

# **HARRISON WEST CONDOMINIUMS OWNERS ASSOCIATION**

## **Resolution of The Board of Directors**

### **ACCESS TO UNITS AND LIMITED COMMON ELEMENTS FOR GENERAL COMMON ELEMENT REPAIR AND REPLACEMENT**

WHEREAS, "Declaration" is the *Declaration Submitting Harrison West Condominiums to Condominium Ownership*, "Bylaws" is *Bylaws of Harrison West Condominiums Owners Association*, "Act" is Oregon Condominium Act, ORS Chapter 100 and "Association" is Harrison West Condominiums Owners Association;

WHEREAS, The Board of Directors ("Board") is aware that it will be necessary to enter units at the Condominium in order to perform repair and replacement work to the plumbing system and certain other general common elements;

WHEREAS, The Board anticipates that certain owners may not respond to requests to schedule access to their units;

WHEREAS, ORS 100.540(4) and Article 12.4 of the Declaration provide that the Association's designated representatives have the right to enter a unit to perform non-emergency maintenance to and repairs of common elements upon reasonable notice to owners;

WHEREAS, ORS 100.540(4) and Article 12.4 of the Declaration require, in non-emergency cases, that the Association provide notice to the owner of the unit and attempt to schedule entry of that unit at a time convenient to the owner;

WHEREAS, ORS 100.540(4) and Article 12.4 of the Declaration provide that in emergencies the Association's designated representatives may enter a unit without notice in order to prevent property damage or abate a danger to public safety;

NOW, THEREFORE, IT IS RESOLVED, that the following procedure be adopted to provide for access to units for the purpose of performing repair or maintenance work:

1. In an emergency when access to the unit is required to prevent property damage or abate a threat to public safety, any person designated by the Board as a representative of the Association may enter a unit or limited common element without notice and perform whatever work is necessary.

2. In non-emergency cases, the Association and its representatives shall use the following process for gaining access to a unit or limited common element in order to perform repairs, replacement or maintenance to a general common element, limited common element or a portion of the unit that the Association is required to maintain:

- a. The Association's managing agent, contractor or other person designated by the Board, shall post a notice on the door of the unit stating the time, date and reason for entering the unit. In addition, the notice shall be emailed to any email address provided by the owner or occupant of the unit and the managing agent or

contractor shall telephone the owner or occupant to verify receipt of the notice and discuss access. The notice shall request that the owner or occupant be available to unlock the door and re-lock the door after work has been completed. The notice shall provide instructions for providing a key to the managing agent or contractor in the event that the owner or occupant cannot be home to arrange access. The notice shall also provide a means of contacting the managing agent or contractor in order to schedule the work at a time more convenient for the owner or occupant.


b. If the owner or occupant requests that the work be performed at a more convenient time, the contractor or managing agent shall use their best efforts to accommodate the owner or occupant's request. If the request cannot be accommodated without significant expense to the Association, then the owner/occupant shall be informed that the work will proceed as scheduled.

c. If an owner fails to respond to the notice or refuses to provide access at a mutually agreeable time and date, the managing agent or contractor shall arrange to have a locksmith open the unit in order to gain access on the date and time specified in the notice. The managing agent or contractor shall use their best efforts to lock and secure the unit upon completion of their work. Any costs incurred in gaining access to the unit shall be assessed to the unit owner.

NOW, BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to all Owners at their last known address.

ATTEST:

  
Chairperson, Board of Directors,  
Harrison West Condominiums  
Owners Association

  
Secretary, Board of Directors  
Harrison West Condominiums  
Owners Association

Date: 2/19/14