



**RNRA**  
RIVER NORTH  
RESIDENTS  
ASSOCIATION

**Greetings neighbors. The RNRA Board wants to make you aware of a situation that may impact many properties in our community. If you own or rent a unit in building in Chicago over 55 feet in height, or own or manage such a building, please read this notice and share the information as you see fit.**

The following are excerpts from the Chicago Building Code.

#### **Division 7: Fire-Resistance-Rated Construction**

##### **Section 15-8-510: Roof Structures**

*Except aerial supports, not exceeding 12 feet in height, flagpoles, water tanks, cooling towers and similar structures, all roof structures hereafter placed above the roof of any building within the fire limits, or above the roof of any building exceeding 55 feet in height, shall be constructed of noncombustible materials and shall be supported by construction of noncombustible materials.*

##### **Section 15-12-040: Definitions**

(a) *“Combustible material” means a material, which will ignite when heated to a temperature at or below 1,200 degrees Fahrenheit.*

These requirements pertain to the materials from which many decks, fences, columns, stairs, pergolas and other common roof structures are constructed. The provisions have been a part of the building code for decades, but were not widely or aggressively enforced until recently. RNRA has become aware that, in the last few years, many properties around the city are being required to replace non-compliant roof structures as a result of inspections by the Chicago Fire Department or the Department of Buildings.

Our understanding is that the City views this as a life safety issue and is therefore mandating that non-compliant materials be removed, regardless of when they were installed or whether the original construction was properly permitted. *We are not aware of any situation in which the requirement has been waived.*

In some cases, the City has filed lawsuits to compel property owners or homeowners associations to comply and recorded a "lis pendens" (a formal notice of the lawsuit) against every unit, which has the same effect as the recording of a lien. This could result in some unit owners receiving notices from their mortgage servicers and/or experiencing difficulty in processing sales or refinances. The official complaint may mention the potential for monetary fines, but as long as the property owners take reasonable steps to remove the non-compliant materials, it appears unlikely that fines will actually be imposed.

Most of the materials commonly used to build roof decks, framing and similar structures, including redwood, cedar, pressure treated lumber and polyethylene or polyvinyl chloride composite materials, *do not* satisfy the non-combustibility requirement. As far as we know, only 3 types of materials comply with the building code: 1) concrete, stone or masonry pavers, 2) lpe (a tropical hardwood also known as Ironwood), or 3) steel or aluminum. Naturally, these can be considerably more expensive than most of the traditional choices.

In most cases involving condominium associations, the costs for repair and maintenance of decks and other structures considered “common elements” are born by the association, while decks and structures that exclusively serve one unit are considered “limited common elements” and the associated costs are born by the individual unit owners. These matters are typically addressed in the association’s declaration and bylaws.

There is no way for us to know if or when your property might be inspected, or what action you may be required to take as a result. If your building is over 55 feet high and has roof structures that may be non-compliant, we advise you to consult with your association attorney and property manager to consider your options. You can access the municipal code at: <http://www.amlegal.com/library/il/chicago.shtml>. The Chicago Department of Buildings is located at 120 N. Racine, Chicago, IL 60607 and can be reached at [buildings@cityofchicago.org](mailto:buildings@cityofchicago.org) or 312-743-3600.

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