

MATTHEW FRANK CONDOMINIUM OWNERS ASSOCIATION

DUCTLESS HEAT PUMP RESOLUTION

2017-02

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 MATTHEW FRANK CONDOMINIUMS WERE CONSTRUCTED TO BE ENERGY EFFICIENT AND THE ASSOCIATION STRIVES TO SUPPORT POLICIES WHICH CONSERVE ENERGY,

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 DUCTLESS HEAT PUMPS REQUIRES ALTERATION NOT ONLY TO THE INTERIOR WALLS OF UNITS, BUT ALSO THE EXTERIOR WALLS,

WHEREAS INSTALLATIONS OF HEAT PUMPS IN THE LOWER LEVEL RESIDENCES ALSO AFFECT THE LANDSCAPED COMMON GROUNDS,

WHEREAS THE MATTHEW FRANK CONDOMINIUM ASSOCIATION BOARD OF DIRECTORS WISHES TO FACILITATE EFFICIENT AND EFFECTIVE REVIEW PROCESSES FOR OWNERS REQUESTING AN "ARCHITECTURAL REVIEW" FOR HEAT PUMPS,

WHEREAS THE MATTHEW FRANK CONDOMINIUM ASSOCIATION BOARD OF DIRECTORS FINDS IT NECESSARY TO SET FORTH RESTRICTIONS ON THE INSTALLATION ON ENERGY EFFICIENT HEAT PUMPS 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 HEAT PUMPS:

1. ALL HEAT PUMP INSTALLATION APPLICATIONS THAT INVOLVE COMMON PROPERTY WILL BE SUBMITTED TO THE ARCHITECTURAL REVIEW COMMITTEE (ARC), WHERE EACH APPLICATION WILL BE EVALUATED ACCORDING TO ITS INDIVIDUAL AND UNIQUE CIRCUMSTANCES.

2. FINAL DECISIONS WILL BE APPROVED BY THE BOARD OF DIRECTORS (IF THE MEMBERSHIP OF THE ARC IS DIFFERENT THAN THE BOARD).
3. APPLICATIONS FOR HEAT PUMPS 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 HEAT PUMP UNIT IS PERMITTED PER RESIDENCE.
 - C. CONDENSATION PIPES: NO PIPES TO COLLECT CONDENSATION (WINTER AND SUMMER) MAY BE AFFIXED TO THE BUILDING EXTERIOR. CONDENSATION SHOULD DRIP FREELY FROM THE HEAT PUMP AT A DISTANCE AS FAR AWAY FROM THE BUILDING AS POSSIBLE. 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 ASKED 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. LINE HIDES: INSTALLATIONS SHOULD AVOID "LINE HIDES" ON THE EXTERIOR OF THE CONDO WHEN POSSIBLE. IF EQUIPMENT MUST EXTEND FROM THE PUMP, IT MUST MATCH THE COLOR OF THE BUILDING AND RUN IN A PATTERN THAT COMPLIMENTS THE EXISTING ARCHITECTURE (EX: RUN ALONGSIDE EXISTING WINDOWS OR DOORWAYS WHERE POSSIBLE AND NOT CUT ACROSS OPEN SPACE).
 - E. PAINTING: IF APPLICATIONS TO THE ARC CONTAIN LINE HIDES/PIPES EXTENDING FROM THE HEAT PUMP, APPLICANTS MUST AGREE TO TREAT (TO FACILITATE PAINT ADHERENCE) AND PAINT (A COLOR THAT MATCHES THE WALL UPON WHICH IT IS AFFIXED) THE COVERS PRIOR TO BEING AFFIXED TO THE BUILDING'S EXTERIOR.
 - F. AIR CONDITIONERS: WHERE APPLICABLE, REMOVAL OF ANY EXISTING AIR CONDITIONING UNITS IS ENCOURAGED IN ORDER TO DECREASE THE NUMBER OF OBJECTS PROTRUDING FROM THE RESIDENCE.
 - G. PREPARING THE EXTERIOR: SINCE INSTALLATION REQUIRES BOLTING TO THE EXTERIOR (PUTTING IT AT RISK FOR LEAKS AND INSTABILITY), DUCTLESS HEAT PUMPS MUST BE INSTALLED PER **EXHIBIT A**.
 - H. LOCATION:
 - I. **FOR NON-CORNER RESIDENCES**, HEAT PUMPS MUST BE INSTALLED FACING THE INTERIOR COURTYARD OR SIDE ALLEYS.
 - II. **FOR CORNER RESIDENCES** THAT DO NOT HAVE ACCESS TO AN ALLEY OR THE COURTYARD, INSTALLATION MUST BE AS INCONSPICUOUS AS POSSIBLE AND THE FOLLOWING SHOULD BE CONSIDERED WHEN SUBMITTING AN APPLICATION TO THE ARC:

A) HEAT PUMPS SHOULD BE HIDDEN BY TREES OR BUSHES TO THE EXTENT POSSIBLE.

B) AVOID PLACING THE HEAT PUMP IN THE CENTER OF A WALL; INSTEAD ALIGN WITH WINDOWS TO THE EXTENT POSSIBLE.

C) FIRST STORY CORNER HEAT PUMPS SHOULD BE INSTALLED ON THE GROUND INSTEAD OF AFFIXING TO THE BUILDING EXTERIOR. EXPENSES RELATED TO MOVING ANY SPRINKLERS WILL BE PAID BY THE APPLICANT.

