



# Don't Pay Twice!

-  Don't let the Board tell you that you need to hire and pay someone to clean and maintain your gutters. **You are already paying to have them maintained.**
-  The gutters on your unit have been designated as common elements.
-  Your monthly assessment fee includes maintenance of the community's common elements

*The maintenance and repair of your home's roof and gutters are the responsibility of the HOA. The HOA has the duty to keep these elements in a good state of repair and condition.*



**Q & A** 

Will continue...



## You are paying for maintenance...why risk injury trying to do it yourself?

**Ladder falls.** This is, by far, the most frequent accident that happens when cleaning rain gutters with ladders.



“Patients  $\geq 66$  years are a particularly vulnerable population after falls from ladders. Although older patients fell from ladders at lower heights, they sustained more severe injuries with higher (hospital) admission rates.”

[Source:

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4419695/>]



“The most common diagnoses for seniors who were treated in emergency departments in 2011 for injuries associated with ladders were fractures (36.2%), and contusions/abrasions (16.6%), followed by strains/sprains (11.1%), internal injuries (10.9%), and lacerations (10.2%).”

[Source:

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4419695/>]

## Question: Are the gutters on homeowners' units "common elements?"

## Answer: Yes, the "Reserve Study" designated unit gutters as common elements.

[Source: "Replacement Reserve Report FY 2018 Sewickley Ridge" conducted by Miller Dodson Associates, Revised October 3, 2017]

### REPLACEMENT RESERVE REPORT FY 2018 SEWICKLEY RIDGE



**Scope.** Sewickley Ridge is a planned community located in Sewickley, Pennsylvania. Sewickley Ridge was constructed from 2015-2017. The community consists of garden-style buildings and single family homes with a total of 241 units, a clubhouse with two pools, and a tennis court. The survey examined the common elements of the property, including:

- Asphalt clubhouse drive and parking areas and access road.
- Clubhouse concrete sidewalks, steps, patio, and curbs. Corral trash bin 6'hi white vinyl fence w/ gates and (5) retention ponds with (2) fountains w/aerator pumps and lights, (5) conc. overflows and (9) conc. headwalls. Domestic sewer, water, and storm water management.
- Two stone entrance monuments with large signs, (10) stone piers, stone retaining walls, two and three-rail white vinyl fence around retention ponds, pump, and stone pump/gate building (2) with red metal roofs.
- Exterior unit building roofs, gutters and downspouts, vinyl siding, fiber plastic gutter, band, rake, fascia board and trim.
- Exterior and interior of clubhouse, including patio, fire pit, doors, windows, vinyl siding, stone veneer tuckpointing, vinyl, ceramic, tile and carpet floors, light fixtures and interior furnishings.
- Concrete swimming pool, Jacuzzi, metal perimeter fencing, concrete deck and patio, pool mechanical building, exterior open stone bar, wood cabinets, marble tops, built-in gas grilles, ice maker, sink and pool furniture.
- Tennis court with 10' and 4'hi chain link black coated fence, bocce court w/railroad ties, horseshoe pit w/ rr. ties and garden areas with rr. ties.

**Question:** OK, the gutters are common elements. What does that mean to a homeowner?

**Answer:** Common Elements are Controlled Facilities that are maintained by the HOA, including the roof and siding of your unit.

[Source: Declaration of Traditions of America at Sewickley Ridge]

First, we need to share with you important definitions taken directly from the **Traditions of America at Sewickley Ridge Declaration:**

ARTICLE II

DEFINITIONS

2.2 More Specific Meanings. The following terms are used or defined in general terms in the Act and shall have specific meanings hereunder as follows:

“*Common Elements*” means to the Common Facilities and the Controlled Facilities, as shown on the Plats and Plans.

“*Common Facilities*”: all land, buildings and improvements now or hereafter within the Community which are owned by or leased to the Association (other than the Units or Homes) and as more particularly set forth in Section 5.1 hereof.

“*Controlled Facilities*”: any land, buildings or improvements within the Community (whether or not part of a Unit) which are not owned by the Association but which are repaired, replaced, regulated, managed, insured, controlled or maintained by the Association, other than the Common Facilities, including without limitation the roofs and siding of the Units.

**Question:** What do the words “**Maintain**” and “**Maintenance**” mean in reference to our homes?

**Answer:** The word “**Maintenance**” as used in the Declaration means (routine) maintenance, preventive maintenance, repair, and replacement of your gutters. The word “**Maintain**” means maintain, repair, and replace.

