

Associations can enact fire pit restrictions

Q: Because more people are entertaining themselves at home during the COVID era, many residents in our association have acquired portable fire pits they place on the patios outside of their units. Some seem dangerously close to the building. Can the board regulate the use of the fire pits?



David Bendoff
Condo talk

A: Boards of associations routinely regulate the use of open flames like barbecue grills, so it should not be a surprise that the use of portable fire pits and fire tables can be regulated, as well.

Some associations prohibit the use fire pits because there is no safe location given the configuration of the buildings. Other associations permit fire pits, as long as certain fire prevention safety requirements are met. For example, I am familiar with rules that require a person 18 years old or older be present, that the fire pit must be at least 25 feet away from combustible materials including the building, and there must be a sufficient source of water nearby to extinguish the fire.

Many municipalities regulate "open flames" like fire pits, so the local ordinances for your community should be reviewed for guidance as well.

Q: The board of our association is considering hiring a resident to be a handyman for small maintenance tasks around the property. This person would be paid on a per job basis, and would be an independent contractor and not an employee. Do you see a liability issue here in hiring a resident?

A: There are no different liability issues raised here than with any other independent contractor relationship. There should be a written agreement between the association and the independent contractor. The independent contractor should be required to have appropriate insurance. In an abundance of caution, some associations will maintain workers' compensation insurance, just in case the person is injured and is determined to actually be an employee.

The association should speak with its insurance agent about this issue, and as to the types and amounts of coverages to be maintained by the independent contractor. The association would issue a Form 1099 for any payments it makes to this maintenance person.

Q: The board of our self-managed condominium association has dealt with an enormous number of issues, volunteering a huge amount of time, all arising from COVID-19 issues this past year. Can the board members be paid a one-time "bonus" payment?

A: The Condominium Property Act provides that the bylaws of the association need to address the compensation, if any, of the members of the board. A typical provision of a condominium association's bylaws provide that board members serve without compensation, unless approved by some specified percentage of the owners. You would need to review the bylaws for your association to see what they say on this issue.

Q: The board of our association has been collecting proxies for more than a year in connection with a vote on an amendment to the association's declaration. A meeting is about to be called to vote on the amendment, and ballots will be cast using the proxies, some of which are over a year old. Are these proxies still valid votes?

A: A proxy for a condominium or a common interest community association is valid for 11 months from the date it is signed by the owner, unless the association's declaration or the written proxy itself provides otherwise. Both the association's declaration and the proxy need to be reviewed to determine if they provide that the proxy is valid for more than 11 months. If they do not include this language, the proxies that are older than 11 months from the date they were signed by the owner could not be used. The association could ask those owners to provide a new proxy.

• David M. Bendoff is an attorney with Kovitz Shifrin Nesbit in the Chicago suburbs. Send questions to him at CondoTalk@ksnlaw.com. The firm provides legal service to condominium and homeowner associations and housing cooperatives. This column is not a substitute for consultation with legal counsel.

Industry Insider

Save money with window, door upgrades

BY JEAN MURPHY
Daily Herald correspondent

Chicagoans and those in its suburbs spent 2020 sprucing up their homes and yards because that is where they spent the vast majority of their time. Because of the pandemic, they were unable to spend disposable income on vacations, concerts and other activities they would have done normally.

And these homeowners are expected to continue to upgrade the dwellings where they still spend so much time.

If that is your plan, too, you probably want to make your home improvement choices and stake out your place in line sooner rather than later because delivery times for most furniture, home improvement materials and so forth is much longer than usual — even now.

"If you noticed air leakage through your windows this past winter while working on your computer eight hours a day, you may want to think about new windows. Or if you are tired of that old front door that serves as your home's 'face,' maybe this is the year to replace it," said Iver Johnson Sr., owner of American Thermal Window of Chicago and Sahara Window and Doors, formerly of Mount Prospect, but now located at 6619 W. Jarvis St. in Niles. The business relocated last year because its former location is being torn down and replaced by apartments.

Eye-catching bay, picture and other specialty windows add personality to a home while also keeping the interior of the home comfortable. They also keep heated or cooled air inside where it is supposed to be, improve a home's indoor air quality and save the owner money in the long run, Johnson said.

Focus on: American Thermal Window and Sahara Window and Doors

"Window manufacturers are continually upgrading their products," he said. "Today's windows, which are generally available in fiberglass, wood, vinyl and aluminum, have much higher energy ratings than those being replaced, of course, so they save on heating and cooling costs. Fiberglass has become especially popular and is taking a lot of market share because it is stronger and more substantial than the other materials."

