutes involving areas over which the Illinois Department of Financial and Professional Regulation (“IDFPR”) has regulatory authority. One of those statutes is the Community Association Manager Licensing and Disciplinary Act (“CAM Act”). The bill was amended in the House, which amendment made changes to the language amending the CAM Act. Assuming it becomes law, the bill will become effective upon becoming law with respect to changes to the CAM Act.

The bill makes changes to Sections 10, 25, 55, 60, and 65 of the CAM Act. Some of those changes were non-substantive. For example, replacing “his or her” with “the” or replacing “his or her” with “the broker’s.” The substantive changes include (a) providing the members of the Community Association Manager Licensing and Disciplinary Board immunity from a lawsuit involving disciplinary proceedings; (b) requiring community association managers to provide associations with a copy of a certificate of fidelity insurance within 10 days after a request for such certificate when the fidelity insurance is not secured and paid for by the association; (c) requiring community association managers to provide associations with a copy of a certificate of general liability and errors and omissions insurance within 10 days after a request for such certificate when the fidelity insurance is not secured and paid for by the association; and (d) eliminating the Community Association Manager and Licensing and Disciplinary Fund and directing licensing fees and other money received by IDFPR under the CAM Act go to the Division of Real Estate General Fund.

HB 5246

As introduced, the bill amended Section 22.1 of the Condominium Property Act to reduce the time an association has to respond to a request under Section 22.1 and imposed a cap on the fee that an association may charge for providing the information enumerated in Section 22.1. The bill was amended in the House, which amendment reflects negotiated language providing for more reasonable changes. Assuming it becomes law, the bill will become effective January 1, 2023.

In its initial form, the bill would have required an association to respond to a Section 22.1 request within five business days of the request. Also, the bill would have limited the fee an association could charge for a Section 22.1 response to not exceed \$100.

Ultimately, the bill was amended to provide an association ten business days to respond to a Section 22.1 request and that the fee charged by an association cannot exceed \$375. The bill further provides that fees may be adjusted based on the consumer price index for the preceding twelve-month calendar year. Also, the bill provides that an association may charge an additional \$100 for rush service completed within 72 hours.

SB 3069

As introduced, the bill amended the Property Tax Code to clarify that condominium and homeowner associations have the right to file appeals with the Property Tax Appeal Board. The bill was amended in the House, which amendment did not change the purpose of the bill but changed the language to accomplish that purpose. The bill, as passed by both Houses, adds a new paragraph to Section 16-160 of the Property Tax Code. That new paragraph provides that an association may file an appeal to the Property Tax Appeal Board. That new paragraph defines “association” to include common interest community associations, condominium associations, and master associations, as those terms are defined in the Common Interest Community Association Act and the Condominium Property Act, respectively. Assuming it becomes law, the bill will become effective on January 1, 2023.

SB 3792

As introduced, the bill amended several statutes, including the Community Association Manager Licensing and Disciplinary Act. It makes non-substantive changes to all of those statutes. Specifically, the bill changes the term “high school equivalency certificate” to “State of Illinois High School Diploma”. Assuming it becomes law, the bill will become effective on January 1, 2023.

Other Legislation

The five bills described above are only a few of the many bills that were introduced in the legislature affecting community associations. One bill that did not pass both chambers but is likely to come back in upcoming legislative sessions is HB 3125.

HB3125 would create a new Electric Vehicle Charging Act. Among other things, the bill provides that a condominium or common interest community cannot prohibit the installation of an electric vehicle charging station by a unit owner. However, an association can impose reasonable restrictions on electric vehicle charging station installation. A reasonable restriction is defined as “a restriction that does not significantly increase the cost of the electric vehicle charging station or electric vehicle charging system or significantly decrease its efficiency or specified performance.” A unit owner who wishes to install an electric vehicle charging station would be responsible for the cost of installation and maintenance, damage from the installation and use, and insuring the charging station. The unit owner would also be responsible for the cost of electricity used.

For any further questions, feel free to contact [Bartzen Rosenlund Kasten](mailto:Bartzen.Rosenlund.Kasten@brkchicago.com) at 312.450.6655 or at info@brkchicago.com