

Association of Condominium,
Townhouse, and
Homeowners Associations



11 E. Adams, Ste. 1107 • Chicago, IL 60603 • 312-987-1906 • actha@actha.org • www.actha.org

APRIL 2013

Inside this issue:

Tip of the Month	3
ACTHA Update	3
“Pets” continued	4
Welcome New Members	5
Question of the Month	6

2013 PLATINUM SPONSORS

*3eReserves • AAA Painting Contractors
ACM Community Management
Adams Roofing Professionals
Bral Restoration
Caruso Management Group
CertaPro Painters
Community Advantage
Community Association Banking
CRC Concrete Raising
Dickler Kahn Slowikowski & Zavell
Erwin & Associates
F M & J Asphalt & Paving
Frost Ruttenberg Rothblatt PC
Fullett Rosenlund Anderson
Law Office of Sima Kirsch
LP Building Products • Keough & Moody
Kovitz Shifrin Nesbit
Penland and Hartwell
Pro-Home Services • Rosenthal Bros.*

Interested in Legislation?

With the Illinois General Assembly in session, legislation is changing rapidly. We recommend checking ACTHA’s website for the most current status and bill offerings: www.actha.org

WHEN FIDO’S MORE THAN A PET: MUST “NO PETS” RULES BE BENT FOR EMOTIONAL SUPPORT ANIMALS?

By: David Hartwell of Penland & Hartwell

It is not uncommon for a community association to have either a straight prohibition against pets of any kind, or to limit the size, type or number of pets allowed. Such rules are instituted for various reasons – out of concerns for safety, noise, cleanliness, or even allergies of residents. It is well established that these rules are not set in stone – “service animals” such as guide dogs for the visually impaired or signal dogs for the hearing impaired – are generally exempt from no-pet policies. Service animals are those that have been specially trained to perform specific tasks for their owners who – due to a diagnosed disability – are unable to perform the task for themselves. What about a dog that performs less of a concrete function, such as providing emotional support for its owner? Within reasonable limits as discussed below, the Board should consider allowing these animals, too.

The Legal Basis for Accommodation

There are two bases to require a Board in a pet-free building to allow certain residents to maintain service or other animals in the building – the Federal Fair Housing Act and the Illinois Human Rights Act.

The Fair Housing Act prohibits discrimination against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap. The Fair Housing Act defines discrimination as, among other things, the refusal to make reasonable accommodations in rules, policies, practices, or services,

CONDOMINIUMS • TOWNHOMES • HIGH RISES • MULTI-TENANT



www.csr-roofing.com

We see more than just a roof above...



We see the people and the property it serves to protect.

- New Roofing
- Repairs
- Maintenance Programs
- Tapered Insulation
- Reflective Coatings
- Modified Bitumen
- Hot Asphalt
- Coal Tar Pitch
- P.V.C.
- EPDM
- T.P.O.
- Shingles
- Skylights
- Sheet Metal
- Gutters
- Drainage Improvements

CSR Roofing Contractors – providing superior service to greater Chicagoland for over 30 years. PHONE: 708.848.9119 FAX: 708.848.8947

Name: Integrity Property Management Co.
 Mission: Integrity Property Management
 Vision: Integrity Property Management
 Values: Our name says it all

See our "Integrity Pledge" at www.ipm5.com or call 847-398-9084

15N497 Old Sutton Road
 Barrington, IL 60010
 Chicago Yard- 6311 S. Winchester
 www.Alvarezcorp.com

Phone (847) 551-1105
 Cell (847) 544-8838
 Fax (847) 551-1109

Cindy Alvarez
 Project Manager
 cindy@alvarezcorp.com

ALVAREZ, Inc.

Board of Directors

Officers

President: Beth Lloyd **Vice President:** Diane Pagoulatos **Treasurer:** Bob La Montagne **Secretary:** Jacqueline Fanter

Directors

Julie Cramer Joe Fong Mike Matthews Bill Meyer Jeff Schmitt

Executive Director: Gael Mennecke

Lobbyists: John Carr and Richard Lockhart, Social Engineering Associates, Inc.

Legal Advisors: Rob Kogen, Kovitz, Shifrin Nesbit / Charles VanderVennet, Attorney in private practice

Accountant/Advisor: Garry Chankin, Frost Ruttenberg & Rothblatt, C.P.A.

