

ISSUE #1

is made in writing to the board or its agent, failure to provide the requested record or to respond within 30 days shall be deemed a denial by the board.

(3) A reasonable fee may be charged by the board for the cost of retrieving and copying records properly requested.

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

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

(Source: P.A. 98-232, eff. 1-1-14; 98-241, eff. 8-9-13; 98-756, eff. 7-16-14; 99-41, eff. 7-14-15.)

(765 ILCS 160/1-35)

Sec. 1-35. Member powers, duties, and obligations.

(a) The provisions of this Act, the declaration, bylaws, other community instruments, and rules and regulations that relate to the use of an individual unit or the common areas shall be applicable to any person leasing a unit and shall be deemed to be incorporated in any lease executed or renewed on or after the effective date of this Act. Unless otherwise provided in the community instruments, with regard to any lease entered into subsequent to the effective date of this Act, the unit owner leasing the unit shall deliver a copy of the signed lease to the association or if the lease is oral, a memorandum of the lease, not later than the date of occupancy or 10 days after the lease is signed, whichever occurs first.

(b) If there are multiple owners of a single unit, only one of the multiple owners shall be eligible to serve as a member of the board at any one time, unless the unit owner owns another unit independently.

(c) Two-thirds of the membership may remove a board member as a director at a duly called special meeting.

(d) In the event of any resale of a unit in a common interest community association by a member or unit owner other than the developer, the board shall make available for inspection to the prospective purchaser, upon demand, the following:

(1) A copy of the declaration, other instruments, and any rules and regulations.

(2) A statement of any liens, including a statement of the account of the unit setting forth the amounts of unpaid assessments and other charges due and owing.

(3) A statement of any capital expenditures

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 107.75 (p. 9): Records clause allows 30 days to fulfill an owner records inspection request, exceeding the mandatory 10-business-day deadline under Illinois law.

Statutory / Legal Reference: 765 ILCS 160/1-30(i) (Illinois Common Interest Community Association Act)

Statutory Comparison: Under 765 ILCS 160/1-30(i) (Illinois Common Interest Community Association Act) (as amended by P.A. 102-921), an association must make the declaration, bylaws, rules, minutes of all meetings for the preceding 7 years, insurance policies, contracts, leases, ballots/proxies for the preceding 12 months, and detailed books and records of account available for examination and copying by any member or unit owner within 10 business days of receipt of a written request.

CURRENT WORDING IN DOCUMENT:

- (2) Where a request for records under this subsection is made in writing to the board or its agent, failure to provide the requested record or to respond within 30 days shall be deemed a denial by the board.
- (3) A reasonable fee may be charged by the board for the cost of retrieving and copying records properly requested.
- (4) If the board fails to provide records properly

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to 765 ILCS 160/1-30(i) (Illinois Common Interest Community Association Act), the Board shall make the Association's books, records of account, minutes, contracts, and governing documents available for examination and copying by any Owner or the Owner's authorized representative within ten (10) business days after receiving a written request.