

**THE VILLAS AT CATTAIL CREEK CONDOMINIUM, INC.  
RESPONSIBILITIES OF THE COUNCIL AND THE UNIT OWNERS  
REPAIRS, REPLACEMENT AND MAINTENANCE**

**February 15, 2022**

**Purpose of Document**

The purpose of this document is to outline the responsibility of the Council and the individual Unit Owners as it relates to the line items listed below. Several documents were used in the preparation and writing of this outline – *The Villas at Cattail Creek Condominium, Inc. By-laws*, the *Maryland Condominium Act*, and the *Reserve Study for The Villas at Cattail Creek Condominium, Inc.* as well as consultation with the Condominium’s attorney.

**Replacements and Repairs**

Each line item will include the definition of responsibility, the scope of the replacement and/or maintenance, and the date of the scheduled replacement, if applicable, which is based on the estimated useful life of the item. Scheduled dates of replacement will be adjusted when necessary due to financial or wear conditions. Emergency repairs will be scheduled when needed. This outline is to be used as a guide for future maintenance and repair of items in our community. In order to keep our costs under control, we plan to do replacements for the community at the next scheduled time instead of doing replacements on an individual basis. If Unit Owners want to make replacements earlier, they may do so at their expense and with prior approval from the VCC Board of Directors.

**1. Roofs and Gutters**

The Council is responsible for the maintenance and replacement of roofs and gutters. The Council is responsible for exterior damage and Unit Owners are responsible for interior damage (see Attachment A). Cleaning is the responsibility of the Unit Owner except when the units are being painted. Then, the Council is responsible for the outside of the roof gutters and downspouts to be pressure washed to remove mold and dirt.

Scheduled repair or replacement if required – 2025 and 2026

**2. Outside Light Fixtures**

The Unit Owner is responsible for replacing the outside light fixtures on garages and front porches. These light fixtures should be similar to what is being replaced. If a significant change in style is desired, an architectural request must be submitted to the management company. No changes are permitted until the Board makes a decision on the architectural request.

**3. Exterior Unit Siding**

The Council is responsible for the cleaning (pressure washing prior to painting) and the painting of the siding, window and door trim, as well as repairs and replacement of the siding as needed. Doors, including garage doors, are the responsibility of the Unit Owner.

Scheduled painting if required – 2024

**4. Wall Masonry, Brick Work and Walkways**

The Council is responsible for repairs as needed.

**5. Vinyl Privacy Fence**

The Council is responsible for maintaining and replacing the ground level privacy fence. The fence will be pressure washed when units are painted. Unit Owners are responsible for the maintenance of any deck mounted privacy fence.

Scheduled replacement if required – 2033

## **6. Light Poles and Pole Fixtures (single-family houses only)**

The Council is responsible for replacement of the pole and a standard light fixture. A non-standard fixture is the responsibility of the Unit Owner. If a significant change in style is desired, an architectural request must be submitted to the management company. No changes are permitted until the Board makes a decision on the architectural request.

Scheduled replacement if required – 2028

## **7. Mail Boxes and Posts (single-family houses only)**

The Council is responsible for replacing mail boxes and posts.

Scheduled replacement if required – 2023

## **8. Porch Railing (front of house)**

The Council is responsible for replacement. The Unit Owner is responsible for any cleaning and paint touch-up as needed.

Scheduled replacement if required – 2038

## **9. Other Railings and Outside Basement Stairs**

The Unit Owner is responsible for maintenance and replacement.

## **10. Windows, Exterior Doors and Garage Doors**

The Unit Owner is responsible for maintenance and replacement.

## **11. Window and Exterior Door Trim**

The Council is responsible for painting when the units are painted. Garage doors are not included in the painting. The maintenance and replacement of window trim, windows, door trim and doors are the responsibility of the Unit Owner; replacements must be the same style as the original. This includes any bay windows and window wells.

Scheduled painting if required – villas 2025; single family homes 2026

## **12. Decks and Patios**

The Unit Owner is responsible for the maintenance, repairs and replacement of any deck or patio.

