

# Bill headed to Quinn would bolster condo owners' rights



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House Bill 4204 would potentially mediate disputes between condo owners and associations. (stockshares, Getty Images)

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**I**t's taken years of work and negotiation but a bill headed to Gov. Pat Quinn's desk attempts to mollify what can be an acrimonious relationship between condominium owners and their building associations and boards.

The legislation would create a statewide office charged with helping educate consumers on their rights as condo owners, requiring associations to come up with dispute resolution policies and potentially mediating disputes between owners and associations.

But there are a few, big caveats, attached to House Bill 4204, and they extend past the uncertainty of whether Quinn will sign the measure that was passed by the General Assembly on Dec. 3.

Other states, including Colorado, Florida, Nevada and Virginia, have adopted variations on the measure, and a few other states have legislation pending. As proposed, Illinois' measure would be similar to Colorado's, which is more educational than investigative in nature.

In 2012, the office in Colorado received 576 complaints from 309 homeowners. In Florida, where the state has limited investigative power, the office logged 16,000 calls in 2008.

Unlike other states, though, the Illinois ombudsman that would be based in the state's Department of Financial and Professional Regulation, would not be funded by fees collected from condo associations. A fee requirement was dropped from earlier versions of the bill. That alone has some wondering about the proposal's heft, to say nothing of how it will be interpreted and put into action when a new administration takes over in Springfield on Jan. 12.

The bill calls for an ombudsman's office to start offering education materials and training to unit owners, associations and condo boards by July 1, 2018, and to create a website. Most condo associations, meanwhile, must develop a written policy of how they resolve complaints. Also, by July 1, 2019, unit owners in a dispute with their board who follow certain procedures would be able to ask the state to step into a conflict as a mediator of sorts.

However, and this is another of those big caveats, the state would only step in if the condo association agrees.

In 2020, if the bill is signed, the office would file a report to the General Assembly on how the law was working. The act, which would be repealed in July 2021, was sponsored in the House by Rep. Elaine Nekritz, D-Buffalo Grove, and Rep. Sara Feigenholtz, D-Chicago.

Feigenholtz, whose district includes many "vertical villages" as she calls them, said she hears routinely from condo dwellers who have issues with their boards and don't know where to turn and don't have the means to hire an attorney.

"Condominium owners who have been reaching out to legislators about issues affecting individual unit owners will now have expert advice," she said. "Conflict resolution, education and individual owner empowerment, how to get to 'yes' with your condominium association, is the ultimate goal."

Not surprisingly, the Community Associations Institute, a trade group representing condo associations, generally doesn't favor the idea of government interceding in private business.

However, Patrick Costello, co-chair of the legislative active committee of the trade group's Chicago chapter, sees as a plus the education aspects of the proposal. "A lot of people, and certainly it's not intentional, don't understand the hierarchy and the corporate structure of an association," he said. "It's an education process. A lot of times, people think they have greater rights and recourse than their association or the law says."

The proposal's other strength, in Costello's view, is the requirement for associations and their boards to adopt formal internal dispute resolution policies, which many don't have. "That's really the first step for a member dealing with issues relative to their association," Costello said. "An association should really govern itself."

"It's allowing the homeowners to know they have a resource there," said Charles Perry, the legislative action committee's other co-chair. "In the past it has just been if you don't like us, sue us. The intent is to give

homeowners that feeling of comfort that someone is looking out for their interests."

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