

ILLINOIS

Basic Information on community association operations in this state

<p>1. Is UCA the legal basis for community associations?</p> <ul style="list-style-type: none"> • Condominium Property Act (Does not apply to HOAs) 765 ILCS 605 <ul style="list-style-type: none"> ○ Public Act 100-292 (formerly IL House Bill 189) – amended numerous aspects of section 19, effective January 1, 2018 • Common Interest Community Association Act (Applies to HOAs) 765 ILCS 160 • Code of Civil Procedure 735 ILCS 5 • (225 ILCS 427/) Community Association Manager Licensing and Disciplinary Act. <ul style="list-style-type: none"> ○ NOTE: Multiple sections are scheduled to be repealed on January 1, 2020. (Source: P.A. 96-726, eff. 7-1-10.) 	<p>YES NO</p>
<p>2. Do state laws/regulations (in general) apply to Condominium Associations and Homeowner Associations, and Coop Associations equally?</p> <p>NOTE: In the city of Chicago, there is an additional ordinance:</p> <ul style="list-style-type: none"> • City of Chicago Condominium Ordinance 	<p>YES NO</p>
<p>3. What state agency regulates community associations?</p> <p style="text-align: center;">ILLINOIS DEPARTMENT OF FINANCIAL & PROFESSIONAL REGULATION, DIVISION OF REAL ESTATE https://www.idfpr.com/dre.asp</p> <p style="text-align: center;">* Ombudsperson office instituted, effective January, 2018. The Condominium & Common Interest Community Ombudsperson ("CCIC Ombudsperson") https://www.idfpr.com/CCICO/</p>	
<p>4. Are community associations, HOAs registered as business entities or nonprofit corporations?</p> <p style="text-align: center;">NONPROFIT</p> <ul style="list-style-type: none"> • 805 ILCS 105/ = General Not For Profit Corporation Act of 1986. 	
<p>5. How many community associations in this state?</p> <p style="padding-left: 20px;"><i>(Source: CAI Fact Book 2016 Statistics)</i></p>	<p>18,600 EST'D</p>
<p>6. Does this state have laws that regulate use of technology?</p> <p>If Yes, do these laws impact:</p> <ul style="list-style-type: none"> • Information privacy; 	<p>YES NO</p> <p style="text-align: center;">YES</p>

<ul style="list-style-type: none"> • Data access; • Identity Theft; • Data breach? 	<p>YES</p> <p>YES</p> <p>YES</p>
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Key Statutes - Association/CID specific Cyber Security, Data Access and Privacy

IL Public Act 100-292 (formerly Illinois House Bill 189) becomes effective Jan. 1, 2018. amending the Condominium Property Act.

- Section 19 amended to require condominium associations to keep telephone numbers and email addresses of unit owners and provide such information to a requesting unit owner. The requester does not have to state a proper purpose.
- Note: The new requirement that email addresses be included on the unit owner list is controversial and has potential to be interpreted as being in conflict with Section 18.4(s) –added to the ICPA in 2015 to authorize electronic distribution of official notices.

Relevant Legislative Trends

HB5812 established the Condominium and Common Interest Community Ombudsperson Act, Effective January 1, 2018, associations will be required to comply with requirements...including adopting a complaint procedure. By July 1, 2018 the State...appoint an Ombudsperson who will offer training and education to associations.... And beginning July 1, 2019, unit owners can begin submitting complaints of the Ombudsperson.

H.B. 2371 Status: Enacted, Public Act. No. 40.
Amends the Data Security on state Computers Act, impacting state employees.

H.B. 3987

Status: Pending - carryover.

Amends the Criminal Code of 2012, expands the definition of computer to include equipment of cloud-based networks of remote servers hosted on the Internet to store, manage, and process data, makes the definition of computer apply to multiple provisions under the computer fraud subdivision

NOTE: Illinois is described in numerous articles as a "battleground state" for individual privacy legislation. At present the numerous bills are written towards individual residents protection of internet privacy.

<https://www.consumeraffairs.com/news/illinois-considers-far-reaching-internet-privacy-measures-032217.html>

Statutes related to Data Security/retention/protection/disposal and penalties

HB1260 enacted May 6, 2016 expanded protections of 815 ILCS S630 below. Expanded definition of Personal Info to include biometrics, health data, health insurance data, and user name or email address (with a password or a security question and answer that would permit access to an online account)

815 IL Comprehensive Statute S 530/1-530/40) Personal Information Protection Act.

- requires companies that deal with records that contain personal information of Illinois residents to “implement and maintain reasonable security measures to protect those records from unauthorized access, acquisition, destruction, use, modification, or disclosure.”
- "Data collector" may include, but is not limited to, government agencies, public and private universities, privately and publicly held corporations, financial institutions, retail operators, and any other entity that, for any purpose, handles, collects, disseminates, or otherwise deals with nonpublic personal information.
- Some non-commercial entities may be subject to different requirements
- Focus on Electronic data only
- Encryption safe harbor
- Excludes certain good-faith acquisitions by employees or agents
- Applies to 3rd party managers of covered information
- Data collectors that maintain their own notification procedures can be deemed compliance with the notification requirements if they have their own security procedures if they are consistent with timing requirements
- Civil penalties

Identity theft statutes and penalties

III. Rev. Stat. ch. 720, §5/16-30 et seq.

- Defines criminal felony levels by dollar amount of theft, by whether the impact is active military, and by whether offender has been convicted of other offenses

Related General Business/Organization Statutes (non-specific to Associations)

IL Public Acts Ch 225_Professions, Occupations, And Business Operations

Illinois Compiled Statutes **740 ILCS 7/1** The Anti-Phishing Act.

“Private entity” means any individual, partnership, corporation, limited liability company, association, or other group, however organized. A private entity does not include a State or local government agency. A private entity does not include any court of Illinois, a clerk of the court, or a judge or justice thereof.