[Source: Declaration of Traditions of America at Sewickley Ridge]

## ARTICLE II

### DEFINITIONS

2.3 Non-Statutory Terms Defined: The following terms when used herein or in the Plats and Plans shall have the meanings set forth below:

“**Maintenance**” means maintenance, **preventive maintenance**, repair and replacement and “**Maintain**” means maintain, repair and replace.

**Question:** OK, so my gutters are common element and that makes them controlled facilities that are managed and maintained by the HOA. Where is it recorded that the HOA has to take responsibility for my gutters?

**Answer:** The TOA at Sewickley Ridge Declaration requires the HOA to be responsible.

[Source: Declaration of Traditions of America at Sewickley Ridge]

ARTICLE III

UNITS; BOUNDARIES; HOMES; CERTAIN  
MAINTENANCE RESPONSIBILITIES

3.3 Maintenance Responsibilities.

(a) Except as expressly otherwise provided herein, the Association shall be responsible for Maintenance of the Common Elements and the costs of such Maintenance shall be borne by all Unit Owners. Each Unit Owner shall be responsible for the Maintenance of his or her Unit and the Limited Common Elements appurtenant thereto. The Association shall be responsible for snow removal on the private roads and drives Garage Drives and Service Walks. In addition, the Association shall be responsible to maintain the Rain Gardens.

(c) The roofs and exterior walls of Homes shall be Maintained by the Association.

(e) Each Unit Owner Unit Owner shall utilize reasonable efforts to inspect his or her Unit regularly for the purpose of determining the condition of the Unit and need for Maintenance work. After the Declarant transfers control of the Board to the Association, the Association shall, through a qualified independent contractor, inspect all Common Elements and Limited Common Elements on a regular basis as reasonably necessary, for the purpose of determining the condition of the Common Elements and Limited Common Elements and need for Maintenance work. Reasonably detailed written reports of such inspections shall be prepared by the independent contractor and submitted to the Association, and copies shall be made available to all Unit Owners.

**Question:** Some homeowners claim that TOA told them the gutters would be maintained by the HOA. Is that true?

**Answer:** Yes. TOA used their website and sales documentation to promise exterior maintenance.

[Source: Traditions of America website and sales documents]



What do the monthly association fees cover?

Our monthly association fees\* cover upkeep, management and operation of all common areas in the community, including the clubhouse and other amenities. Additional covered services for every homeowner include:

- Lawn care and landscaping – both in common areas and around your home
- Snow removal on roads, driveways and sidewalks – right up to your front door
- Exterior maintenance to your home (with the exception of doors and windows)
- Trash removal (varies by municipality)

## Lock & Leave

At Traditions of America, your home's maintenance schedule no longer fills up your weekend, ties you to the house, or puts a wrench in your plans. We've got you covered in all seasons, whether it's snow removal, leaf pickup, grass cutting, or exterior maintenance.



**Question:** Who pays for the maintenance of the gutters?



**Answer:** Well, you do through your monthly assessment fee.

The HOA Board has established budget items for Maintenance (Non-Homeowners and Homeowners).

It is the Board's responsibility to accurately budget resources to pay for common elements to be properly maintained. [Source: Sewickley Ridge HOA FY 2018 Budget]

**Sewickley Ridge Homeowners Association FY 2018 Budget**

<b>Description</b>	<b>Budget</b>	<b>Per Month</b>
<b>Maintenance</b>		
Maintenance - Non Homeowner	17,500	6.03
Maintenance - Homeowners	9,300	3.23
<b>Total Maintenance</b>	<b>26,800</b>	<b>9.26</b>

# Summary



**Our gutters have been designated as common elements. *[Source: Replacement Reserve Report FY 2018 Sewickley Ridge]***



**Common elements are considered Controlled Facilities managed and maintained by the HOA. *[Source: Declaration, Article 2.2 ]***



**The HOA is responsible for Maintenance of the Common Elements. *[Source: Declaration, Article 3.3 (a)]***



**Roofs and exterior walls shall be Maintained by the HOA. *(Source: Declaration, Article 3.3 (c))***



**The HOA is responsible for the inspection of all Common Elements. *[Source: Declaration, Article 3.3 (e)]***



**TOA promised exterior maintenance of units through their “Lock and Leave” promotion on TOA websites and sales documents. *[Source: TOA Websites and Sales Documents]***



**When you pay your monthly assessment --  
you are already paying for maintenance.**

