

Welcome Fall! It seems like just yesterday that the COVID-19 pandemic started, and we had to shift how not only our office conducted business, but also how we advised our clients to conduct business. To date, most of the changes that we discussed in the Spring remain in place. While Courts have again resumed regular business, for the most part, those court appearances are conducted virtually. Similarly, while Board and annual meetings are back in full swing, those meetings are also being conducted in a virtual format. Although there have been growing pains in learning how to attend court and to conduct meetings virtually, we are finding the virtual format to be more effective.

In addition to the gathering size limitations, it is important to note that moratoriums remain in place with respect to most evictions and post-judgment collection actions (citations to discover assets, wage garnishments, etc.). These moratoriums will continue until **at least October 17, 2020**, at which time Governor Pritzker will modify, abolish, or extend the moratorium. Once the moratorium has been lifted, it will take some time for the Courts and respective County Sheriffs to process the backlog of existing cases, as well as any new filings. Boards should be mindful that the legal process will take longer than normal in light of current circumstances. Even though associations are restraining from pursuing collection in the usual manner, it can and should continue to seek payment of common expenses due and owing to it, including, as necessary, by referring the account to the attorney for collection. The payment of common expenses is necessary and vital to ensure that communities are appropriately maintained, and the Board has an obligation to seek payment. With that said, Boards should continue to be open to working with owners, through the extension of reasonable payment plans and whatnot, who have been impacted by the pandemic. If your association has questions regarding what actions can and should be taken with respect to unpaid common expenses (or other issues which may arise), please contact Chuck, Dawn or Gabby.

We wish everyone continued health and safety.

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## **NOTICE TO COMMUNITY ASSOCIATIONS LOCATED IN CHICAGO**

**Effective October 1, 2020**, health and fitness centers, including workout rooms, can now increase their capacity from 25% to 40%. The limit of 50 total patrons will continue to apply (so capacity will be limited to 40% or 50 people, whichever is less), as will other requirements and guidelines such as using face coverings, enhanced sanitation, and health self-screening by patrons. Associations that have opened their fitness rooms (or which will do so now that the capacity has increased) are still advised to utilize waivers, and to post signs.

If we can be of assistance in preparing the waivers or answering any questions regarding City or State guidelines related to COVID-19, please contact Gabriella Comstock (grc@kmlegal.com or (630)369-2700 x 209).

### **Signs of the Times**

During election season, there is seemingly political signs of one sort or another on every corner or street. You may also see these pop-up in and around your association. So, it begs

the question, are associations required to allow political signs within the association? If there is no requirement, what can or should be done to restrict the posting of political signs? First, and most importantly, while there are many States that have adopted laws requiring or otherwise authorizing owners to maintain political signs in or around their property, Illinois does not currently have such a law. Therefore, whether or not political signs may be installed on owners' lots or otherwise in or around a unit or owners' property comes down to the association's governing documents.

Generally speaking, the way signs are dealt with depends on whether the association is a condominium association, townhome association or single family homeowner association. Often times, condominium declarations will be the most restrictive, as they generally prohibit owners from placing anything within or on the common areas, or that may be seen outside the unit (e.g. a sign in a unit window). However, for townhome associations and single family homeowner associations, restrictions may not be as clear-cut or otherwise included within the declaration. As a result, the Board of Directors, to restrict or prohibit political signs, will need to implement reasonable rules and regulations pertaining to the installation of any such signs.

The operative word here is "reasonable." Another way to think about a Board's decision to implement or restrict anything is to ask, just because you can, should you? Political signs, while potentially polarizing depending on which side of the issue or aisle a person is on, can also be seen as important in our country's democratic process. Therefore, generally speaking, may serve an important function and as such, the Board of Directors may not wish to outright prohibit such signs. However, this does not mean that certain restrictions should not be considered or otherwise implement by the Board. For example, it would be reasonable for the Board to implement rules pertaining to how long the signs may be on a parcel/lot, such as not more than sixty (60) days before the date of the election and not more than fourteen (14) days after the date of the election. The Board of Directors could also restrict the size of the political signs, so that owners are not installing signs that look like giant billboards on a lot or parcel. Moreover, a Board could also limit the number of signs on a lot/parcel, or otherwise their location on a lot/parcel. Any such restrictions all depend on the character and nature of individual owners' homes and the association's property.

Ultimately, the considerations discussed here as it pertains to political signs hold true for many matters the Board may wish to consider or otherwise restrict and even prohibit by implementation of a rule or policy. Because many issues presented to the Board or otherwise which the Board may wish to restrict or prohibit involve potentially emotionally driven feelings, it is always best to step back and think objectively as possible. First, the Board should consider if the proposed restriction or prohibition would conflict with the association's declaration. If the answer is no, the Board should then consider if the proposed rule or policy is reasonable and, along those same lines, just because the Board "can" adopt such a restriction or prohibition, "should" the Board of Directors adopt the same?

Because every association is different, depending on the language of the governing documents, the type of property or otherwise specific situations or scenarios, before implementing a rule prohibiting or restricting owners' use of the property, it is important to contact legal counsel to ensure both the legality of any such consideration, but also provide a neutral third party's opinion as to the reasonableness of such a prohibition or restriction. If you

have any questions as a member of the Board of Directors for your association please do not hesitate to contact our office ([dln@kmlegal.com](mailto:dln@kmlegal.com) or [grc@kmlegal.com](mailto:grc@kmlegal.com)).

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