Note: Materials in this publication may not be reproduced without the written permission of ACTHA. The statements and opinions in this publication are those of individual authors and ACTHA assumes no responsibility for their accuracy. ACTHA is not engaged in rendering legal, accounting or other expert assistance. If required, the services of a competent professional should be sought. Acceptance of advertising in the ACTHA newsletter does not constitute an endorsement by ACTHA or its officers of the advertised products or services. The publisher reserves the right to reject any advertising.

TIP OF THE MONTH

Windows: Aluminum, Vinyl or Wood?

Here is a comparison of the advantages and disadvantages of Aluminum, Wood and Vinyl Windows.

ADVANTAGES

DISADVANTAGES

Aluminum

Won't rot or warp

Extremely poor insulator
Allows condensation to form
Pits, corrodes, dents and scratches
Most frames and sashes are mechanically connected (usually with screws),
and may eventually loosen
Painted aluminum windows are subject to chipping and scratching

Wood

Excellent insulator

Absorbs moisture which can lead to possible rotting or warping, resulting in
air and water infiltration
Needs regular painting, maintenance both inside and out—paint, then can
chip and peel
Inferior milling qualities

Vinyl

Excellent insulator

Limited tensile strength. However, windows may be reinforced with
aluminum to compensate

Reduced air infiltration

Resists condensation

Easy to clean

Virtually maintenance free

Never needs painting

Durability—no pitting, peeling,
rotting, drying out or
corroding

Easy operation

Custom size opening

Solid color throughout

Integral lift rails, interlocks & Weather-stripping pockets

Harris Exteriors & More, ^ 630-372-7310; phil@harrisexteriors.com ^ www.harrisexteriors.com.

ACTHA NEWS

- ACTHA is pleased to announce that Joe Fong (Westgate Terrace CA), Mike Mathews (Cornerstone CA of Frankfort), and Diane Pagoulatos (Whispering Lake TA, Lake Bluff) were re-elected to ACTHA's board. Bill Meyer (Maple Creek TA, Frankfort) was appointed to fill a vacancy on the board.
- Congratulations to Mariann Kosek (Summit Creek), Harley Chapman (Village Green TA of Palatine) and Corin Martens (Surfside CA) who were winners at the Spring Conference of \$100 cash each!
- Vickie Pryor (1015 W. Jackson CA, Chicago) won a year's membership in ACTHA and Bruce Klier (Wedgewood Commons II, Orland Park) and Bryan Thale (Dawson Mill Village CA, Algonquin) were winners for a free pass to one of ACTHA's two expos on Sat., Sept 28 in Tinley Park or Sat., Oct. 12 in Wheeling.

when such accommodations may be necessary to afford such person equal opportunity to use and enjoy their dwelling.

Like the Fair Housing Act, The Illinois Human Rights Act provides that it is a civil rights violation to refuse to sell or rent or to otherwise make unavailable or deny a dwelling to any buyer or renter because of a disability of that buyer or renter. Also like the Fair Housing Act, the Illinois Human Rights Act makes it unlawful to refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.

While the Federal Fair Housing Act and the Illinois Human Rights Act each mandate reasonable accommodations for handicapped, individuals, the Illinois Condominium Property Act specifically allows a Condominium Board the power to reasonably accommodate the needs of a handicapped unit owner as required by federal law, state law, or any applicable local ordinance.

An Emotional Support Animal is Not a Service Animal

It is well-established that trained service animals are a “reasonable accommodation” for purposes of the Fair Housing Act and the Human Rights Act in cases where the resident shows that the animal has been sufficiently trained to benefit the resident’s diagnosed physical or mental disability, and that the animal is necessary – in light of the resident’s disability and the animal’s training – for the resident’s enjoyment of the premises. An emotional support animal, however, has undergone no special training, and assists its owner by its mere presence - by relaxing the owner, relieving depression or stress, or offering a sense of safety or well-being. Although Courts have yet to interpret the Fair Housing Act or the Human Rights Act to require that accommodations be granted to allow emotional

support animals, there seems to be a trend toward lessening or eliminating the formal training requirement for service animals, which ultimately may place emotional support animals on equal footing with their specially trained peers. For example, while a Federal Appellate Court in Chicago did agree that service animals must undergo *some* training, the Court specifically declined to impose a specific level or quality of training before the animal could qualify as a “service animal,” and stated that the assistance of an untrained, non-certified “trainer” such as a friend or family member may be sufficient.

How Should the Board Handle Requests for Rule Exemptions for Emotional Support Animals?

