

**THE COUNCIL OF CO-OWNERS OF THE WESTERLIES**  
**POLICY RESOLUTION NO. 02-02**

**(Relating to emergency access to Units by the Association)**

WHEREAS, Article IV, Section 2 of the Bylaws assigns the Board "the powers and duties necessary for the administration of the affairs of the Council" and further states that the Board "may do all such acts and things as are not by law or by these By-Laws directed to be exercised and done by the Co-Owners; and

WHEREAS, Article VI, Section 5 of the Bylaws provides that "each Co-Owner shall allow the Management Agent or any other person authorized by the Board to enter his Townhouse in case of emergency originating in or threatening his Townhouse, whether the co-Owner is present at the time or not". The Board may also assess the costs associated with gaining access to the Townhouse against the Co-Owner;

WHEREAS, there have been, and will probably continue to be, numerous instances where one Co- Owner sustains damages as a result of water penetration from another Townhouse, and the only way to control the damage is for the Council to gain entry to the Townhouse which is the origin of the cause of the damage; and

WHEREAS, the Board deems it necessary to establish a policy with respect to emergency access to Units and to assign responsibility for costs and damages in those instances in which Co- Owners do not furnish the Council with emergency contact information or when the Association is otherwise unable to obtain the Co- Owner's cooperation to gain entry to the Townhouse to stop or control a situation causing damages.

NOW, THEREFORE, BE IT RESOLVED THAT the following procedures for access to Townhouses be adopted:

1. EMERGENCY CONTACT FORMS

A. All Co-Owners shall provide the Council with a completed Emergency Contact Form (see Exhibit A) within 20 days of their receipt of this Resolution. Unit Owners who acquire title after the passage of this Resolution shall provide the Association with a completed Emergency Contact Form within 20 days of settlement.

B. It shall be the responsibility of the Co- Owners to update the Emergency Contact Form for their Townhouse, as needed, and to submit the updated form to the Council's Managing Agent.

C. Management will contact the Co-Owner's designated Emergency Contact Person or Key Holder only in cases of an "emergency", which the Board hereby defines as a situation where there is imminent or reasonably probable imminent damage to person or property. The Council shall not contact the Emergency Contact Person or Key Holder for the purpose of facilitating admittance by visitors, trades people or other persons on behalf of the Co- Owner. It is the responsibility of the Co- Owner or resident to arrange with these persons for their entry into the unit.

D. In all cases, the Council will:

1. make a reasonable attempt to contact the Co- Owner and the Emergency Contact Person, or Key Holder prior to entering the Unit, if feasible, under the circumstances.
2. leave written notice of the date, time and purpose of entry, signed by an authorized Council representative if the Council enters a Townhouse when the resident is absent.

E. If the Co- Owner's Emergency Contact Person or Key Holder fail to respond to the Council within a reasonable period of time given the nature of the emergency, the Council reserves the right to retain a locksmith or any other professional to gain access to the Townhouse. The Council further reserves the right to assess the responsible Co-Owner with all costs related to entry of the Townhouse and damage caused to the Townhouse, another Townhouse and/or the Common Elements by the emergency.

F. The same provisions apply if a Co-Owner does not submit a completed Emergency Contact Form to the Council.

G. The Council will not accept any responsibility for any action or inaction by a Co-Owner's designated Emergency Contact Person or Key Holder.

## II. REMEDIES FOR VIOLATION

Per its authorities vested under Section 55-79-80, the Board may enforce this resolution by imposing special charges against the account of any Co-Owner found by the Board to be in violation.

ADOPTED this 1<sup>st</sup> day of October, 2002.

THE COUNCIL OF CO-OWNERS OF THE  
WESTERLIES

By: Sandy Dewey  
Sandy Dewey, President

**EXHIBIT A**

**THE COUNCIL OF CO-OWNERS OF THE WESTERLIES**

**Emergency Contact Form**

Unit Owners' Name: \_\_\_\_\_

Unit Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Daytime Phone Number: \_\_\_\_ (     ) \_\_\_\_\_

Home Phone Number: \_\_\_\_ (     ) \_\_\_\_\_

Tenant(s) Name: \_\_\_\_\_

Tenant(s) Daytime Phone Number: \_\_\_\_ (     ) \_\_\_\_\_

Tenant(s) Home Phone Number: \_\_\_\_ (     ) \_\_\_\_\_

In the case of an emergency, please contact the following person:

Emergency Contact Person's Name: \_\_\_\_\_

Emergency Contact Person's Daytime Phone Number: \_\_\_\_ (     ) \_\_\_\_\_

Emergency Contact Person's Home Phone Number: \_\_\_\_ (     ) \_\_\_\_\_

In addition to an Emergency Contact Person, please list the name(s) of person(s) with working keys to the unit, who management may contact to request emergency access to unit:

Name of Key Holder(s): \_\_\_\_\_

Key Holder(s) Daytime Telephone Number: \_\_\_\_\_

Key Holder(s) Home Telephone Number: \_\_\_\_\_

\_\_\_\_\_  
Signature of Unit Owner

\_\_\_\_\_  
Date

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**Please return this form to:**  
Casondra Johnson, Managing Agent  
The Westerlies  
c/o Legum & Norman, Inc.  
4401 Ford Avenue, Suite 1200  
Alexandria, Virginia 22032  
Fax Number: (703) 848-0982