



KEOUGH & MOODY WEBINAR

Tuesday, October 29, 2024, at 12:00 P.M.

***WHAT REALLY IS MY ROLE ON THE COMMUNITY ASSOCIATION
MANAGEMENT TEAM AND DO I HAVE REALISTIC
EXPECTATIONS FOR MY FELLOW TEAMMATES?***

**Pending approval for continuing education*

If your community association is professionally managed, do you understand what is the difference between the role of the board of directors and that of management? If your community association is self-managed, do you understand what a professional management company can do for your community (besides adding a line item to your budget)? If you are a community association manager, how often are you asked to do something by a board member, and you think, “OK, but that is not what a manager does”? Or how often have you said to a board member, “Let me do that as that is what I am here to do”? Whether you are a board member or community association manager, please join Dawn and Gabby as they tackle what it really means for a community association to be professionally managed. In this webinar, they will address the role of the board of directors and the managing agent. They will also address how both members of the board and members of the community association management industry can foster a positive relationship so that the board of directors maximizes what the manager can do, and the manager does not feel like he/she will lose his/her mind in managing the community! Even if your association is self-managed, this webinar will provide knowledge you can use in your management of the day-to-day operations of the community.

With 2025 around the corner, now is the time to learn how to maximize the role of every member of your association team.

Register in advance for this webinar [here](#).

REASONABLE ACCOMMODATIONS



ADOPT A POLICY ADDRESSING HOW TO HANDLE A REQUEST FOR AN ACCOMMODATION OR MODIFICATION

For years, we have been talking about owners' and occupants' right to request from a community association a reasonable accommodation or modification to allow a disabled person to fully use and enjoy a unit within the community association. Requests to have a dog recognized as an assistance animal are, likely, the most common form of a request for a reasonable accommodation. It is also that type of a request for an accommodation that is likely to be the most common subject of a Charge of Discrimination filed by an owner or occupant whose request was denied by a community association. It seems as if this past year, the number of requests for accommodations to allow an assistance animal has greatly increased.

We also know that on January 1, 2025, a change to the Illinois Condominium Property Act ("Act") will take effect. This change is included in the new Section 18.12 of the Act and is entitled "Accessible Parking." As explained in our June Newsletter, Section 18.12 requires a board of directors to adopt a policy to reasonably accommodate a unit owner who is disabled and requires an accessible parking space to ensure access to the building. The policy must include the procedure for submitting the request and the time for the board to review it, which shall not be more than 45 days from the date it was requested. This section also requires a board to make reasonable efforts to facilitate a resolution between unit owners to provide for accessible parking when the association does not own or control parking that would meet the accessible needs of a disabled unit owner.

While this change was only included in the Act, the duty to accommodate a disabled person to have more accessible parking arguably existed before Section 18.12 was even drafted by the legislature. For this reason, members of a board of directors for a non-condominium association should not be too quick to dismiss Section 18.12. That is, they, too, should consider adopting such a policy. Yet, the policy to be adopted by condominium and non-condominium associations should not only address what steps the board of directors will take to address a request to accommodate related to more accessible parking, but also the policy should identify the procedure that should be followed when *any* disabled person submits a request for an accommodation or modification. After all, the step-by-step process ensures that both the applicant and members of the board of directors understand how these requests are handled.

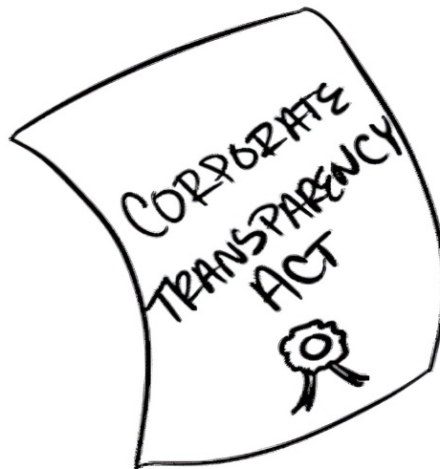
The terms of Section 18.12 outline what should be included in such a policy, which can apply to any request for an accommodation or modification. However, the hard part with

any request is the board of directors' review of the request. It's how these requests are handled by the board of directors, which is usually what gets an association into trouble. By way of example, when a board of directors receives a number of requests for an accommodation to allow an assistance animal, we often see the board of directors have a knee-jerk reaction to say "no." Not so fast!

When reviewing a request for an accommodation or modification, the board of directors should remember the following:

- 1)** This is a decision the board needs to make, not just your manager.
- 2)** You are to review this application as a member of the board of directors, and you are not to play doctor (even if you are a doctor!).
- 3)** Your job is not to diagnose one as disabled or determine they are incorrectly labeled as disabled.
- 4)** Both state and federal law favor allowing housing to be more accessible to disabled persons.
- 5)** Your job is to ensure that the request a.) identifies a disability, if one is not readily apparent; b.) is supported by one who has a therapeutic relationship with the applicant (if the request is for an assistance animal); and c.) identifies an accommodation that allows the person to fully use and enjoy his/her home despite his/her disability.
- 6)** Remain objective.
- 7)** Be slow to deny!
- 8)** Ask for more information and speak to the applicant if information is missing or not clear.
- 9)** Communicate in writing.
- 10)** Seek legal advice.

At this time, all associations should consider adopting a policy on how requests for accommodations and modifications will be addressed. They should also keep this Newsletter handy so that when such a request is received, the board of directors knows what to do!



CORPORATE TRANSPARENCY ACT UPDATE

On September 10, 2024, the Community Associations Institute ("CAI") filed a lawsuit in

the United States District Court for the Eastern District of Virginia (Case No. 1:24-cv-1597) against the United States Department of Treasury challenging the application of the Corporate Transparency Act (“CTA”) beneficial ownership interest filing requirements on community associations. CAI has filed a motion for a preliminary injunction, and an initial hearing on this motion is scheduled for October 11, 2024. It is unlikely that the Court will rule on that date. As we learn more, we will let you know. In the meantime, as of today, community associations are still required to comply with the CTA. The required filing must be provided by January 1, 2025.

Learn what Keough & Moody can do to help ensure your community association is in compliance with the requirements of the Corporate Transparency Act.

[Keough & Moody CTA Filing Services](#)

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