Given the shift toward requiring accommodation to allow minimally trained or even untrained animals, how should a Board handle a request for an exemption to a no-pets policy for an emotional support animal? First, understand that “reasonable accommodations” mean just that – reasonable. The Board may allow the resident keep the animal, but place other restrictions on its keeping such as requiring the resident use a service entry when he/she is with the animal, limiting access to certain areas of the building with the animal, requiring that the animal be kept in a carrier in common areas of the building, et cetera. Perhaps there is some set of restrictions that would accommodate the resident while keeping in tact – as practicably as possible – the building’s pet policy.

In any event, the Board should consult with an attorney well-versed in anti-discrimination and association laws to assist them in navigating this complex and ever evolving area of law.

Penland & Hartwell LLC ^ One N. LaSalle, Chicago 60602
312-578-5610

dhartwell@penhart.com ^ www.penhart.com



S&D ENTERPRISES, INC.

Over 50,000 Roofs Installed Since 1963

Specializing in Multi-Family Projects

Our Experience
& Technical
Know-How
Gets the Job Done
Right the First Time!

Specialized in Roofing Services & Projects for:

Tear-offs • Shingles • Soffit & Fascia
Flat Roofs • Gutters - Siding • Repairs



OWENS CORNING

Preferred Roofing Contractor



COMPLETE ROOFING SERVICE • BONDED AND INSURED

A State of Illinois Unlimited Roofing Contractor

» Call Sam or Stu Martel for a FREE Estimate

630-279-6600 • www.sdroofing.com

WELCOME NEW COMMERCIAL MEMBERS

BATH FITTER, THE

Sonnie Kricez
1150 N. Main, Lombard, 60148
T: 630-424-1340
F: 630-424-1220
Email: skricez@bathfitter.com
Web: www.bathfitter.com

GIRARD LAW GROUP, THE P.C.

Andrew Girard
4311 N. Ravenswood, Chicago,
60613
T: 773-598-2040
F: 773-598-2040
Email:
agirard@girardlawgroup.com
Web: www.girardlawgroup.com

SCG MAINTENANCE, INC.

(Concrete Resurfacing)
Sergio Chavez
491 S. Irmen Dr., Addison, 60101
T: 630-330-6598
F: 630-790-1614
Email: sergio@scgmaintenance.com
Web: www.scgmaintenance.com

FIRST ASSOCIATIONS BANK

Alan Seilhammer, SVP
12001 N. Central Expressway,
#1165, Dallas, TX 75243
T: 877-593-8406 x1
F: 877-389-4661
Email: aseilhammer@fabank.com
Web: www.fabank.com

KNUTTE & ASSOCIATES, P.C.

(Accounting)
Kathy Hays
7900 S. Cass Ave., Darien,
60561
T: 630-960-3317
F: 630-960-9960
Email: kathyh@knutte.com
Web: www.knutte.com

VINTECH

(Safety/Security)
Mun Wong
1836 W. Belmont Ave,
Chicago, 60657
T: 773-388-1208
F: 773-880-6698
Email: mun@vintechology.com
Web: www.vintechology.com

Question of the Month

*By: Paul Houillon of Connected Property Management
3047 N. Lincoln, #310, Chicago 60657 ^ 888-633-8276*

Paul.houillon@connectedmanagement.com ^ www.connectedmanagement.com



Q. Under the Illinois condominium Property Act, it states that there is only one class of membership. Recently the board passed a budget that increases the monthly assessment for one-bedroom units by \$ 3.00 and a two-bedroom unit by \$ 10.00. Is this permissible?

Q. The answer is “maybe,” but if nothing else the board is probably guilty of using poor wording since the reader is left unclear how these increases were calculated. Legally all expenses must be divided amongst the units based strictly on percentage of ownership. In an association’s governing documents you should find a list of all units within the association and the percentage of ownership allocated to each. The total must equal 100%. Each unit’s share of the costs required to support the association is based upon the amount of the association that it represents: its percentage of ownership.

For example, if a budget requires that \$5,000 needs to be collected from the unit ownership each month to support the needs of the association, then each unit’s monthly share is determined by multiplying \$5,000 times the unit’s percentage of ownership. If a unit’s percentage of ownership is 5%, in this example, its share of the monthly expenses would be \$250/month. This becomes the unit’s monthly assessment until the next annual budget is adopted.

A copy of the annual budget, the list of ownership percentages from your governing documents and a calculator are all you need to quickly determine if your board is splitting costs correctly. If the board is using any other method to calculate assessment amounts then they are not following the rules laid out in the Illinois Condominium Property Act.