

Discussion Item

Common Area Risks and Liabilities

A Common Area Problem & Liability:

The following is a clear example of the risk and liability the Association is exposed to when homeowners are allowed to put or install **items in common elements** without the Association's approval/knowledge:

On Monday, June 17, we received an email from a resident regarding an accident when she stepped on an exposed large nail from a rotten retaining wall in the back of her unit. See picture below:



Per our landscaping foreman, Juan Oliver, this retaining wall that extends by at least four units was not installed by Parkfairfax but by a prior homeowner a long time ago. Management inspected the structure that morning, and it was removed the same day.



The association is now being asked to file an insurance claim to cover the medical expenses of the person injured in this accident.

These incidents could have significant implications on our insurance premiums and, more importantly, raise concerns with our carrier about the risks associated with unapproved items in common elements and the lack of enforcement to rectify these areas. This could potentially lead to increased insurance costs, putting a strain on our financial resources.

Management and maintenance regularly see all kinds of items on common elements, from wooden chairs in the front of buildings to retaining walls, large pots, Arbors, and other items in the back. These items could fail at any moment, causing another accident and someone getting seriously hurt, creating many problems for Parkfairfax's insurability and financials.

Management recommends that the Board establish and support a well-defined and effective approach to enforce the removal of non-association items in all common elements so that management, the Covenants Director, and the Committee have the full support of the Board.

Furthermore, management is eager to initiate walkthrough inspections and address all common areas within the community. However, this can only be successful with the board's full support. Your support is crucial in ensuring the safety and well-being of our community.