

New Declaration Proposed Asbestos Changes

immediately notify the Board in writing of the following: (a) any evidence of water leaks, water infiltration or excessive moisture in a Unit; (b) any evidence of mold that cannot be removed by the Owner with a common household cleaner; (c) any failure or malfunction in heating, ventilation or air conditioning; (d) any inoperable doors, windows, heating, ventilation or air conditioning ducts. The receipt of notice by the Association shall not create any additional Association maintenance responsibility other than those set forth in this Declaration. Owners shall be responsible for any damage to his or her Unit and personal property, to any other Unit or the Common Elements, as well as any injury to the Owner or occupants resulting from the Owner's failure to comply with this section. Owners shall be responsible for all costs and expenses incurred by the Board to remove mold and/or damage within his or her Unit, to any other Unit or to the Common Elements if the Owner fails to meet the requirements of this Section.

Section 5.5 Asbestos. Each Owner shall be required to take necessary measures to retard and prevent asbestos from accumulating in the Unit, and the Common Elements, including notification to the Association in writing prior to undertaking any remodeling or other work within his/her Unit which may disturb asbestos-containing material. In the event of disturbance of any asbestos-containing material in a Unit, the Owner shall be responsible for ensuring any abatement procedures required by the State of Colorado are followed, at the expense of the Owner. The Owner shall also provide the Association written documentation that any abatement procedures required by the State of Colorado or any other governmental agency have been followed. Owners are encouraged to contact the Colorado Department of Health regarding current requirements to ensure they are following the applicable requirements. Under the current State of Colorado regulations, if an Owner is renting his or her Unit, and asbestos-containing material is going to be disturbed within the Unit, the Owner is required to follow the licensing, certification, and removal regulations of the State of Colorado in removing the asbestos-containing material. If a Unit is Owner-occupied, the Owner may disturb asbestos-containing materials, subject only to proper disposal requirements of the State of Colorado, unless the disturbance will result in a fiber count that poses a risk to the public health, as determined by the regulations of the State of Colorado. In that case, the Owner is required to follow all applicable regulations regarding the abatement of the asbestos. In the event asbestos is disturbed on the Common Elements or Limited Common Elements which are the maintenance responsibility of the Association, the Association shall be responsible for ensuring any abatement procedures required by the State of Colorado are followed, at the expense of the Association. Notwithstanding the above, if the Board determines the disturbance of the asbestos-containing material on the Common Elements or Limited Common Elements that gives rise to the requirement for abatement was caused by the negligent or willful act of an Owner or occupant, or their family, guests, lessees, or invitees, the Association may assess the cost of any required abatement procedure against the Owner's or occupant's Unit, which shall become a lien against the Unit and shall be collected as provided in this Declaration for the collection of Assessments.

[Note: This provision has been added pursuant to your request.]