The front door and accompanying side panels of a home serve a similar function but they also give visitors and passersby their first impression of the home and gives one a glimpse of the homeowner's personality.

Johnson, a former Chicago police officer, has been providing windows and doors to Chicago-area homeowners through his American Thermal Window Co. for 40 years. Twelve years ago he acquired Sahara Window and Doors, too.

Both stores have retained their individual names, but the two showrooms function as the same company with identical offerings and crews that skillfully install a variety of products in single-family homes, townhouses, condominiums and commercial properties.

American Thermal/Sahara is discerning when it comes to product selection, Johnson said, carrying nine window lines, including Marvin, Pella and Andersen.

"We only offer the best. If it isn't up to our standards, we don't carry it," Johnson said.

He also cautioned that



Patio Door with Internal Blinds

PHOTOS COURTESY OF AMERICAN THERMAL WINDOW AND SAHARA WINDOW AND DOORS

The showrooms of American Thermal Window in Chicago and Sahara Window and Doors in Niles offer many styles of windows and doors.

homeowners shopping for replacement windows and doors need to do their homework before choosing someone to supply those new windows and doors and installing them. When you contract with a company, it should have a long track record and high standing on rating services like Google and Yelp.

"You can't purchase those ratings. They have to be earned. We have been awarded with excellent reviews from Google and have an exceptional rating on Yelp. Those ratings reflect the way our customers feel about us. We also have an A+ rating from the Better Business Bureau," Johnson said.

It is important to note that all of its installation crews are employed directly by American Thermal Window and Sahara Window and Doors. Crews, who are highly trained and held to exacting standards, arrive in company trucks and the average installer has a minimum of 10 years of experience, Johnson said.

American Thermal Window and Sahara Window and Doors also offer 58 different door styles with 36 standard paint and stain combinations and more than 200 custom glass options. Custom colors are also possible.

"Interestingly, black has become the hot new color for exterior window frames and doors, particularly in the city," he said.

Fiberglass is a common modern choice for outside doors because it is very durable, Johnson said, but his two companies also offer nationally recognized Simpson Doors that are made of solid oak, birch, cherry, poplar and other woods, produced in America. Doors that must be

fire-rated (like those between a garage and a home) must be metal and the showrooms also sell those.

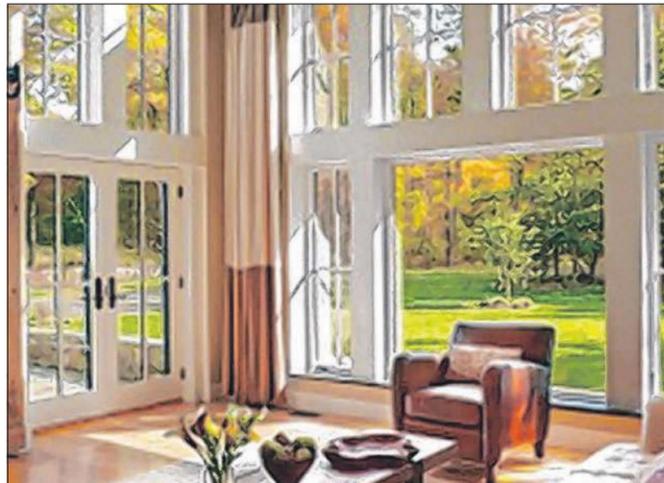
Johnson's two companies also offer and install custom patio doors. Custom cuts, designer glass and designer grids are readily available. Steel security storm doors are also part of the inventory for unbeatable protection, as are garden windows for growing plants, windows with blinds between the panes and fashionable doors with decorative glass options.

Sahara and American Thermal have a good following with condominium and townhouse associations because it is willing to send a representative to association meetings at no charge. The company sells a wide variety of fire-rated windows and doors for mid- to high-rise residential buildings and commercial properties.

"At American Thermal and Sahara, we understand what it is to own a home, so we are easily able to relate to our customers," Johnson said. "We strive to make sure our customers receive a positive experience from beginning to end — from their initial phone call, to their interaction with the sales rep and the showroom staff, to their experience with the installation crews. We want nothing but positive experiences!"

The American Thermal Window showroom is located at 5304 N. Milwaukee Ave. in Chicago. "Our new Niles location includes our warehouse, an expanded showroom and lots of parking," he said.

