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## 2022 Legislative Update – That Which Became Law

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This article provides an update to our previously published “Spring 2022 Community Association Legislative Update” article, which covered legislation impacting community associations (our clients) and those who provide goods and services to community associations. **As always, this article is for informational and educational purposes only and does not constitute legal advice. For specific issues related to your community, consult with your association’s legal professional.**

The Illinois General Assembly adjourned in April so legislators could focus on campaigning because this is an election year. Accordingly, the summer was expected to be quiet from a legislation perspective. However, the landmark U.S. Supreme Court decision, *Dobbs v. Jackson Women’s Health Organization*, threatened to disrupt the legislative summer vacation when the Governor indicated that he may call legislators back to Springfield for a special session. Fortunately, no special session was called, and therefore, no new bills were introduced or signed into law after that which became law through the Spring legislative session.

Legislation enacted into law this year impacting community associations and community association managers include:

### Public Act 102-0921 (HB 4158)

As introduced, HB 4158 amended the Common Interest Community Association Act (Section 1-30) and the Condominium Property Act (Section 19). The changes to those statutory provisions clarified that, if an association obtains a reserve study, that reserve study is part of the association’s books and records. Accordingly, owners would have a right to examine and copy that reserve study. The bill does not mandate that an association obtain a reserve study.

During the legislative process, the bill was amended to also make changes to the Common Interest Community Association Act, the Condominium Property Act, and the Condominium and Common Interest Community Ombudsperson Act (“Ombudsperson Act”). Those changes only extended the repeal date of the Ombudsperson Act to January 1, 2024, which was set to be repealed on July 1, 2022. No other changes to the Ombudsperson Act were made.

HB 4158 was signed into law as Public Act 102-0921 and **became effective May 27, 2022.**

### Public Act 102-0970 (HB 5167)

As introduced, HB5167 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.

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.

HB5167 was signed into law as Public Act 102-0970 and, with respect to changes to the CAM Act, **became effective May 27, 2022.**

Public Act 102-0976 (HB 5246)

As introduced, HB5246 amended Section 22.1 of the Condominium Property Act to reduce the time an association must 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 providing an association ten business days to respond to a Section 22.1 request and that the fee charged by an association cannot exceed \$375.

HB5246 was signed into law as Public Act 102-0976 and **will become effective January 1, 2023.**

Public Act 102-1000 (SB 3069)

SB 3069 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 that 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.

SB 3069 was signed into law as Public Act 102-1000 and **will become effective January 1, 2023.**

Public Act 102-1100 (SB 3792)

SB 3792 amended several statutes, including the Community Association Manager Licensing and Disciplinary Act. It makes non-substantive changes to those statutes. Specifically, the bill changes the term “high school equivalency certificate” to “State of Illinois High School Diploma”.

SB 3069 was signed into law as Public Act 102-1100 and **will become effective on January 1, 2023.**

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](mailto:info@brkchicago.com)