

**Discussion Item**

**Covenants for Floors - Director  
Konkel**

On 11/19/2021 9:15 AM, Jim Konkel wrote:

Dave,

I suggest you may want to add this to a BOD agenda if I am correct in the assumptions and issues. Ken perusal?

Background:

To replace a unit's flooring (original or otherwise) to my knowledge requires no Covenants application to be submitted and approved. **Correct**

To add flooring on top of the original flooring (with or without vapor barrier or padding in between) to my knowledge requires no Covenants application to be submitted and approved. This would in effect turn the original flooring into sub-flooring. **Correct**

Not requiring a Covenants application means no Indemnification Agreement is recorded for the record to place the responsibility for flooring adjustments onto the unit owners like when replacing windows. **Correct, unless it was included in a larger scheme which would catch it up in the indemnification process.**

To my knowledge, flooring is not an inspection item for issuance of a resale certificate to allow sales to proceed. **Correct**

The By-Laws to my knowledge do not make a distinction between original floors, follow-on flooring or adding flooring on top of the original flooring. **In brief, the bylaws state that in fire or flood, etc., repairs or replacements shall be made using the date of first sale by the condo developer (1978) as the guide for replacements -- anything after that is considered an upgrade and the owner would have to replace -- would be part of the negotiation process when dealing with insurance and I would presume with the Association in a case where the Association makes the repairs because the matter does not rise to the level of reporting as a claim to insurance. Because parquet floors using the type of parquet in place in 1978 is no longer available, a suitable flooring would have to be used as a replacement. - whether that flooring is to the standard of 1978 parquet or engineered is a matter for discussion.**

Issue:

New technology flooring that is very inexpensive can easily be placed over the existing flooring or the base sub-floor. This would place it well in the ability to have a very large volume of owners make the change. **This seems to be the case, but there is no empirical evidence for our community.**

The situation of having additional flooring placed on top of the original flooring cuts off the ability of the original flooring to breathe and shed humidity or water and therefore causing buckling and mold growth. **Not being an expert in this area I could not say with certainty that this would be the case; however, it could be that modern engineered flooring does breathe -- I simply do not know.**

When circumstances arise that require the Association to repair or replace flooring, it could include the original flooring, new replacement flooring, or any addition on top of the original flooring that needs to be funded, mgmt and labor expended. **We have no guiding rule on this matter and perhaps one needs to be developed.**

Solutions?

Let me know if I am off base here and whether the BOD needs to look into this. As with all things living and dead, the Board should review in a timely manner. Thanks for your reasoned syllogism.

Jim Konkel