

Gutters & Downspouts = Common Elements

Document	Relevant	Explanation	Details
Pennsylvania Statute, Uniform Planned Community Act	YES	State law takes precedence over all HOA governing documents.	§ 5307 (a) Upkeep of planned community. "...the association is responsible for maintenance, repair and replacement of the common elements. "
Declaration	YES	This is a legal, governing document that lays out the guidelines for the planned community. In a hierarchy of the community's governing document authority, the Declaration has superior authority. Declaration definition (page 3): " Maintenance " means maintenance, preventive maintenance, repair and replacement and "Maintain" means maintain, repair and replace.	3.3 Maintenance Responsibilities. (a) "the Association shall be responsible for Maintenance of the Common Elements " (c) " The roofs and exterior walls of Homes shall be Maintained by the Association. " 8.1 Use and Occupancy of Units and Common Elements " Maintenance of the roofs and exterior façades of Homes shall be the responsibility of the Association. "
Reserve Study	YES	The Study contains an inventory of all commonly owned components (Common Elements). Validity and applicability to community management has been acknowledged by the Board, the Treasurer, the Finance, Budget & Insurance Committee, and Cranberry Community Management.	Scope: "The survey examined the common elements of the property, including : Exterior unit building roofs, gutters and downspouts , vinyl siding, fiber plastic gutter, band, rake, fascia board and trim." Level of Service: "... a complete component inventory was established based on information regarding commonly owned components provided by the community manager ." Page B-1: "A Level I - Full Service Reserve Study includes the computation of complete component inventory information regarding commonly owned components provided by the Association ... "
Cranberry Community Management Contract	YES	This is the HOA's contract with the management company. CCM's compliance with the contract requires the inspection of common elements. Each homeowner is already paying \$156/year for CCM's contracted services.	(26) Maintenance. "Manager is responsible for ensuring the maintenance of the Common Elements a (sic) generally described in the Introduction and specifically in the Community Documents. The Manager shall perform, at a minimum, monthly inspections of the Common Elements. "
Maintenance Matrix	NO	This is not a governing document. It is not a signed agreement. It is simply a checklist. The Board cannot arbitrarily decide to make homeowners responsible for certain common elements. There were no homeowner suggestions or feedback solicited in the development of this "matrix."	The Board is obligated by law to maintain all common areas. That duty cannot be delegated to individual owners without amending the association's governing documents. It is improper for the board to expect owners to take over its obligations.
Public Offering Statement	NO	This is simply a disclosure document. It has no bearing on the HOA or the Board's management of the community. It is not a determinative support document for the Maintenance Matrix.	The Association and its Executive Board are not parties to the Public Offering. After the developer is out of the picture the Declaration is the prevailing community document. Portions of the Public Offering Statement cannot be used to rationalize the contents of the Maintenance Matrix.