

## Memo to File

FROM: Warren VandeBerg, LCA Bylaws Committee Chair  
CC: LCA Board, LCA Manager  
DATE: June 30, 2021  
RE: Responsibility for Repair of Railings on Decks and Patios

At the LCA Board meeting on May 26, 2021, the Board responded to a request from a Co-owner for the Association to perform repair on the deck railing of that Co-owner's Unit. The LCA Manager was assigned to examine the railing damage in an attempt to determine responsibility for its repair. The purpose of this memo is to create a record of decision making that can be referenced by the Board if similar situations arise.

### Rationale for Board's Decision on Deck Railing Repair

The LCA Restated Master Deed holds Co-owners responsible for damage to any Common Element caused by the "Co-owner, or family, guests or invitees of a Co-owner". Based on the LCA Manager's examination of the railing damage, responsibility will be assigned as follows. If the damage resulted from snow removal (or other action) by an Association contractor the Association would be responsible, but if the Association was not involved in causing the damage the Co-owner would be responsible.

### References Used in Board Decision-Making on Deck Railing Repair

Restated Master Deed, Article IV, Section 2., A. (5) (page 13):

**Co-owner Fault.** Any and all costs necessary for maintenance, decoration, repair and replacement of any Common Element caused by the intentional or unintentional act(s) of any Co-owner, or family, guests, or invitees of a Co-owner, will be borne by the Co-owner.

Restated Master Deed, Article IV, Section 2., A. (1) m. (page 12):

"Co-owner is responsible for decorating and maintaining patios, porches, and decks, except that the Association is responsible for repair and replacement of patios, decks, and porches including walls, ceilings, railings, flooring, subflooring, gutters, and weep holes."

Restated Master Deed, Article IV, Section 2., A. (6) (page 13):

**Repair to Association Specifications.** All maintenance, repair and replacement obligations of the Co-owners as described above and as provided in the Amended and Restated Superseding Consolidating Condominium Bylaws will be performed subject to the Association's mandatory prior written approval and control with respect to color, style, timing, material and appearance."