

(765 ILCS 605/18.12)

(This Section may contain text from a Public Act with a delayed effective date)

Sec. 18.12. Accessible parking.

(a) The board of managers shall adopt a policy to reasonably accommodate a unit owner who is a person with a disability who requires accessible parking. Such a policy shall include, without limitation, the procedure for submitting a request for an accessible parking space and the time in which the board shall review the request. The time for review shall not be more than 45 days from the date the request is submitted. The board must review and make a decision on the request within a reasonable period of time. A copy of such policy shall be given to any unit owner upon request. The board of managers shall adopt such policy no later than 90 days after the effective date of this amendatory Act of the 103rd General Assembly for condominiums existing on said effective date or 90 days after the date of the election of the initial board of managers pursuant to Section 18.2 of this Act.

(b) The board of managers shall make reasonable efforts to facilitate a resolution between unit owners to provide for accessible parking when the association does not own or otherwise control parking that meets the accessible parking needs of a unit owner who is a person with a disability who requires accessible parking.

(c) For all new construction condominiums and conversion condominiums submitted to the provisions of this Act after the effective date of this amendatory Act of the 103rd General Assembly, all accessible parking spaces constructed or created in accordance with applicable federal, State, and local building and accessibility statutes, codes, and ordinances must remain part of the common elements. No developer or declarant shall construct, create, or otherwise make parking units (a unit as defined in Section 2 of this Act that is a parking space) or limited common elements of such accessible parking spaces. The board of managers has the authority to establish rules and regulations for the use of such common element accessible parking spaces, including, but not limited to, renting or licensing such common element accessible parking spaces to non-disabled unit owners, provided that the rules and regulations must provide that a unit owner who is a person with a disability who requires accessible parking has priority over non-disabled unit owners, and that non-disabled unit owners must immediately stop using such common element accessible parking space when a request by a unit owner who is a person with a disability for accessible parking is approved by the board.

Nothing in this subsection (c) shall preclude a disabled person from purchasing a parking unit or a residential unit to which a limited common element parking space is assigned, and no developer or declarant shall refuse to sell a parking unit to a disabled person or assign a limited common element parking space to a residential unit purchased by a disabled person. If a disabled person purchases a parking unit or a residential unit to which a limited common element parking space is assigned, that unit owner who is a person with a disability who requires accessible parking may request use of a common element accessible parking space in exchange for permitting the association use of that disabled unit owner's parking unit or limited common element parking space.

(d) Subsections (a) and (b) apply to all condominiums that have parking, regardless of whether the parking comprises parking units, limited common elements, common elements, or parking rights.

(e) An aggrieved unit owner, an aggrieved prospective unit

owner, or the board of managers may commence a civil action in State court against a developer or declarant who fails to comply with its requirements under subsection (c). If the court finds that the developer or declarant failed to comply with these requirements, it may award declaratory relief, actual damages, punitive damages and, if appropriate, equitable relief.

The condominium association shall not be held liable for the failure of the developer or declarant to comply with its requirements under subsection (c).

(Source: P.A. 103-916, eff. 1-1-25.)