

**Twenty-One Irvington Condominiums, A CONDOMINIUM UNIT OWNERS
ASSOCIATION RESOLUTION
Water Heater Requirements**

WHEREAS, ORS 100.405(4), Article 14.3 of the Declaration, and Bylaws Section 7.5 (m), the Board of Directors, acting on behalf of the Association, has the authority to adopt rules and regulations that the Board of Directors may deem to be in the best interest of the the Association, including rules and regulations governing the conduct of persons and operation and use of the units and common elements as it may deem necessary or appropriate.

WHEREAS, Article 3, Section 3.6(n) of the Bylaws authorizes the Board to enforce provisions of the Declaration, Bylaws and rules and regulations.

WHEREAS, Section 7.1(a) of the Bylaws, the responsibility for maintenance and repair of the unit is the responsibility of the individual unit owners.

WHEREAS, Section 7.3(c) of the Bylaws provides

If, due to the act or neglect of a unit owner, or of a member of such owner's family or household pet or of a guest or other occupant or visitor of such unit owner, damage shall be caused to the common elements or to a unit owned by others, or maintenance, repairs or replacements shall be required that would otherwise be a common expense, then such unit owner shall pay for such damage and such maintenance, repairs and replacements as may be determined by the Association, to the extent not fully covered by the Association's insurance.

WHEREAS, Section 7.7(c) of the Bylaws provides that the amount and the procedure to impose fines shall be established by Board resolution.

WHEREAS, the Fine Policy, approved by the Board on March 18, 2015, describes the fine amount and steps taken when a unit owner is in violation of Bylaws and the Twenty-One Irvington Rules and Regulations.

WHEREAS, the Board has been advised that water heaters have a limited life and can cause extensive water intrusive damage to other units and common elements.

WHEREAS, damage from water heaters may result in claims against the Association that can affect the Association's ability to obtain insurance at reasonable rates.

WHEREAS, there is a need to prevent damage to neighboring units and common elements from old and corroded water heaters.

WHEREAS, the Association's Board has determined it is necessary and in the best interest of the Association that unit owners be required to maintain water heaters in satisfactory condition at all times.

WHEREAS, it is the intent that this rule be applicable to all owners. This resolution shall remain in effect until otherwise rescinded, modified, or amended by a majority of the Board of Directors.

NOW, BE IT FURTHER RESOLVED, the Board of Directors adopts the following regulations for the Association, which shall be binding upon all owners and their family members, tenants, occupants, successors, heirs, and assigns who currently or in the future may possess any sort of property interest in a unit within the Condominium, and which shall supersede any current restrictions of record or previously adopted rules on the same subject matter:

1. On or before June 1, 2016, each unit owner shall provide to the Association proof of the month and year in which the water heater was manufactured, or an installation date of their water heater, such as a photograph of the current certification posted on the heater, or a copy of paperwork confirming the dates.
2. After the water heater has passed the age of 12 years, the unit owner has three months to replace the water heater and provide to the Association certification of the date of installation and date of manufacture.
3. If the water heater has passed the age of 12 years by June 1, 2016, the unit owner has until September 1, 2016, to get the water heater replaced.
4. If the new water heater manufacturer's warranty exceeds 12 years, the warranty date may replace the 12 year deadline set forth in this resolution.
5. The replacement of a water heater must be completed by a licensed and bonded contractor.
6. A Design Review Application must be submitted and approved by the Board of Directors, indicating which type of water heater will be installed and the name of the licensed and bonded contractor. PLEASE NOTE: Not all water heaters, such as tankless, can be installed due to the age of pipes at Twenty-One Irvington Condominiums.
7. If the unit owner fails to timely comply with this Resolution, the Association shall use the governing Fine Policy to issue fines.
8. If the unit owner fails to timely comply with this Resolution, the Association shall inspect and/or replace the unit's water heater at its sole discretion and shall charge all expenses in any way associated with these tasks to the unit owner. Further, any unit owner failing to timely comply with this Resolution shall also be responsible for all reasonable attorney fees and costs incurred by the Association with respect to enforcing this Resolution.

9. Any damage caused by a water heater is the responsibility of the owner of the unit where the damage originated, and includes, without limitation to, any damage to common elements and/or other affected units.

ADOPTED BY THE BOARD OF DIRECTORS ON MARCH 09, 2016