

ISSUE #1

Section 1: [Article V, Section 5.2] Alteration of Common Elements and Exterior Additions

Any Unit Owner may construct a second-story addition, dormer, or exterior deck expansion encroaching upon the Common Elements and airspace above a Unit upon obtaining the informal written consent of a majority of the Executive Board, without recording an amendment to the Declaration or Condominium Plats and Plans.

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. Article V, Section 5.2 (p. 1): Expansion of Unit into Common Elements and Airspace Without Recorded Declaration and Plat Amendment

Statutory / Legal Reference: R.I. Gen. Laws § 34-36.1-2.08(b), § 34-36.1-2.11 & § 34-36.1-2.17

Statutory Comparison: Under R.I. Gen. Laws §§ 34-36.1-2.08(b), 34-36.1-2.11, and 34-36.1-2.17, common elements and airspace cannot be permanently conveyed or converted into part of a unit's living space by informal board consent; any relocation of boundaries between a unit and common elements requires a statutory amendment to the declaration and recorded plats and plans.

CURRENT WORDING IN DOCUMENT:

[Article V, Section 5.2] Alteration of Common Elements and Exterior Additions - Any Unit Owner may construct a second-story addition, dormer, or exterior deck expansion encroaching upon the Common Elements and airspace above a Unit upon obtaining the informal written consent of a majority of the Executive Board, without recording an amendment to the Declaration or Condominium Plats and Plans.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section Article V, Section 5.2 ([Article V, Section 5.2] Alteration of Common Elements and Exterior Additions - Any Unit Owner may construct a second-story addition, dormer, or exterior deck expansion encroaching upon the Common Elements and airspace above a Unit upon obtaining the informal written consent of a majority of the Executive Board, without recording an amendment to the Declaration or Condominium Plats and Plans.) to conform with R.I. Gen. Laws § 34-36.1-2.08(b), § 34-36.1-2.11 & § 34-36.1-2.17 and the manual attorney audit recommendations for One Offshore Road Condominium Association.