

**(Please have this reviewed by legal counsel before adopting and sent to the owners. This is a healthy safety issue and should be taken very seriously.)**

**XYZ HOMEOWNERS ASSOCIATION  
BOARD OF DIRECTORS RESOLUTION**

**RE: MOLD**

WHEREAS, XYZ Homeowners Association (the “Association”) is a Nevada nonprofit corporation governed by the laws of the State of Nevada, including Nevada Revised Statutes (“NRS”) Chapter 116, which governs common-interest communities;

WHEREAS, NRS 116.3102(1) (a) provides that an association may “adopt and amend rules and regulations”;

WHEREAS, NRS 116.049(3) defines an association’s governing documents to include its Rules;

WHEREAS, Article IV, Section 4.5 of the Declaration of Covenants, Conditions and Restrictions (the “Declaration”) empowers the Board, acting on behalf of the Association, to adopt, amend, repeal and/or enforce reasonable and uniformly applied Rules and Regulations.

WHEREAS, NRS 116.3107 provides that the association has the duty to provide for the maintenance, repair and replacement of the common elements, and each unit’s owner has the duty to provide for the maintenance, repair and replacement of his or her unit including dish washers, clothes washers and water heaters, not exclusive. The board feels that it is important and appropriate to adopt a rule to ensure that the unit’s owners properly and consistently maintain and provide emergency contact information for their units to control and eliminate hazardous mold growth;

WHEREAS, NRS 116.310312 specifically allows the board to enter grounds of unit to conduct certain maintenance or remove or abate public nuisance or to enter ground or interior of a unit to abate water or sewage leak or take other action;

WHEREAS, the Board is concerned about the damage caused by water intrusion into units which results in mold growth hazardous to health and wants to ensure prompt notice is given;

WHEREAS, it is essential that the Board be able to respond promptly to water intrusion originating from the common area into a unit to repair damage and eliminate the resulting mold;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors hereby adopts the following Rule:

1. Each unit owner shall be responsible to maintain appropriate climate control, keep the unit reasonably clean and take necessary measures to remove visible moisture accumulation and mold from the unit windows and surfaced promptly.
2. Each owner will provide management with a contact number that can be used should the owner be away from their unit for two days or more. They also shall provide the name and phone number for someone who can be contacted in any emergency.
3. Each unit owner shall be responsible to not block or cover any unit heating, ventilation or air-conditioning ducts.

4. Unit owners shall be responsible that all unit vents are working properly including those serving bathrooms, kitchen, laundry and fireplaces.
5. Unit owners shall be responsible to ensure that all appliances servicing only their unit shall be serviced and/or replaced on a regular basis to ensure there are no faulty hoses and/or the appliances do not leak;
6. Unit owners shall report immediately in writing through electronic communication to the Board and/or Management:
  - (i) Evidence of water intrusion or excessive moisture in the unit and/or common areas;
  - (ii) Evidence of mold growth that cannot be removed with common household cleaner, and
  - (iii) Failure or malfunction in Association maintained heating, ventilation or air conditioning; and
  - (iv) Malfunctioning, leaking or deficient common area doors or windows.
7. Each unit owner shall be responsible for remediation of mold within their unit.
8. Each unit owner shall be financial responsible for costs incurred by the Association to remove mold from the unit due to the unit owner's failure to properly and promptly remediate the same.
9. Each unit owner shall be responsible for injury to the unit owner, guests and/or occupants resulting from the unit owner's failure to comply with these terms.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2018

**XYZ HOMEOWNERS ASSOCIATION**

By: \_\_\_\_\_

President

By: \_\_\_\_\_

Treasurer

By: \_\_\_\_\_

Secretary

By: \_\_\_\_\_

Director

By: \_\_\_\_\_

Director