## **13. Roadways and Driveways**

The Council is responsible for repairing and resurfacing roadways (work completed in 2020). Repairs that are a safety hazard will be fixed as needed. Structural repair to driveways is the responsibility of the Council. Cosmetic issues with the driveways, such as seal coating, are the responsibility of the Unit Owner. Due to the need for specialized equipment to repair driveway structural issues, repairs that are not safety issues may be delayed until sufficient additional work is available to justify the cost of bringing the proper equipment into the community. This will reduce the overall cost to the community by combining jobs.

## **14. Lawn Care**

The Council is responsible for the care of lawns including cutting, treating and reseeding where needed.

## **15. Trees and Plants**

The Council is responsible for trimming and mulching the shrubs and trees located in the front of the units and in the general common areas.

The Council will remove any dead shrub or tree from the common areas and replace with grass. Unit Owners may choose to replace dead shrubs or trees at their expense; replacements should be of similar height, size, etc. If a significant change to the previous layout is desired, an architectural request must be submitted to the management company. No changes are permitted until the Board makes a decision on the architectural request.

The Council will maintain all front beds, and Unit Owners are responsible for all side and back beds.

#### **16. Snow Removal**

The Council is responsible for removing snow on the roadways, driveways and walkways to the front door of the unit when the depth exceeds two inches.

#### **17. Trash Removal**

The Council is responsible for the twice weekly pickup and removal of trash. Unit Owners should put trash in a garbage can and place it at the end of their driveway between dusk and 7:00 a.m. on pickup days. Although we have a private company for trash collection, residents should follow the Howard County rules for trash disposal. The Board prefers and encourages use of trash cans for securing trash from animals or other risks. Trash bags suitable for outside use are acceptable but discouraged and should be reserved for days that are extremely windy or icy or for days when an owner is leaving town on the day of the trash collection. Trash collection days are Tuesday and Friday, but if trash collection falls on a major holiday, collection slides to the next weekday. However, on many holidays the trash schedule does not slide. If inclement weather prevents trash collection, the crew will be out as soon as it is safe to do so. Recycling is provided once a week by Howard County. Unit Owners should use a county-supplied recycling bin and place it at the end of their driveway between dusk and 6:00 a.m. on pickup day, Thursday unless there is a "slide" day, changing pickup day to Friday). If trash has been broken into by animals or if recyclables that do not fit into the recycling bin (such as empty cardboard boxes) are scattered by the wind, the Unit Owner is responsible for picking it up.

#### **18. Community Water and Waste Treatment**

The Council is responsible for providing safe, clean drinking water to the community; the treatment of waste and the dispersal of it after treatment; and maintenance of the storm drain system. The Council is also responsible for the repair and/or maintenance of water lines from the main line to the shut-off valve outside each unit, and Unit Owners are responsible for the repair and/or maintenance from the shut-off valve to their unit. The Council is responsible for the repair and/or maintenance of the waste water lines from the main line to the trap (cleanout access point) outside each unit, and Unit Owners are responsible for the repair and/or maintenance from the trap to their unit (see Attachment A).

#### **19. Insurance**

The Council is responsible for providing a master policy that insures all buildings in the community. The Unit Owner is responsible for a HO-6 policy covering their personal belongings and unit interior (see Attachment B).

#### **20. Clubhouse**

The Council is responsible for the Clubhouse, as follows: interior decorating to include furnishings and the repair and replacement of all appliances, including the air conditioning, heating and alarm systems.

### **Conclusion**

The above items that are the responsibility of the Council are funded by the Unit Owners' monthly assessments. These assessments are either expended in the period in which they occur or are reserved for future planned expenditures as determined by the reserve study.

We hope this document will give you a better understanding of what your monthly assessments are used for and the value that you receive. Every effort will be made to keep the community informed of any changes and the reasons for the change. The Board will do everything in its power to be fiscally responsible.

