



**Rosslyn Heights East Unit Owners Assn.
Arlington, Va.**

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**Rules & Procedures for Alterations to Condominium Units
Rosslyn Heights, East, a Condominium**

[*Note:* The 2003 policy below sets a 60-day review period for unit alteration plans that may affect the structural integrity of the building. On Aug. 7, 2018, the RHE Board agreed to require only 30 days' notice for review of unit alteration plans that require Board approval and do not affect load-bearing walls or other structural elements in an owner's unit.]

Introduction

Living in a condominium means, among other things, that the actions of one unit owner can affect those of one or more other owners. This especially can be true when an owner makes alterations to his or her condominium unit. To protect the structural integrity of Rosslyn Heights East Condominium buildings and their insurability, the Board of Directors has adopted rules and procedures for unit owners to follow when planning alterations to their units.

These procedures, which are drawn from RHE Bylaws and are part of RHE House Rules:

- Require unit owners to take several steps when contemplating alterations to their units (such as partly or fully removing a wall). The steps are spelled out in items 2 through 5 below.
- Establish penalties for unit owners who fail to follow the procedures; penalties include violation assessments and/or payment of the costs to correct the violation; see item 7.
- Require unit owners to report to the Board any improvements exceeding \$1,000 in value, as required by Bylaws Article VII which directs the Board to maintain insurance on RHE buildings (see item 1 below).

The Rules & Procedures apply to alterations within a condominium unit. The exterior of units is the property of the Unit Owners Association. The Bylaws prohibit any alterations to exteriors without prior approval of the Board of Directors.

The Rules & Procedures for Alterations to Condominium Units follow:

Underlying Authority

Article XI, Section 3(d) of the Bylaws of Rosslyn Heights, East, A Condominium ("Bylaws") provides that "[n]o structural alteration, construction, addition or removal of any unit or common elements shall be commenced or conducted except in strict accordance with the provisions of these Bylaws." Further, Article VI, Section 5, provides that "[n]o unit owner shall make any alteration in or to his Unit, or to a portion, if any, of a building contained within the vertical boundaries of his unit, except as provided in Section 55-79.68, Code of Virginia, as amended." Section 55-79.68(a) provides that "Except to the extent prohibited by the condominium instruments, and subject to the restrictions and limitations specified therein, any unit owner may make any improvements or alterations within his unit that do not impair the structural integrity of any structure or otherwise lessen the support of any portion of the condominium."

Under Article XV, Section 1, of the Bylaws, it shall be prohibited to "make any change or alteration within any condominium unit which will alter the structural integrity of the building or otherwise affect the property, interest, or welfare of any other unit owner, materially increase the cost of operating or insuring the condominium project or impair any easement, until the complete plans and specifications, showing the location, nature, shape, height, form of change, (including, without limitation, any other information specified by the Board of Directors or its designated committee) shall have been submitted to and approved in writing ... by the Board of Directors or by the architectural control committee designated by it." Further, this section of the Bylaws prohibits unit owners from making other changes or alterations, including changing the exterior of any condominium unit, combining or

otherwise joining two or more condominium units, or removing or altering any windows or external door of any condominium unit, without written approval by the Board.

Rules & Procedures

Accordingly, in order to ensure compliance with the Condominium instruments and to ensure the safety and value of all owners' units and condominium common elements, any unit owner wishing to make a change to his or her unit is subject to the following rules and procedures:

1. Under Article VII, Section I(e), of the Bylaws each unit owner must notify the Board of Directors of all improvements made by the Unit Owner to his Unit made in excess of \$1,000. (You may send your notification to rosslynheightseast@hotmail.com or mail a notice to Rosslyn Heights East, c/o Gates Hudson Community Management, 3020 Hamaker Court, Fairfax VA 22031-2220, 703-752-8300.)

[An "improvement" generally can be thought of as anything that would increase the structural value of a unit. Examples of "improvements":

- Removing all or part of a wall to open up a room.
- Replacing linoleum flooring with marble or ceramic tile flooring.
- Installing upgraded built-in kitchen cabinets or a fancy new permanently installed lighting system.

Examples of changes that wouldn't be "improvements":

- Replacing old wall-to-wall carpeting with new wall-to-wall carpeting.
- Replacing the stove or refrigerator.
- Painting walls.]

2. For any alteration, it is the unit owner's responsibility to determine whether or not the alteration will affect the structural integrity of the building, or otherwise affect the interests of any other owner as specified in Article XV of the RHE Bylaws. This includes alterations such as removing all or a portion of a wall within the unit.

3. If the alteration falls within Article XV of the RHE Bylaws, the unit owner must submit to the Board of Directors a request in writing at least 60 days prior to commencing work, detailing the alteration that is being proposed, including the exact location of the alteration. Further, the unit owner must provide documentation from a licensed contractor, engineer, or architect stating that the alteration will be done in a manner that will not adversely affect the structural integrity of the building. Additionally, the unit owner must also certify that he or she has obtained or will obtain all necessary Arlington County permits and approvals prior to commencing work on the alteration.

4. The Board retains the option of requiring the owner to pay for the cost of a Board-selected engineer or other expert to survey the unit and determine whether the plans for the proposed alteration are adequate and, upon completion of the job, to ensure that the alteration has been done in a manner that will not adversely affect the structural integrity of the building.

5. If the Board fails to approve or disapprove any plans or specifications which may be submitted to it in writing within sixty (60) days after such submission date, approval shall be deemed granted.

6. The Board will retain a file copy of the request, including the plans and specifications for the proposed alteration, whether the request is approved or disapproved.

Penalties

7. In the event that the unit owner violates these rules and procedures, the Board may require that the unit owner remedy the violation in whole or in part within a specified period of time at the unit owner's expense. Alternatively, under Article X, Section 1(f) of the Bylaws, the Board may enter the unit where the violation occurred and remedy the violation at the expense of the unit owner. In either case, the Board may assess the owner a penalty and, in the case of the sale of the unit, may state in the Resale Certificate that alterations or improvements were made that are in violation of the condominium's instruments.

8. In the event that an unauthorized alteration was made prior to the purchase of the unit by the current unit owner, the Board may require the current owner to pay for a structural evaluation by a licensed contractor, engineer, or architect. Should the alteration adversely affect the structural integrity of the building, the unit owner will be responsible for making any required changes to the alteration.

Adopted September 23, 2003