

FALL CREEK VILLAGE

A Colorado Common Interest Community

Located in portions of Section 13 T43N R11W, and Section 18, T43N R10W, N.M.P.M.
San Miguel County, Colorado

**FALL CREEK VILLAGE HOMEOWNERS ASSOCIATION, INC.,
A COLORADO NONPROFIT CORPORATION**

RESPONSIBLE GOVERNANCE POLICY

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POLICY #10-2023: USE OF COMMON ELEMENTS

Adopted _____, 2023

The following procedures have been adopted by the Fall Creek Village Homeowners Association, Inc., a Colorado Non-Profit Corporation (“Association”) pursuant to the provisions of C.R.S. §38-33.3-302.5, and in accordance with C.R.S. §38-33.3-123, §38-33.3-315, §38-33.3-316, the Governing Documents of the Association, and the Act, at a regular meeting of the Board.

Purpose: In 2022 a new statute was added to prevent unreasonable restrictions and prohibitions regarding the use of Common Elements by Members. This Policy #10 - Use of Common Elements, is intended to fulfill this requirement.

NOW, THEREFORE, IT IS RESOLVED that the Association does hereby adopt the following policy governing the use of Common Elements within the Fall Creek Village Subdivision:

1. Applicability. In regulating the use of Common Elements, as permitted by C.R.S. §38-33.3-302 (1)(f), the Association shall preserve and protect the ability of the Members to use and enjoy Common Elements and shall not unreasonably restrict or prohibit a Member’s access to, or enjoyment of, any Common Element, including during the maintenance, repair, replacement, or modification of a Common Element.

2. Allowed Restrictions. During maintenance, repair, replacement, or modification of a Common Element, the Association may restrict or prohibit Members’ access to, and enjoyment of, the Common Element only to the extent and for the length of time necessary to:

(a) Protect the safety of any individuals, including Members and individuals performing the maintenance, repair, replacement, or modification of the common element; or

(b) Preserve the structural integrity or condition of a repair, replacement, or modification.

3. Requirements if Use of Common Elements is Restricted for More Than 72 hours.
If the Association must restrict or prohibit Members’ access to one or more Common Elements for more than seventy-two (72) hours, the Association shall:

(a) *Notice.* Provide an electronic or written notice to each Member, which notice is provided as soon as reasonably possible and includes:

- (i) A simple explanation of the reason for the restriction or prohibition;
- (ii) An indication of the estimated time or date upon which the restriction or prohibition will no longer exist; and
- (iii) A telephone number or e-mail address where a Member may pose questions or concerns about the restriction or prohibition for the consideration of the Association; and

(b) *Signage.* Post a visible, clearly legible notice at each physical access point to the Common Element, which shall remain posted for the duration of the restriction or prohibition and includes the elements described above.

PRESIDENT'S CERTIFICATION: The undersigned, being the President of the Fall Creek Village Homeowners Association, Inc., a Colorado Non-Profit Corporation, certifies that the foregoing Resolution was approved and adopted by the Board, at a duly called and held meeting of the Board on (date) _____ and in witness thereof, the undersigned has subscribed his name.

Fall Creek Village Homeowners Association, Inc.,
a Colorado Non-Profit Corporation

ATTEST

By: _____
_____, President

By: _____
_____, Secretary