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MUNICIPAL ORDINANCE - ILLINOIS

Palm v. 2800 Lake Shore Drive Condominium Ass'n

Supreme Court of Illinois - April 25, 2013 - N.E.2d - 2013 IL 110505

Ordinance requiring that condominium unit owners be allowed, without having to state a proper purpose, to inspect financial books and records of condominium association within three business days of receipt of written request, was valid exercise of home-rule authority despite conflicts with state statutes.

Condominium unit owner brought suit against condominium association seeking production of financial records pursuant to city ordinance. City was permitted to intervene to assert validity of ordinance.

The Supreme Court of Illinois held that:

- Ordinance requiring that condominium unit owners be allowed, without having to state a proper purpose, to inspect financial books and records of condominium association within three business days of receipt of written request was valid exercise of home-rule authority despite conflicts with state statutes;
- City ordinance allowing a prevailing plaintiff to recover “reasonable attorney fees” in an action to enforce an ordinance allowed recovery based on the prevailing market rate for the attorney’s services and did not limit recoverable fees to those actually incurred or paid by the plaintiff in the litigation; and
- Award of attorney fees at rate of $300 an hour was an award of “reasonable attorney fees,” though unit owner’s fee agreement with attorney provided a reduced hourly rate of $200.

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