

RESOLUTION 01-09-227

WHEREAS, the installation of hard surface flooring in manors has generated a number of nuisance complaints to the Mutual due to noise transmitted to neighboring units when members have replaced original flooring types, i.e. carpet and vinyl flooring, with hard surface flooring; and

WHEREAS, the United Laguna Hills Mutual Occupancy Agreement requires that “a member shall not obstruct or interfere with the rights of other members or annoy them by unreasonable noise..;” and legal counsel has opined that the Mutual has the authority to establish reasonable rules in order to regulate unreasonable noises;

NOW THEREFORE BE IT RESOLVED, October 13, 2009, that the Board of Directors hereby adopts a policy which prohibits any future installation of hard surface flooring in second floor manors, effective January 1, 2010; and

RESOLVED FURTHER, that the Board hereby directs staff to create a ~~voluntary~~ **mandatory** registry of existing hard surface flooring throughout the Mutual to address and track which manors currently have hard surface floors (where the member can enter their floors in the registry within 90 days of the creation of the registry); that the current compliance/disciplinary process will be used to handle a nuisance dispute involving a registered floor but that unregistered hard surface floors that cause a nuisance dispute concerning the transmission of noise from that flooring to a neighboring unit will result in the requirement that the offending Member restore the flooring to the Mutual’s original flooring types at member expense; and

RESOLVED FURTHER, that the Board hereby directs staff to hold funds for the removal of unregistered hard surface flooring and replacement with original flooring types during the resale inspection; and

RESOLVED FURTHER that the officers and agents of this Corporation are hereby authorized on behalf of the Corporation to carry out the purpose of this resolution.