

**RESOLUTION OF
HIGHLAND GREENS TOWNHOME ASSOCIATION, INC.
REGARDING A UNIT ACCESS POLICY**

SUBJECT: Adoption of a rule requiring Owners in the Highland Greens Townhome community to provide the Highland Greens Townhome Association, Inc. ("Association") emergency access to their Units.

PURPOSE: To provide notice of the adoption of a policy by the Association related to emergency Unit access.

AUTHORITY: The Declaration, Bylaws, Articles of Incorporation, and Colorado Law.

EFFECTIVE DATE: January 1, 2021

RESOLUTION:

WHEREAS, Section 6.7 of the Declaration provides that the Association may adopt and enforce rules and regulations affecting, concerning and governing the Units and the Common Elements; and

WHEREAS, the Units in the community are attached and as attached homes, utility failures in one Unit has the potential to impacting multiple Units; and

WHEREAS, if a catastrophic event such as frozen pipes occurs in a Unit that is unoccupied for a period of time, the Association requires access to the individual Unit to control the emergency, investigate the damage, and to preserve the Unit, neighboring Units, and Common Elements; and

WHEREAS, Section 14.7 of the Declaration provides that "the Owners of other Units shall have the irrevocable right, to be exercised by the Association as their agent, to have access to each Unit and to all Common Elements from time to time during such reasonable hours ... or for making emergency repairs therein as necessary to prevent damage to the Common Elements or to any Unit;" and

WHEREAS, Section 6.3 of the Declaration provides that in the "event that the need for maintenance, repair, or replacement of the Common Elements or any portion thereof is caused through or by the negligent or willful act or omission of an owner, any member of an Owner's family, or an Owner's guests or invitees ... then the expenses incurred by the Association for such maintenance, repair, or replacement shall be the personal obligation of such Owner"; and

WHEREAS, the Association believes it to be in the best interest of the Association and all Owners to adopt a policy requiring all Owners to provide the Association with emergency access to individual Units; and

THEREFORE, the Association hereby adopts the following emergency Unit access policy.

1. **Unit Access.** Every Owner must provide a key, valid access code, or other means of emergency Unit entry to the Association by no later than March 1, 2021. All such keys, valid access codes, and the like shall be retained by the Association's management company. The Association shall not access any Unit unless an emergency situation is present or with the prior understanding of the Owner.

2. **Violations and Failure to Provide Access.**

a. In the event any Owner is found to be in violation of this policy the Association may levy fines and administrative fees against the Owner of the Unit, after notice and an opportunity for a hearing, pursuant to the enforcement procedure and fine structure adopted by the Association.

b. In addition to the remedies outlined in subsection (a) above, if an Owner fails to provide emergency access, the Association will gain access to the Unit attempting to cause minimal damage and shall enter the Unit in the event of an emergency. All costs related to the entry and any damage caused by the Association attempting to gain access to the Unit shall be at the Owner's sole expense.

c. A failure to comply coupled with the need for the Association to gain entry to a Unit as specified in subsection (b) shall result in a fine as set forth above, plus a fee in the amount of \$1,000 to cover the Association's costs in coordinating entry into the Unit completing emergency repairs, securing the Unit upon completion of the emergency work and to compensate such additional personnel required to witness the work. The Association's obligations in relation to the repairs shall be the minimum repairs necessary to stop the water loss and prevent additional damage to the Units.

d. Any failure to comply shall be deemed to be negligence on the part of the non-compliant Owner and any costs related to any damage to the Unit, an adjacent Unit, or Association Common Elements stemming from a failure to comply shall be borne by the non-compliant Unit.

3. **Supplement to Law.** The provisions of this Resolution shall be in addition to and in supplement of the terms and provisions of the Declaration and the law of the State of Colorado governing the Association.

4. **Deviations.** The Association may deviate from the procedures set forth in this Resolution if in its sole discretion such deviation is reasonable under the circumstances.

5. **Amendment.** This Association may amend this Resolution from time to time and in the Association's discretion.

PRESIDENT'S

CERTIFICATION: The undersigned, being President of the Association, certifies the foregoing Resolution was adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors on December 16, 2020, and in witness thereof, the undersigned has subscribed his/her name.

HIGHLAND GREENS TOWNHOME ASSOCIATION, INC.,
a Colorado nonprofit corporation

By: 

Its. President