



Matthew Frank Condominium Association

Air Conditioner Resolution

2018-001

Whereas The Matthew Frank Condominium Association Board of Directors is empowered by statutory law [ORS 100.405 (k)], and further supported by the Association Documents including the Declaration of Covenants, Conditions and Restrictions [article 3.8] and the Bylaws [article xiii] to create rules and regulations regarding certain actions and activities of the association and its members,

Whereas The Matthew Frank Condominium Association Board of Directors wishes to enhance the livability of all residents within the association,

Whereas The Board would like to preserve the safety of all residents, guests, and pedestrians within the community by managing risk where possible.,

Whereas The Matthew Frank Condominium Association Board of Directors has an existing policy requiring owners to secure permission from the Board prior to beginning projects or construction that would impact the commonly owned property including the exterior of the units,

Whereas The Matthew Frank Condominium Association Board of Directors strives to ensure that The Matthew Frank Condominiums remain valuable and aesthetically appealing for current and future residents,

Whereas The Matthew Frank Condominium Association Board of Directors strives to be cautious about how HOA fees are used,

Whereas Installation of in-wall air conditioners requires alteration not only to the interior walls of units, but also the exterior walls,

Whereas window air conditioner units protrude through exterior walls,

Whereas The Matthew Frank Condominium Association Board of Directors wishes to facilitate efficient and effective review processes for owners requesting an "Architectural Review" for all air conditioners,

Whereas The Matthew Frank Condominium Association Bylaws 7.5 prohibits the placement of anything on the common elements without the prior express written permission of the Board of Directors,

Whereas all building exteriors are common elements,

Whereas The Matthew Frank Condominium Association Bylaws 7.8 prohibits the installation of all machinery, including air conditioners, without the prior express written permission of the Board of Directors,

Whereas The Matthew Frank Condominium Association Board of Directors finds it necessary to set forth restrictions on the installation of all air conditioners to protect the buildings from deterioration and preserve the architecture,

Now Be It Therefore Resolved that the Matthew Frank Condominium Association Board of Directors does adopt the following procedures in regard to the installation of air conditioners:

1. Window air conditioners are strictly prohibited due to increased likelihood of accidents and liability for the HOA.
2. Portable interior air conditioners with a small vent inserted into the window frame and held in place by the window do NOT require pre-approval of the Board or ARC.
3. All air conditioner installation applications that impact or can be seen from common property will be submitted to the Architectural Review Committee (ARC), where each application will be evaluated according to its individual and unique circumstances.
4. Final decisions will be approved by the Board of Directors (if the membership of the ARC is different than the Board).
5. Applications for air conditioners will only be considered if the following are addressed in the proposal:
 - a. Color: Applicants must select a color that blends with or compliments the existing color scheme of the exterior of the Condominium (ex: Beige). White is not an acceptable color.
 - b. Number: Only one exterior air conditioner unit is permitted per residence. Air conditioners are not permitted at units where heat pumps have been installed.
 - c. Condensation Lines: No lines to collect condensation (winter and summer) may be affixed to the building exterior. Condensation should drip freely from the air conditioner at a distance as far away from the building as possible, if a condenser line exists. Downstairs residents should be consulted by upper level applicants regarding the dripping prior to application submission.
 - i. The Board is prepared to play an arbitrating role should the applicant not secure support from the downstairs neighbor prior to submitting the application.
 - ii. The drips are "grandfathered in" so that future downstairs residents will be assumed to accept the heat pump drips coming from upstairs units.
 - iii. Should the exterior of the building start to deteriorate because of water hitting the building over time, the Board may re-evaluate whether the allowance of drips in individual situations remains appropriate.

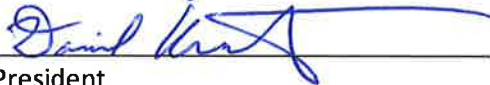
- d. Preparing the Exterior: A Matthew Frank approved contractor should be hired to prepare the exterior of the building for installation of the air conditioner, since installation requires potential penetrations to the siding.
6. It is the responsibility of the unit owner and NOT the HOA to contract with and pay an approved contractor to keep the air conditioner unit maintained (It is not the responsibility of the HOA; nor should the homeowner do the work personally.)
 7. If the unit owner at any time wishes to remove the air conditioner unit, it is their sole responsibility to do so and return the interior and exterior building component to a pre-installation state using a Matthew Frank approved contractor.
 8. Should the owner sell the unit and in the rare situation where the buyer does not want the air conditioner, the HOA will not be responsible for costs associated with removal of the air conditioner and repair of the condo exterior. The current owner of any unit with an air conditioner installation is responsible for the cost of removing it if a purchaser requests that it be removed. A Matthew Frank approved contractor must be hired to remove the heat pump equipment from the building.

Fines. The Association may, at the discretion of the Board, levy fines against any violator of this Resolution who is an owner of a unit in Matthew Frank. Owners are responsible for any violations caused by tenants, guests, licensee, invitees, or patrons of the Owner. Fines shall be assessed in accordance with the Financial Penalties Resolution.

Notice and Opportunity to Be Heard. Prior to levying any fines under this Resolution against an owner, the Association shall give the Owner notice and opportunity to be heard.

Costs and Attorney Fees. Any costs related to the enforcement of this Resolution, including, but not limited to, reasonable attorney fees shall be assessed to the violating Owner pursuant to the Declaration and Bylaws.

This resolution was passed by the Matthew Frank Condominium Association Board of Directors on this 13 Day of August, 2018.


President


Secretary

