

# CONTEMPO HOMEOWNERS ASSOCIATION

4190 Gemini Drive, Union City, CA 94587 Phone: 510-489-4440

## BOARD RESOLUTION TO REQUIRE OWNERS TO OBTAIN BUILDING PERMITS FOR ALL STRUCTURAL, WIRING, PIPING/PLUMBING MODIFICATIONS

**Adopted October 19, 2017**

By the Authority of the Association's Governing Documents, **the Contempo Homeowners Association Bylaws (1971) Article VII, Sections 1 (a) (b) (c) (e); Section 2(g) (h), and, by the stipulations of its CC&Rs (1970) re (Architectural Control); Article VII, Section 1, Article IX (Association's Right to Enter), Article X (Owners Obligation to Repair), Article XI (Alteration, Additions, and Improvements...)Article VII (Use Restrictions) Section 6, and Section 12**, the Contempo Board of Directors has determined there often is an inordinate financial or SAFETY burden placed upon the Association and its Members by actions of some property owners and/or their tenants who may make, or may have made, unauthorized alterations to, or may have knowingly, or unknowingly caused damage to, the exteriors and/or to some interior areas in homes and buildings in the community. Current Owners may have unwittingly purchased a Contempo home, the/a former Owner of which may have made one or more clandestine modifications, that now are the property and responsibility of the current Owner, **THEREFORE, and,**

**WHEREAS**, the Association has been made aware of the urgency to ensure, to the degree reasonably possible, that potential hazards to property and person are noted and limited or removed by the parties responsible, and at their sole expense, and,

**WHEREAS**, the Association acknowledges it has a duty to assure to make all reasonable efforts to maintain the community's buildings in as safe a manner possible, and

**WHEREAS**, the Association can (and does) inspect the visible common area at least once each month, and,

**WHEREAS**, the Association notifies the owner of record, in writing, of any ACC non-compliant or non-conforming conditions when any such conditions have been observed, or otherwise brought to the attention of the Association, and,

**WHEREAS**, the Association cannot always observe conditions pertinent to the common area or to the individual Lot (Owner's property) until such time the property is in escrow for resale or refinance of an existing mortgage, and,

**WHEREAS**, when the Association is made aware of the existence of a non-conforming modification, or,

**WHEREAS**, when the Association is made aware of a modification which likely requires a Permit from the City of Union City Building Department, and,

**WHEREAS**, if the Association has no record of an Architectural Control Committee (ACC) form submitted to and approved by the Contempo Board of Directors, addressing the reported modification, and,

**WHEREAS**, if the Association has no copy of a completed and signed-off Permit from the City of Union City Building Department related to the reported modification, and,

**WHEREAS**, the Association has a duty to use reasonable means to protect the integrity of the buildings and the safety of the Residents, and,

**WHEREAS**, the Association holds that it is the Owner's responsibility to know if/when a City of Union City Building Permit is required, and that the Owner has a duty to the Association to obtain such permit(s), and,

**WHEREAS**, the Association finds it reasonable to expect any Owner of a Contempo property to provide the Association documentation, in a reasonable amount of time, proving the existence of City of Union City Building Permit Applications for interior structural modifications, wiring modifications, and piping or plumbing modifications, **THEREFORE**,

**LET BE IT RESOLVED THAT**, the Contempo Homeowners Association shall require that any modifications made, in the past, or currently, to any interior structure, wiring, piping, or plumbing shall be done only upon application for, and receipt of applicable City of Union City Building Permits.

**BE IT FURTHER RESOLVED THAT** upon written request by the Association, the Owner shall have **ten business days** in which to provide Contempo (at his/her/their sole expense) required documentation, including copies of all applicable permits, including those on record with the City of Union City for prior modifications.

**BE IT FINALLY RESOLVED THAT**, failing to provide the required documents, including, but not necessarily limited to, Building Permits, the Owner of said property shall be deemed out of compliance and shall be asked to attend a Member Discipline Hearing in Executive Session, following which a fine may be levied in accordance with the Association's duly adopted Schedule of Fines. Continued failure to provide the Association with the applicable documents as outlined herein, in ten business day increments, shall result in subsequent Hearings and continued likelihood for the levy of fines for non-compliance following each such Hearing.