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## NEW LEGISLATION: HANDICAP-ACCESSIBLE PARKING POLICY REQUIRED TO BE ADOPTED BY BOARDS

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Senate Bill 2740 was recently signed into law and became Public Act 103-0916, which will be effective January 1, 2025.

The new law amends the Illinois Condominium Property Act by adding new Section 18.12, which governs accessible parking. The new law is applicable to both existing and new condominium associations. Among other things, the law requires that all boards of existing condominiums adopt a policy to reasonably accommodate a unit owner who requires handicap-accessible parking. That policy must be adopted within 90 days after the effective date of the new law.

**Accordingly, condominium boards have until April 1, 2025, to adopt the required policy.**

The policy required under the new Section 18.12 must include, without limitation, the following:

- The procedure for submitting a request for an accessible parking space (for example, whether the request should be emailed to the community manager, handled by a board member, etc.).
- The timeline during which the board will review the request (note: the law requires the request must be reviewed within 45 days from the date it was submitted).

The policy should also detail the information the request must include (for example, name of requesting unit owner, unit address, etc.). Although not expressly required, best practice would be for the board to respond to the request in writing.

Board and managers must keep in mind that a request for accessible parking functions as a request for reasonable accommodation under applicable federal, state, and local fair housing laws, which condominium associations are already required to consider. Thus, boards must be mindful (and careful) about requesting the reason for the request for accessible parking. We strongly recommend boards consult with their community's attorney when drafting the policy.

Finally, the new law only amends the Illinois Condominium Property Act, and therefore, only applies to condominium associations and does not apply to common interest community associations or homeowners' associations.

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For any further questions, feel free to contact [Bartzen Rosenlund Kasten](mailto:Bartzen.Rosenlund.Kasten@brkchicago.com) at 312.450.6655 or at [info@brkchicago.com](mailto:info@brkchicago.com).