D) FOR SECOND STORY CORNER RESIDENCES THAT ARE HIGHLY VISIBLE, AN APPLICATION THAT HAS NO LINE HIDES EXTENDING FROM THE HEAT PUMP ITSELF IS MORE LIKELY TO BE APPROVED.

4. IT IS THE RESPONSIBILITY OF THE UNIT OWNER AND NOT THE HOA TO CONTRACT WITH AND PAY AN APPROVED MATTHEW FRANK CONTRACTOR TO KEEP ANY LINE HIDES PAINTED AND MAINTAINED (IT IS NOT THE RESPONSIBILITY OF THE HOA; NOR SHOULD THE HOMEOWNER DO THE WORK PERSONALLY.)
5. SHOULD THE OWNER SELL THE UNIT AND IN THE RARE SITUATION WHERE THE BUYER DOES NOT WANT THE HEAT PUMP, THE HOA WILL NOT BE RESPONSIBLE FOR COSTS ASSOCIATED WITH REMOVAL OF THE HEAT PUMPS AND REPAIR OF THE CONDO EXTERIOR. THE CURRENT OWNER OF ANY UNIT WITH A HEAT PUMP 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 __14__ DAY OF AUGUST __, 2017__.

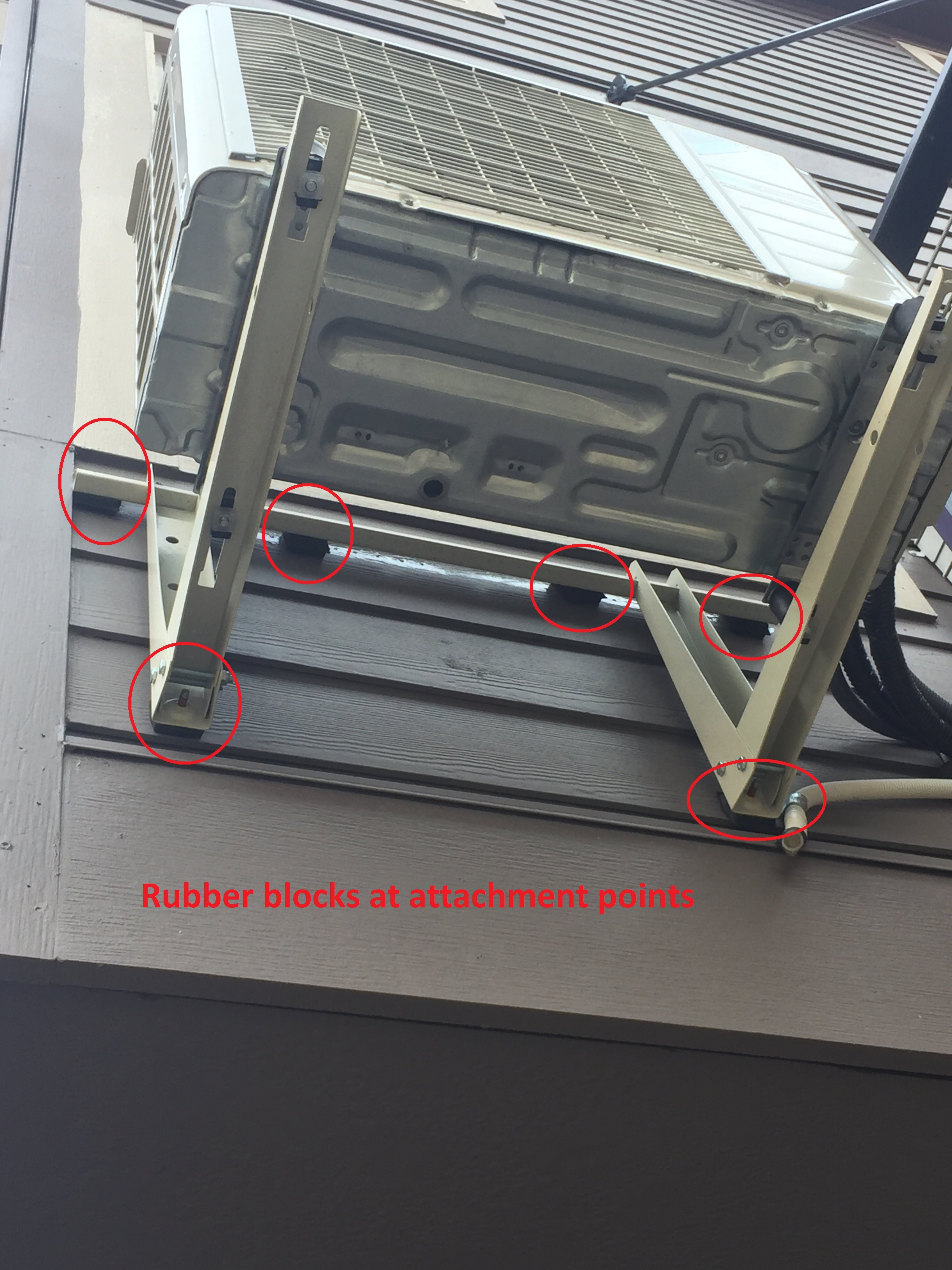


PRESIDENT



SECRETARY

ENCLOSURE: EXHIBIT A



Rubber blocks at attachment points