

Association of Condominium,  
Townhouse, and  
Homeowners Associations

# ACTHANews

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## Question of the Month



**Q.** I am on the Board of Directors of my condominium association. One of the unit owners in our building suffers from a disability. Recently, the Board received a request from the unit owner to make certain alterations to the common elements to accommodate this unit owner and his disability. Is the Association required to make the requested changes, and if so, who must pay for the alterations?

**A.** Section 18.4(q) of the Illinois Condominium Property Act ("Act") requires the board of a condominium association to reasonably accommodate the needs of handicapped unit owners. However, while the Act requires that the Board accommodate a unit owner's reasonable request for accommodations, the Act does not require a Board to grant every request. Typically, requests for accommodation involve the alteration of certain common elements, such as installing a handicapped accessible door system.

In reviewing an accommodation request, the Board must first determine whether the area the unit owner seeks to modify is an area that is reserved for residential use. If the area is strictly reserved for residential use and is not a public area or commercial facility, then the Association is not financially responsible for the requested alterations to the property. However, if the area is open to the public, the Association may be subject to the Americans with Disabilities Act (ADA) which would impose a burden upon the Association to make its premises accessible to disabled persons at the Association's expense.

Pursuant to the Federal Fair Housing Act and the Illinois Fair Housing Act, the Board must permit, at the expense of the handicapped unit owner, reasonable modifications of the existing premises if the modifications may be necessary to afford the person full enjoyment of the premises. In general, if the requested alteration or modification is reasonable and will allow a disabled unit owner access to and enjoyment of the property, then the board should allow the unit owner to make the alteration at the unit owner's own expense.

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