

**WESTWOOD VILLAGE CONDOMINIUM
UNIT OWNERS ASSOCIATION**

POLICY / REGULATORY RESOLUTION 2018 - 01

DRYER VENT CLEANING

WHEREAS, Section 55-79.53 of the *Virginia Condominium Act, Code of Virginia* (1950, as amended) (the "Act") charges all unit owners and their tenants, guests and invitees with compliance with the condominium instruments (Declaration, Bylaws, plats and plans) of the Association, as amended; and,

WHEREAS, Article III, Section 2(b) of the Westwood Village Condominium Bylaws (*Board of Directors - Powers and Duties*) authorizes the Association's Board of Directors to make assessments against unit owners to defray the cost and expenses of the condominium, Section 2(f) authorizes the Board of Directors to "[a]dopt and amend any rules and regulations respecting the use of the Condominium," and Section 2(i) states that the Board shall have the power to "[e]nforce by legal means...the rules and regulations"; and,

WHEREAS, Va. Code § 55-79.50(c) (*Virginia Condominium Act - Construction of condominium instruments*) states that with respect to any flue or duct that lies partially within and partially outside the boundaries of the unit, "any portion thereof serving only that unit shall be deemed a part of that unit...; and,

WHEREAS, the dryer vent which serves to vent the dryer exhaust from each unit to the outside serves only one unit, and therefore falls within the description of unit component as set forth at Va. Code § 55-79.50(c); and,

WHEREAS, Article VI, Section 5(b) of the Bylaws (*Maintenance, Repair, Replacement and other Common Expenses - By the Unit Owner*) of the Bylaws states in pertinent part that each unit owner shall "keep his or her Unit and its equipment, appliances and appurtenances in good order, condition and repair"; and,

WHEREAS, the Board of Directors has determined that for a unit owner to properly maintain his appliances and equipment, **all** unit owners with dryer vents should have the vents inspected and cleaned on a periodic basis, and the Board of Directors has further determined that a failure to have such inspection/cleaning periodically performed increases the risk and probability of fire in the unit of origin as well as to other units and to the common elements; and,

WHEREAS, it is the opinion of the Board of Directors that the most efficient and

effective method by which to ensure that such inspection/cleaning is performed is to require each unit owner to have an **annual** inspection and cleaning performed of his/her unit's **dryer vent** by an appropriately qualified contractor and to require each unit owner to present proof of such inspections/cleaning to the Association;

WHEREAS, it is the intent of the Board of Directors to establish by this Resolution the inspection and cleaning requirements as rules/regulations of the Association, and that such rules/regulations be binding and enforceable as such on all unit owners of the Association;

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT the Board of Directors adopts the following regulations regarding the inspection and cleaning of dryer vents.

A. The condition of the dryer vent in any individual unit presents a fire hazard to the condominium. Fire obviously poses a potential threat to the safety of the unit owners and to the structural integrity and property value of the Condominium. Accordingly, the **annual inspection and cleaning of each unit's dryer vent shall be mandatory.**

B. **A dryer vent inspection must be conducted at least once every 12-month period.** Proof of the annual inspection may be submitted to the Association (via its Community Manager) at any time. The Community Manager shall maintain the proof of inspection in the unit file of each unit. To be considered sufficient under this rule, the proof of inspection must be an invoice (or copy thereof) on the billing form of an appropriately licensed contractor, clearly indicating the date and time on which the inspection was performed, the extent of the inspection, any defective conditions revealed by the inspection, any corrective work performed on such conditions, any routine maintenance work performed in conjunction with the inspection, and any vent cleaning performed by the contractor and the name of the contractor's employee who performed the inspection and work.

C. Because the dryer vent of any individual unit is characterized by the condominium instruments as part of the unit, the costs of the inspection and cleaning performed attendant thereto shall be the responsibility of each unit owner.

D. CY 2018 shall be the commencement of the annual inspection cycle. All units which cannot show proof that their dryer vents have been inspected and/or cleaned within the twelve (12) months prior to the approval and adoption of this Resolution shall comply with these regulations and shall have their dryer vents so inspected during CY 2018.

E. Failure by any unit owner to comply with the inspection requirements established by this Resolution shall be considered a violation of a rule/regulation of the Association and shall entitle the Association to take enforcement action pursuant to Va. Code § 55-79.80:2 (*Assessment of charges for violations..., etc.*) and pursuant to the Association's Due Process Resolution. In addition, the Association may pursue all other remedies available to it under Article X (*Compliance and Default*) of the Bylaws. Enforcement action undertaken by the Association pursuant to this Resolution shall not be considered an election of remedies and remedies shall be considered cumulative in nature.

F. If a fire originating in a unit's dryer vent results in property damage to other units or to the common elements, and if that unit's dryer vent had not been inspected as required by this Resolution within the 12-month period prior to the fire, the Board of Directors may deem all property damage resulting from the equipment failure to be attributable to unit owner negligence. Any and all repair or restoration costs not covered by the Association's master property casualty insurance policy may be assessed against the unit of origin and such assessment shall constitute a lien in favor of the Association and shall be collectible as an assessment against the unit. *See* Article X, Section 1(b), Bylaws.

G. Proof of inspection should be mailed to the following:

Capitol Management Corporation
Attn: Peyton Harris III
12011 Lee Jackson Highway, Suite 350
Fairfax, Virginia 22033

H. This Resolution shall become effective on 30 MAR, 2018.

**WESTWOOD VILLAGE CONDOMINIUM
Unit Owners Association**

RESOLUTION ACTION RECORD

Resolution Type: Policy / Regulatory No. 2018 -

Pertaining to: Dryer Vent Cleaning

Duly adopted at a meeting of the Board of Directors held 20 MAR, 2018

Motion by: J Murphy Seconded by: Eric Florin

VOTE:

YES NO ABSTAIN ABSENT

J Murphy
Director

E Florin
Director

Director

Director

Director

Director

ATTEST:
J Murphy
Secretary
FILE:

3/20/2018
Date

Book of Minutes - 2018
Book of Resolutions:

| | Book No. | Page No. |
|-------------------|----------|----------|
| Policy | _____ | _____ |
| Regulatory | _____ | _____ |
| Special | _____ | _____ |
| General | _____ | _____ |

Resolution effective: _____
Date of publication/distribution to the membership: _____