For an appointment, call (847) 259-9099 or (773) 774-3131, visit www.americanthermalwindow.com or www.saharawindowanddoors.com.



American Thermal Window in Chicago and Sahara Window and Doors in Niles offer custom patio doors with designer glass.

Fixing a cold bathroom that chills the house

BY JEANNE HUBER
The Washington Post

Q: We live in a late-1950s four-level split home, and for the 15 years we've been here, we have fought the cold chill that the main bathroom and tub create in the house. The bathroom is four steps up from the kitchen, and the thermostat is located just outside the bathroom door. The porcelain tub and tile are original to the home. The window is updated, and we keep the shade pulled; we weren't sure how else to cover a window that's inside a shower.

The tub and tile are so cold in the winter that when our children were little, we would drain the hot water tank trying to warm the tub first so they could take a bath. The cold from the tiles and tub chills the room and hallway, too. We can feel the cold as we walk by. The room is too small to reconfigure. Any ideas for how to make this room more comfortable and energy efficient?

A: It's not uncommon to have a bathtub on an outside wall with a window above. Before bathroom fans became standard, a window there might have seemed like a good way to get steamy air out of the room after a shower. But a window in a wall with a shower is very prone to leaking.

Windows are designed to keep out rain, but the expectation is that the rain is hitting the outside. On a shower wall, spray can also blast the inside. Covering the window with a shade when someone is showering helps prevent water from getting into the trim and eventually rotting

out the wall. Stick to that even if you find better ways to make the room more comfortable.

Fixing the underlying problem will probably involve calling in a contractor who uses a thermal scan to pinpoint areas where cold air is leaking or insulation is lacking. But you might want to start by doing a little sleuthing on your own, using a thermal-imaging camera that you can borrow from the library at no charge and hook up to your smartphone. My library lends Flir thermal-imaging cameras, some for iPhones and some for Androids, to patrons 14 and older who have a library card. Many other public libraries have similar programs.

Do the scan when there is at least a 20-degree difference between inside and outside temperatures. As you aim the camera at the room from outside and then repeat the scan inside, you'll see hot spots show up as yellow, moderate areas as red and cold areas as purple. You might discover that the wall behind the tub is a big block of purple or yellow, depending on the season when you scan. That could indicate the wall behind the tub is open, with nothing to stop cold air from blowing through. Or, if your house is like a lot of split-levels, with a garage tucked under living spaces, you may see purple or yellow on or near the floor on the wall shared with the garage, a tip that insulating the garage ceiling and sealing it against drafts could make your bathroom warmer in winter.

Of course, a professional who does scans frequently and understands building systems will probably see



STOCK PHOTO

It is not uncommon in older homes to have a drafty window in a bathtub and shower stall.

things you might not. For \$100, Maryland residents can arrange for an energy audit through their utility company, which will probably include a thermographic scan, advice about how to seal air gaps and improve insulation, and a list of participating contractors who can do the work.

However, improving insulation in a bathroom without ripping out your vintage tile and tub isn't simple and might not be possible. Seek out a contractor who works on vintage houses and strives to keep period touches. Perhaps it's possible to insulate the wall with the window by going in from the outside.

If addressing the underlying problem is not feasible without remodeling, consider adding a heater to the

room. Whether it will save energy depends on what you're comparing. If you're still draining the hot-water heater to prepare for a bath, you might come out ahead.

The least-expensive heating solution is a portable space heater, but look for one with a safety plug designed to cut off power almost instantly if there is a short — a concern whenever an electrical appliance is used next to water. For the plug's protection to work, your bathroom outlet would need to have a grounded neutral wire. A house built in the 1950s might not have that, but you could probably add it by updating a two-prong outlet. This Old House gives good instructions; do a Web search for "Changing a Two-Prong Outlet to Three."

Lasko's small portable ceramic space heater (\$30.88 on Amazon) has a safety plug and other features that make it especially suitable in a small bathroom. It's set to turn off after an hour, and it's compact: 8 inches tall, with a base just over 6 square inches. You could set it on the floor, a counter or even a shelf.

Or you could install a heater on the ceiling or wall. If you already have an exhaust fan, it's fairly simple to replace it with a unit that also provides heat. If you don't have a fan, this might be a good time to install one (as a combination unit that includes a heater, a fan and a light). Vent to the outdoors, not into your attic, and buy a model sized for your bathroom.

The Broan-NuTone 659 heater, fan and light combo, which is designed for bathrooms up to 45 square feet, is \$123.05 on Amazon.