

**FAIRFIELD HOUSE CONDOMINIUM
UNIT OWNERS ASSOCIATION
POLICY RESOLUTION NO. 2011-01**

(Rules/Policy on Replacement of HVAC Condensing Units on Rooftops)

WHEREAS, Article III, Section 2 of the Bylaws provides the Board with the power to adopt rules that the Board deems necessary for the benefit of the Condominium; and

WHEREAS, after consultation with its managing agent and professional consultants, the Board has determined that it is in the best interest of the Association to adopt rules regarding the replacement of condensing units on the rooftops of the Condominium;

NOW, therefore, the Board duly adopts the following rules and policy.

A. The roofs of the buildings within the condominium are part of the common elements under the responsibility of the Association. The Board has a responsibility to adopt policies and rules that are designed to protect the roofs from damage.

B. The developer originally installed air condensing units on the condominium's rooftops. Notwithstanding the fact that these air condensing units are located outside of the condominium unit that they serve, the Condominium Act states that the owner served by the condensing unit owns the condensing unit and is responsible for its replacement or repair.

C. The fact that the installation of the condensing units owned by individual unit owners is integrated into the roofs under the care and responsibility of the Association necessitates some rules. The roofs can be badly damaged during the process of replacement of a condensing unit if the installation is not done properly or is done with oversized equipment. Some owners have already replaced their condensing units with equipment that is significantly heavier and larger than the approximate size (24 X 24) and weight (165 pounds) of the condensing units installed with the original construction. According to an engineer, if the Board allows these types of larger and heavier installations to continue, the maximum load rating of the roofs will be in serious jeopardy of being exceeded, which will create a number of adverse consequences, including risks to personal safety.

D. For the preservation of the roofs and the protection of personal safety, it is now a requirement that any unit owner who wishes to install a new condensing unit on the roof of any building within the condominium must submit a written application with required accompanying contractor documents to the Board for review prior to installation.

E. Notwithstanding the above paragraph, all condensing units that are 24 X 24 or smaller in dimension and weigh 165 pounds or less are automatically pre-approved by the Board, subject to a written notice from the unit owner with required accompanying contractor

documents being submitted within 15 days of installation. The Board reserves the power to conduct a post-installation inspection in order to confirm the details of the installation.

F. Any unit owner who wishes to install a new condensing unit that exceeds 24 X 24 in dimension and/or 165 pounds in weight must submit a written application with required accompanying contractor documents to the Board in advance and receive approval in writing prior to installation. The owner must include a justification for the proposed exemption and a signed copy of a contract with a licensed and insured contractor with the application.

G. This policy resolution is effective immediately; however, any unit owner who has previously installed an oversized condensing unit in excess of 24x24 in dimension or heavier than 165 pounds in weight shall be exempted ("grandfathered") from the requirements herein, so long as the unit owner submits a written request for exemption within 45 days of the date of the adoption of this policy. **The Association reserves the right to require any unit owner who has an oversized unit that has been grandfathered in under this policy to remove or relocate the unit at their own expense if such unit is found to be located so that it negatively affects the operation of surrounding condensing units or is shown to exceed the load capacity of the roof.**

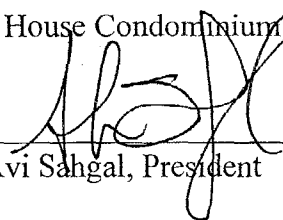
H. If any unit owner fails to completely comply with this policy, the Board of Directors reserves the right to exercise its power to remove the non-conforming HVAC condensing unit and assess the unit owner with all of the costs, including, but not limited to, a \$100.00 administrative fee, as well as any legal, locksmith, or other professional/contractor fees incurred by the Association. In addition, the Board of Directors may initiate any other enforcement action against the unit owner, including, but not limited to, the imposition of monetary charges as a sanction for a violation of this policy.

I. Annual Roof Inspection: For the preservation of the roofs and the safety and protection of the condominium, the Board mandates that Association shall have all roofs within the community inspected annually by a certified engineer in order to ensure there are no safety hazards or violations of this policy present.

The effective date of this Resolution shall be May 3, 2011.

Fairfield House Condominium Unit Owners Association

By: _____


Avi Sahgal, President

HVAC Condensing Unit Application Form

Name of Unit Owner

Street Address

Home Phone

Work Phone

Please attach copy of:
1) Contractors license
2) Work order or receipt

Condensing Unit Information

Make and Model Number	
Weight	
Dimensions	

I have read and I understand the policies related to replacing my roof top HVAC Condensing Unit, and I have fully complied with all provisions. Under penalties of perjury, I declare that to the best of my knowledge and belief, the information on this application is true, correct, and complete.

Printed Name

Date

Signature

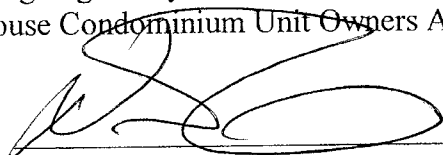
Date

Approved by: _____

Date: _____

FOR ASSOCIATION RECORDS

I hereby certify that a copy of the foregoing Policy Resolution was mailed and/or hand-delivered to the members of the Fairfield House Condominium Unit Owners Association on this _____ day of May, 2011.



Community Manager