

**THE ROLLINGWOOD CONDOMINIUM
UNIT OWNERS ASSOCIATION, INC.**

POLICY RESOLUTION NO. 2015- 1

**HVAC SYSTEM, DRYER VENT AND CHIMNEY
ANNUAL MAINTENANCE AND INSPECTION**

WHEREAS, Article 3, Section 3.1 of the Bylaws of The Rollingwood Condominium Unit Owners Association, Inc. ("the Association") states that the Board of Directors shall have all of the powers and duties necessary for the administration of the affairs of the Association; and

WHEREAS, Article 8, Sections 8.1 and 8.2 of the Bylaws empower the Board to adopt and enforce rules and regulations deemed necessary for the benefit and enjoyment of the Condominium, including the Units and the Common Elements; and

WHEREAS, Article 3, Sections 3.3 and 3.4 of the Declaration of Condominium for The Rollingwood Condominium ("Declaration") provide that the heating and air-conditioning apparatus ("HVAC") servicing only that unit is part of the unit and that the appliances and any ducts, chutes, flues and other apparatuses lying partially within and partially outside of the Unit boundaries are likewise deemed part of the Unit; and

WHEREAS, Article 5 of the Declaration and the Virginia Condominium Act require that the Unit Owner maintain, repair and replace all portions of their Unit, including the HVAC, appliances, chutes, flues, ducts and other apparatuses; and

WHEREAS, Article 5, Section 5.2 of the Declaration, provides that, "The Association shall have the right but not the obligation to make any repair or replacement or to do any cleaning or maintenance which is the responsibility of the Unit Owner if the Unit Owner fails or refuses to do so, and in such event the Unit Owner shall be obligated to pay for the cost incurred by the Association for such work;" and

WHEREAS, the failure to properly maintain HVAC systems, dryer exhaust ducts ("Dryer Vents") and chimneys ("Chimneys") in Units has led to damages to other Units and expensive repairs for the Association and all concerned and also poses a threat to the safety of the residents; and

WHEREAS, the Board has determined that it is in the best interest of the Association to clarify the responsibilities of ownership regarding preventive maintenance, prompt repairs and timely replacement of the HVAC systems, Dryer Vents and Chimneys which serve Units, in order to help ensure proper maintenance of the Units and reduce the likelihood of property damage and injury.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Directors does hereby adopt the following policy:

1. Each Unit Owner shall have his or her **HVAC system**, and components thereof, inspected and properly cleaned and serviced by a licensed HVAC technician **on an annual basis (i.e., at least once every calendar year)**. Evidence of the inspection, and cleaning, maintenance and other repair work, if required, must be received by the Association's Management Agent by no later than **September 30, 2015, and by September 30th in all future years**.
2. Each Unit Owner shall have their **Dryer Vent** inspected, cleaned and serviced by a qualified contractor **on an annual basis (i.e., at least once every calendar year)**. Dryer Vent maintenance shall include the clearing of any clogs or obstructions within the Dryer Vent. Evidence of the inspection, and cleaning, maintenance and other repair work, if required, must be received by the Association's Management Agent by no later than **September 30, 2015, and by September 30th in all future years**.
3. Each Unit Owner shall have their **Chimney**, and components thereof, inspected, cleaned and serviced by a qualified contractor **on an annual basis (i.e., at least once every calendar year)**. Evidence of the inspection, and cleaning, maintenance and other repair work, if required, must be received by the Association's Management Agent by no later than **September 30, 2015, and by September 30th in all future years**.
4. The inspection and servicing of the HVAC system, Dryer Vent and Chimney shall be referred to collectively herein as the "Annual Inspection."
5. The Board shall have the discretion to extend the aforementioned deadlines for the Annual Inspection for those Unit Owners who request such an extension, in writing, and demonstrate good cause for an extension. Additionally, during the first year following the adoption of this policy resolution, the Board shall have the discretion to waive the aforementioned deadlines for the Annual Inspections for those Unit Owners who can provide proof that such an inspection was performed within a reasonable time prior to the effective date of this policy resolution.
6. Any Unit HVAC system, Dryer Vent or Chimney that is not serviced, as required by this policy resolution, shall be deemed to be not properly maintained. In the event damage is caused by that HVAC system, Dryer Vent or Chimney to any portion of the Condominium, including the Unit Owner's Unit, other Units or the Common Elements, the Unit Owner of such improperly maintained HVAC, Dryer Vent or Chimney shall be responsible for any costs of repair, replacement or

cleaning pursuant to Article 5, Section 5.2 of the Declaration. A formal notice and 10 day right to cure, pursuant to Section 8 of the Bylaws shall be provided to the Unit Owner prior to any such action.

7. If any Unit Owner fails to completely comply with these requirements, the Board reserves all of its rights to exercise the Association's remedial powers, including, but not limited to, the power to retain a professional contractor to perform the inspection and any requisite maintenance or repair work and to then assess the Unit Owner for the costs incurred by the Association as a result of the Unit Owner's failure to comply. In addition, the Board may initiate any other enforcement action against the Unit Owner, including, but not limited to, the imposition of monetary charges and/or the suspension of services and privileges as a sanction for a violation of this rule.
8. This policy resolution shall be binding upon all Unit Owners and their family members, tenants, occupants, successors, heirs and assigns who currently or in the future may possess any sort of property interest in a Unit within the Condominium.
9. This policy resolution shall supersede any current or previously adopted rules and regulations on the same subject matter.

This Resolution was adopted this 18th day of May, 2015, by the Board of Directors.

**THE ROLLINGWOOD CONDOMINIUM
UNIT OWNERS ASSOCIATION, INC.**

By: Rachel Mabe
Rachel Mabe, President

FOR ASSOCIATION RECORDS

I hereby certify that a copy of the foregoing Policy Resolution was mailed and/or hand-delivered to all Unit Owners of The Rollingwood Condominium Unit Owners Association, Inc. at their addresses of record on this 26th day of May, 2015.

Jean Flannery
Jean Flannery, CMCA, AMS
Community Manager

THE ROLLINGWOOD CONDOMINIUM UNIT OWNERS ASSOCIATION, INC.

Resolutions Action Record

Resolution Type: Policy No. 1

Pertaining to: HVAC System, Dryer Vent and Chimney Annual Maintenance and Inspection

Duly adopted at a meeting of the Board of Directors held on the 18th day of May, 2015.

Motion by: Brenda Cornwell Seconded by: Joan Squires

VOTE:

YES NO ABSTAIN ABSENT

Brenda Cornwell
Director

☒ ☐ ☐ ☐

Rachel Mate
Director

☒ ☐ ☐ ☐

Mike Mate
Director

☐ ☐ ☐ ☒

JOAN Squires
Director

☒ ☐ ☐ ☐

Director

☐ ☐ ☐ ☐

ATTEST:

Joan Squires
Secretary

5/18/2015
Date

Resolution effective: 10 days from date mailed.