The Villas at Cattail Creek Condominium, Inc.'s Board of Directors    Approved February 15, 2022

**THE VILLAS AT CATTAIL CREEK CONDOMINIUM, INC.  
RESPONSIBILITIES OF THE COUNCIL AND THE UNIT OWNERS  
INTERIOR MAINTENANCE**

**January 1, 2021**

This notice is to provide you with information regarding new maintenance procedures for interior damage to units. In accordance with *The Villas at Cattail Creek Condominium, Inc. By-laws* and the *Maryland Condominium Act*, as of January 1, 2021, the Council will no longer repair the inside of a unit unless the damage is covered under the Condominium's master insurance policy.

With the change in the master insurance policy's deductible limits, the Condominium's Board of Directors thought it important to review the Council's obligations for interior repairs to a unit when the master policy deductible is not met. After a review and opinion of the governing documents and Maryland law, it was determined that the Council does not have any legal obligation to repair the inside of a unit absent meeting the requirements of a claim under its master insurance policy.

Under the By-laws, Article VII, Management, Section (e), "... nothing herein contained shall require the Council to paint, repair, or otherwise maintain the interior of any Unit or any fixtures or equipment located therein *except* for damage resulting from a casualty which is covered by the Condominium insurance ...". This provision is further supported by the Maryland Condominium Act, Section 11-108.1, Responsibility for Maintenance, Repair and Replacement, "Except to the extent otherwise provided by the declaration or bylaws, the council of unit owners is responsible for maintenance, repair, and replacement of the common elements, and each unit owner is responsible for the maintenance, repair, and replacement of his unit."

This means that unless the requirements for a claim under the Condominium's master insurance policy are met, the Council is not required to repair the interior of a unit. For example, if you have water staining from a roof leak, the Council is responsible to repair the roof; and, unless the interior damage meets the master policy deductible (\$10,000), the Unit Owner is responsible to repair the interior damage either out of pocket or possibly by filing a claim with the Unit Owner's personal homeowner's insurance carrier. An example where the Council would be responsible for interior repairs is a lightning strike which damages both the exterior and interior of the unit.

Unit Owners should continue to report instances of water intrusion or other damage to any common element of their unit as soon as realized so the common element can be repaired as soon as possible. Once the common element is repaired, Unit Owners would then schedule any interior repairs at their convenience.

The Board carefully considered the historical practice of repairing the interior of units due to the failure of a common element. They reviewed the costs of repair to the common element to that of the interior, and the legal and financial obligations of the Unit Owners and Council. The Board believes that following the guidelines set forth in the Condominium's By-laws and the Maryland Condominium Act will help regulate the Council's maintenance costs and will benefit the community as a whole. The Board arrived at this decision after much deliberation, with the intent of controlling the steady rise of maintenance costs and keeping the Condominium's fees from becoming exorbitant.

**THE VILLAS AT CATTAIL CREEK CONDOMINIUM, INC.  
RESPONSIBILITIES OF THE COUNCIL AND THE UNIT OWNERS  
MASTER INSURANCE POLICY**

**November 17, 2020**

On October 1, 2020, new Maryland condominium laws went into effect increasing a condominium Unit Owner's deductible responsibility from \$5,000 to \$10,000 if a casualty (insurance) loss originates in a unit or from a component that services only one unit (i.e., HVAC, plumbing, etc.).

The Villas at Cattail Creek Condominium, Inc.'s Board of Directors spoke to its insurance carrier and determined that increasing the Condominium's master insurance policy's property deductible from \$5,000 to \$10,000 would provide a worthwhile savings to the Council. This will net a savings while ensuring Unit Owners maintain the necessary coverage as outlined in the new condominium laws that went into effect.

The Council circulated information regarding the new legislation to Unit Owners in July 2020 and strongly recommended they contact their personal HO-6 insurance carrier to have the increased deductible responsibility covered under that policy. This will ensure that in the event of an insurance loss origination from their unit or from a component that services only their unit, that their personal HO-6 insurance policy will cover the cost of the master insurance policy deductible as well as the replacement value of their personal belongings and any upgrades made to the unit that are not covered by the Condominium's master insurance policy. Otherwise, the Unit Owner will be out of pocket for the entire cost (or remaining balance if their coverage is inadequate) of the master insurance policy deductible.