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Chicago City Council Passes Ordinance to Protect Condominium Owners' Personal Information

SUMMARY

On March 28, 2018, the Chicago City Council passed an Ordinance that overrides controversial changes to Section 19 of the Illinois Condominium Property Act that since January 1, 2018 have allowed any condominium unit owner to access the email addresses and phone numbers of other unit owners.

For associations located in Chicago, the Ordinance overrides the provisions of Section 19 of the Act. Not only does the Ordinance eliminate associations' obligation to provide owners' email addresses and phone numbers, it also eliminates access to information that was available to owners prior to the 2018 amendments to the Act (that is, the name, weighted vote and postal address of the owner of each unit). In addition, consistent with its focus on unit owner privacy, the Ordinance does not require that Chicago associations allow owners to inspect and copy election ballots and proxies. Finally, associations are allowed to opt out of the Ordinance and be governed by the requirements of Section 19 of the Act, but that requires a two-thirds vote of the association's unit owners.

The Ordinance is not retrospective. This means that any unit owner personal information already lawfully obtained does not have to be returned, destroyed or deleted, but still must be used only for purposes that relate to the association and not for any commercial purpose.

With this action, the pendulum has swung from expanded access to unit owner personal information, to no access to unit owner personal information, at least for condominium associations in Chicago.

Whether relief for all Illinois associations will come remains to be seen. Still pending in Springfield is legislation introduced by Senator Kwame Raoul that would eliminate the requirement in Section 19 of the Act that unit owners' email addresses and telephone numbers be accessible to other owners.

Saul Ewing Arnstein & Lehr will continue to monitor this issue and keep you informed. Please contact us with any questions about the content of this Alert or other condominium association concerns.

This Alert was written by Laura Lau Marinelli, a member of the firm's Condominium and Community Associations Practice. Laura can be reached at 312.876.7834 or laura.marinelli@saul.com. This publication has been prepared by the Condominium and Community Associations Practice for information purposes only.

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