



A CHANGE AT THE FEDERAL LEVEL REGARDING SERVICE ANIMALS: HOW DOES IT AFFECT US IN ILLINOIS

On May 22, 2026, the Assistant Secretary for Fair Housing and Equal Opportunity (FHEO) issued an internal memorandum that provides updated enforcement guidance for assessing reasonable accommodation requests for animals under the Fair Housing Act (FHA). This memorandum rescinded prior guidance issued in 2013 and 2020, which had extended reasonable accommodation requests to emotional support animals (ESAs) and classified them as distinct from “pets.

Pursuant to the memo, effective immediately, FHEO will apply the ADA definition of “service animal” when assessing complaints related to animal accommodations. The ADA defines “service animal” as being individually trained to perform work or tasks for the benefit of an individual with a disability, including physical, sensory, psychiatric, intellectual, or other mental disabilities. Emotional support, well-being, comfort, or companionship do not constitute work or tasks under this definition. FHEO will use this training requirement to assess complaints. Requests for accommodations involving trained service animals will be presumptively reasonable, while requests to waive pet policies for untrained ESAs will not.

While this change is effective immediately, it is not likely to affect us in Illinois. The Assistance Animal Integrity Act in Illinois, which went into effect on January 1, 2020, provides guidance on how a housing provider should handle a request for an accommodation to have an animal classified as an assistance animal. According to this Act, “assistance animal” is defined as an emotional support or service animal. Hence, community associations must be sure to handle such requests in compliance with the Act. This likely means, for now, this change by the FHEO will not have a direct impact on us here in Illinois.

As a reminder, all requests for accommodations should be handled with caution and under the guidance of legal counsel.

**THE POLITICS WITHIN A
COMMUNITY ASSOCIATION
(YES, IT EXISTS IN YOUR
COMMUNITY)**



Webster’s Dictionary defines “politics” as the art or science concerned with guiding or influencing governmental policy. Every day we hear about the politics within our world, our country, our state, our county, or our city or village. It seems as if we either love to hear about politics or we hate it. While not everyone holds the same political beliefs, we all can likely agree that politics has an impact on our daily lives. It can make us feel happy, angry, frustrated, exhausted, or fearful. There are times when we may want to “soak up” every political interview and read every article about political affairs; other times, we want to never hear another word related to politics.

Politicians in our government rely on a team of professionals. They have advisors who help them develop strategies, who direct them on how to improve and sell their messages, and who educate them on the issues the politicians need to tackle. They have an “Olivia Pope” on staff to “fix” or prevent problems from escalating. They even have executive coaches who help them master their communication skills and crisis management abilities. In fact, some politicians can give new meaning to the phrase, “it is not what you say, but how you say it.”

Just as the politics within our government affect our daily lives, so do the politics within a community association. This is likely not surprising to hear since we often hear that community associations are “mini governments” or “quasi-governmental entities.” The happenings within our community can make the members feel the same emotions described above. The politics within a community association can also have the same emotional effect on its members as governmental politics. When things are going great in the community, people are happy. When things are not being addressed or handled properly, it leads to frustration, anger, and fear.

Like politicians, members of the board of directors are elected to serve their community. Like politicians, they have to make decisions—often very hard decisions. Yet, unlike politicians, they do not have a gladiator or PR Firm on staff. They do not have a leadership or communication coach on standby. They often cannot even talk about the issues before them with anyone other than their fellow board members, management team, or other trusted professionals. And the greatest difference between members of a community association board and politicians is that the board members are volunteers who do not even get paid!

It is for these reasons that the association team, particularly the management and legal teammates, needs to provide the board of directors with political advice. We, as attorneys, are often asked to provide our legal opinion. While it is important to have our legal advice (and to follow it!), it is also important for a board of directors to understand the political effect the legal matter will have on a community. The board members must understand how best to achieve their legal obligations or

goals without jeopardizing the culture of the community. Yes, failure to follow the law can undoubtedly create a legal problem for a community association and, perhaps, even its board members. However, more often than not, it is not the legal error that creates the ruckus within the community; it is the failure to handle the politics within the community.

For example:

- It is not simply because there was an error in tallying the votes at an election that the members of the association filed a lawsuit to properly seat board members. It is because the board of directors ignored the repeated concerns that there was an error with the tallying, since the person raising the concerns was offender number 1 within the community.
- It is not simply because the board adopted a multi-million dollar special assessment that the members of the association filed a petition to overturn the special assessment. It is because the board never conducted a town hall or explained why the repairs were needed, and because the board was defensive when owners asked questions.
- It is not simply because the board filled a vacancy on the board that the members of the association filed a petition to call a special meeting to allow the owners to fill the vacancy. It is because the board was not transparent in filing the vacancy.
- It is not simply because an owner is not nice or rude that she dominates the owner forum at the board meeting. It is because every time she emails management for help with a leak in her unit, she is ignored.

While these are only a few examples, there is a common theme within each of them—communication was lacking. Successful political communication is inherent with most issues before a community association. Effectively communicating a message and the “why” something is being done by a board of directors can have a direct impact on the legal matters. Strategically conveying messages to the members can be the difference between a member uproar versus acceptance, even when the members do not like it. Listening, really listening, can be the difference between public pandemonium and solving a problem.

Like in our governments, what works politically in one community may not work in another. Yet, most often, management and legal can provide a board of directors with actual political experiences that worked and did not work for other communities. So, the next time your board of directors seeks legal advice, take the request a step further and make sure your board understands “how” to implement the advice in the most effective way. Seek this guidance and understanding from legal counsel, from management, and from your fellow board members. And remember, while board members are volunteers, they are like politicians, so do all you can to have a positive effect on the politics within your community.

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