# WHY REPLACE JALOUSIE WINDOWS

We have let all homeowners know that their old jalousie/awning windows are beyond their useful life and are prone to failure. The jalousies have a history of leaks and damages throughout Buildings 29-32. We are giving homeowners the opportunity to replace their jalousie windows during the Milestone repair work and offering a significant price reduction and free installation. A homeowner's jalousie window which is NOT replaced could fail and cause damage not to just the owner's unit, but another owner's unit or the exterior of the building.

The HL4 declaration and by-laws specify that Owners own Windows and Doors and are responsible for their maintenance and replacement. As such, the Association cannot force an owner to replace their window if it is not currently considered defective. However, there are reasons to do so (in addition to getting a once in a lifetime price and free installation)

A standard homeowner's insurance generally excludes damage caused by neglect or a lack of maintenance. Offering homeowners a window replacement at a reduced price after a review by the Milestone engineers provides a clear paper trail demonstrating the following:

- The association was aware of the aging windows and the potential for failure.
- The association provided an opportunity and a means for owners to address the issue.
- The homeowner was made aware of the window's current state and given the opportunity to replace it.

Failing to take action after being explicitly warned about the window's potential failure would be a strong indication of negligence in the eyes of an insurance adjuster.

In addition, should the failure damage the exterior or another unit, the process gets more complicated:

- The affected unit owner would file a claim with their own insurance company.
- That insurer would likely subrogate against the negligent owner's insurance to recoup their costs, including their deductible.
- The association would file a claim with their master policy to cover damage to common elements like the exterior walls. The master policy carrier would then seek reimbursement from the negligent owner's insurance.

Ultimately, a homeowner who does not replace a window that has been shown to be beyond its useful life and prone to failure could face the following:

- **A denied claim**: Their own HO-6 policy may deny coverage for damage stemming from the unrepaired window due to negligence.
- **Legal action**: They may face legal action from the association and other unit owners to recover damages.
- **Personal liability**: They would likely be held personally liable for all repair costs, including those of their neighbors and the association.

This information is what the association considered when asking homeowners to replace all jalousies, not just the ones in a current state of failure. And, of course, this also applies to non-jalousie windows and doors defined by the engineer as in "poor" condition.