

**BROADMOOR HUNTINGTON HARBOUR
POLICY REGARDING OWNERS FINANCIAL RESPONSIBILITY FOR
EXTERIOR MODIFICATIONS TO COMMON AREAS**

All homeowners should be aware of the responsibilities of the association and individual homeowners with regard to exterior modifications of common areas by homeowners and restrictions imposed by governing documents. This general summary is being provided as a policy guide and homeowners should refer to all governing documents for specific rules and restrictions.

Under the Covenants, Conditions and Restrictions, all buildings and structures are deemed common area and are the responsibility of the association to maintain and repair, unless otherwise provided. The CC&Rs place responsibility on individual owners for maintenance, repair and replacement of their unit's windows, doors, garage doors, private balcony and patio decks, electrical wiring, and plumbing and sewer systems contained within the walls of their unit and underneath the foundation slab.

In order to maintain aesthetic uniformity in the complex and preserve property values, no exterior modification may be made to a unit without the prior approval of the architectural committee and the board of directors. That restriction includes but is not limited to: replacement of windows, doors, garage doors, and patio decks; the installation or replacement of screen or security doors, exterior light fixtures, satellite antennae, and air conditioning units; the tiling of decks, patios, balconies and stairways; and the installation or placement of any electrical or plumbing cable, pipe or conduit on the exterior of a unit. **In other words, residents may not do anything that alters or affects the exterior of their unit or the common area without first obtaining association approval.**

Over the past 35 years, many exterior modifications to the common area have been made by homeowners, some of which were approved and some of which were done without the association's knowledge or approval. Failure of a homeowner to obtain prior association approval can result in the imposition of a fine and removal of the modification and return of the common area exterior to its original design, all at the unit owner's expense. Homeowners are notified that even if association approval is obtained, a unit's owner (and its successors) is forever responsible for all costs to maintain, repair or replace any exterior modification, the cost to repair any damage the modification causes to the common area, any damages caused to any unit, and any legal costs incurred by the association to enforce its rights. If a modification causes damage to the common area, the association will conduct and monitor repairs to its standards and impose a special assessment on the unit owner for reimbursement to the associations for costs incurred to remedy the problem.

Tiling of common area entryways: As the buildings age, one particular problem that has impacted the common area is the tiling of common area entryways, stairs, decks, balconies and patios by homeowners in stacked units, particularly along the waterfront. The stairways, decks, balconies and patios in all stacked units were originally constructed with a waterproof membrane that requires periodic maintenance. Those substructures were never designed or intended for overlaying of tiles. Tile is not a waterproof system and the grout is porous. Over time water seeps through cracks and settles between the tile and the underlying membrane, which eventually leads to failure of the membrane, dry-rot and water leaking into the building structure and, in many cases, into units below. In the absence of tiling, the association is responsible for maintaining and repairing the surface of entryway decks and stairways and any damage to units caused by failure of the waterproof membrane. However, the association is unable to maintain the common areas where owners have installed tiles. Consequently, unit owners whose tiled areas are found to be leaking are responsible for any damage to the common

area or to their neighbor's units. In such cases, the association will oversee removal of the tiles, installation of new surfaces and waterproof membranes, repair of any damaged areas, and assess the responsible owner for all costs incurred by the association.

As a policy matter, tiling of common area entryways, decks and stairways will no longer be permitted. This restriction does not apply to private patios and balconies reserved for the exclusive use of a unit. In common area entryways and stairways where tiles have been installed, when maintenance issues require removal of the tiles (for example, to repair the underlying deck due to water intrusion issues), the association will require the unit owner to remove all tiling and restore the entryway surfaces to original specifications. Unit owners will not be allowed to re-tile those areas.

Awnings: Based on the association's review of original building plans and aerial photos, this complex was built with approximately 240 awnings. These awnings are primarily decorative and aesthetic in nature and have a useful life of about 10 years. Over the years the association and unit owners have installed additional awnings so that the total number of awnings is over 340. At today's material costs, replacement of each awning averages close to \$1,000 and the additional added awnings will cost the association over \$100,000 to periodically replace. To keep maintenance costs down the association has prepared a master list all awnings and has identified over 100 awnings as "recommended for removal." As these awning frames and covers deteriorate, the association will remove them and not replace them.