

Memo to File

FROM: Warren VandeBerg, LCA Bylaws Committee Chair

CC: LCA Board, LCA Manager

DATE: June 30, 2021

RE: Responsibility for Painting 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 painting on the deck of that Co-owner's Unit. The Co-owner specifically requested painting of patio columns and ceilings. 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 Painting Columns and Ceilings on Porches and Patios

The LCA Restated Master Deed defines painting as an example of decoration, and declares that Co-owners are responsible for "decorating and maintaining patios, porches, and decks". Although the Restated Master Deed includes "supporting columns" in a list of items that are the responsibility of the Association, the Board concluded that "supporting columns" are the actual components that provide support to the LCA Buildings and not the decorative sheath that encloses these supporting members on patios and decks. For these reasons the Board denied the request for painting.

References Used in Board Decision-Making on Request for Painting Columns and Ceilings on Porches and Patios

Restated Master Deed, Definitions, Item T, page 6:

"'Decoration' means paint, wallpaper, other wall coverings, window treatments, carpeting, or other floor covering."

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 1., A. (16) General Common Elements (page 9):

"Foundations, Supporting Columns and Walls. Foundations, supporting columns, Building perimeter walls and interior and exterior Building doors (excluding windows, sliding-glass doors and Unit entry doors), outside connecting walls, roofs (including those over porches), ceilings, floor construction between Units and Unit levels and chimneys;"

Restated Master Deed, Article IV, Section 2., B. (2) General Common Elements (page 14):

“General Common Elements. The costs of maintenance, decoration, repair and replacement of all General Common Elements, except those assigned to the Co-owners under the various subsections of Section 2(A) above, will be borne by the Association in accordance with the provisions of this Article and the Amended and Restated Superceding Consolidating Condominium Bylaws.”