



How is it already May? It feels like 2026 just began, and suddenly we are wrapping up the 2025–2026 school year and heading straight into summer. This time of year brings a rapid shift into high speed. Landscaping projects are underway, pools are opening, and capital improvements are ramping up. In short, it is one of the busiest seasons of the year for our associations and community association managers. We certainly hope that all of the proactive planning during the cold months will make this an easy summer.

CAI-IL Legal Forum and Summer Webinar Break

We thank those of you who were able to join Gabby and Dawn’s webinar on April 29, 2026. You can next catch Gabby and Dawn at the CAI-IL Legal Forum on May 12. At that event, Gabby and Dawn will be discussing the Top Ten HOA Reality Checks. Registration can be found here: [2026 Legal Forum Attendee Registration - Event Registration](#). After their May 12 presentation, Gabby and Dawn will be going on Summer Webinar Break. Keough and Moody Webinars will return again in late August/September. Have a great summer!



Stay in your lane...but whose lane is it?

During our Keough and Moody Webinars, Gabby and Dawn often talk about the importance of members of the board, individually and collectively, and community association managers staying in their own lane. It's an easy thing to say; it's a more difficult thing to apply in practice. How do you actually recognize what lane is yours and what lane belongs to someone else (or to some other entity)? In this month's article, we take a closer look at that question.

Role of the Board

The board of directors of a common interest community or condominium association is responsible for maintaining, repairing, and replacing the common elements; raising the funds necessary to do so; and enforcing the governing documents. The board also sets the association's goals and objectives and makes the decisions required to implement them. In short, the board is the decision-maker responsible for all significant decisions and judgment calls affecting the association.

Role of the Community Association Manager

Consistent with the terms of the management agreement (and the delegation of authority provided), the community association manager (and community association management company) implements the decisions made by the board of directors. The community association manager carries out the directives of the board and coordinates the day-to-day operations of the association, including collecting assessments, paying bills, and ensuring that maintenance, repairs and replacements, as directed by the board, are completed. The community association manager, as agent for the board, can only act consistent with the authority given by the board; he/she doesn't make decisions, he/she just implements them.

Role of the Association

And this is often where things become tricky. In some respects, the association is a quasi-municipal organization. The association is primarily created to maintain, repair, and replace certain areas of the community or components of the building. In addition to providing for the maintenance, repair, and replacement of certain infrastructure, the association must enforce certain restrictions, which were put in place governing the use of the property, for the benefit of all. The lines can become

blurred, however, when issues arise in areas that appear to be association property or within an individual unit, raising questions about where the association's responsibilities begin and end.

Neighbor Issues

One of the blurriest lines in community living is neighbor issues (which goes hand-in-hand with the role of the association) – when is it an association issue and when is it not?

Unit-to-Unit Leaks

The most common situation where an association is not cognizant of its lane is the occurrence of unit-to-unit leaks in a condominium association. In those situations, because the issue usually involves a component for which a unit owner is responsible (hello, toilet rings), the association does not believe that it has an obligation to take any action. That is not necessarily the case. When there is a leak between condominium units, not only are the common elements (the space between the units) involved, but also the association's master insurance policy may be triggered, depending on the extent of the damage. Because of this, an association simply cannot step back and say "this is not my lane" because it most certainly is. Boards should review the association's community instruments to determine the extent of their responsibility in the event of a unit-to-unit leak and develop a procedure for addressing them in a timely manner. Again, in situations where the common elements (or our master insurance policy for condominium associations) are involved, this is a lane that the board has to step into.

Neighbor Disputes

Community living can be challenging. Whether in a condominium or a homeowners association, a large number of people living in close proximity can cause issues. Many buildings (and single-family homes) are not designed with soundproofing in mind, and as a result, noise, light, odors, and general behavior can lead to tension between residents. These situations can escalate quickly. Police may be called, orders of protection sought, and boards are often asked to "do something" about a neighbor or their conduct.

When are these disputes an association concern versus an individual (or police) concern? To use Dawn's favorite phrase, "it depends" on the circumstances and the language of the particular association's governing documents. For condominium associations in particular, the association likely has an obligation to ensure that noise, lighting, and odors do not rise to the level of an objective nuisance in violation of the governing documents. That obligation necessarily includes conducting a reasonable investigation of complaints to determine whether they are substantiated. In those circumstances, this type of neighbor dispute may fall within the association's lane.

Other types of neighbor disputes, particularly those arising from personal animosity, are likely outside the association's authority. The association cannot require residents to act with common courtesy in all interactions. Accordingly, the board must be mindful of whether a complaint falls within its domain (i.e., whether it involves a substantiated violation of the governing documents) as opposed to a purely personal dispute, which is in the lane of the individual parties. An important caveat here, however, is that when a resident alleges harassment based on membership in a protected class, the association may have an obligation to step in under the Fair Housing Act to prevent a hostile living environment from occurring.

In sum, neighbor disputes here may or may not be within the association's lane. It is important for boards to be mindful of the restrictions, which it has a duty to enforce, which do not include a duty to enforce common courtesy. It is also important that boards be mindful that if residents complain of being subject to harassment within the building or community, that is the red flag to stop and consult legal counsel to confirm the course of action going forward. Ultimately, some disputes require association involvement, while others do not. The key is recognizing the difference and avoiding the temptation to become involved based solely on the demands or pressures of the parties involved.

Family Issues

Family-related issues often present in a straightforward but challenging way: "Will you let me into Jane Doe's unit?" This scenario arises most frequently in condominium associations with secured buildings where the association may maintain keys on file. When John Doe arrives and demands access to his mother's unit, how should the association respond? As with many issues, the answer depends on the specific facts and circumstances. However, as a general rule, it is not the role of the association to involve itself in or mediate family disputes. If Jane Doe has indicated that John is not permitted in her unit (or the building), the association should not second-guess that decision, despite the demands and pressures of John. Even if John Doe says he has been trying to get in touch with Jane and there is no answer, so someone needs to do a well-being check. John may be right, but that does not mean the well-being check must be done by the association's staff or agent. John has other remedies available, including seeking assistance through law enforcement or the courts, if access is warranted. Attempting to mediate or resolve these family disputes is not the lane of the association. The appropriate course is to defer to the unit owner, a court order, or law enforcement, rather than taking independent action.

Jurisdictional Related Issues

As noted above, not everything that occurs on or near association property falls within the association's authority. In some cases, the issue is properly addressed by the municipality or law enforcement. A common example in homeowners associations is whether the association has the authority to enforce municipal ordinances or craft and enforce parking restrictions on a public street. Generally, it does not. If an issue arises on municipal property (ahem, public streets) or involves a violation of a municipal ordinance that is not also a violation of the association's governing documents, it falls within the municipality's authority, not the association's.

Similarly, while we want to ensure that crimes do not happen (or do not happen again) on association property, an association may or may not have the authority to take action after one occurs. Associations must look to their governing documents to see whether fines can be imposed or other action taken after criminal action takes place on the property. Note, however, that the actions that can be taken by the association for crimes committed on association property often pale in comparison to the effects of the crime itself or the penalties to be imposed by the criminal court system.

Conclusion

As you can see, based upon the above, "staying in your lane" isn't always as simple as it sounds. Some issues belong to the association, and some don't; it just depends. Boards should look to their governing documents, consider the facts, and decide whether action is actually required. If there are

questions as to whether an issue is within the association's lane, legal counsel can always help, assist and guide.

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