

# **New Victorian Condominium Association**

## **State of Emergency Building Access Rule**

*Effective as of March 21, 2020*

The Board of Directors of New Victorian Condominium Association (the “Association”) enacts the following Building Access Rule pursuant to Article II(a), (i), (j), (m), and (n) of the Amended and Restated Articles of Incorporation of the Association, and Article VI, Sections 4, 12, and 15 of the Amended and Restated Condominium Bylaws attached as “Exhibit A” to the Amended and Restated Master Deed of New Victorian Condominium, as recorded in Liber 55628, Pages 575, et seq., Wayne County Records, (hereinafter the “Condominium”).

This Building Access Rule shall become effective as of the date of its signing, March 21, 2020.

Rules and Regulations provide the framework for community association living and are designed to protect each co-owner’s investment in the Condominium. In addition to any other remedies, a violation of these Rules and Regulations may result in a fine as provided in Article XVI of the aforementioned Condominium Bylaws and any Fine Policy, if applicable.

Article VI, Section 12 of the Condominium Bylaws authorizes the Board of Directors to adopt reasonable rules and regulations concerning the use of the Common Elements or the rights and responsibilities of the Co-owners or the manner of operation of the Condominium. Article VI, Section 15 of the Condominium Bylaws states, in part, that “[e]ach Co-owner will maintain their Unit and any appurtenant Limited Common Elements for which they have maintenance responsibility in a safe, clean, and sanitary condition.” Article VI, Section 4 of the Condominium Bylaws prohibits any noxious or illegal activity, and any activity which may be or become a nuisance to the Co-owners of the Condominium.

On March 10, 2020, Governor Gretchen Whitmer signed Executive Order 2020-4 which declared a State of Emergency in the State of Michigan related to the respiratory disease novel coronavirus (COVID-19) (the “State of Emergency”), and on March 13, 2020, the President of the United States also declared a National Emergency. On March 17, 2020, Governor Whitmer signed Executive Order 2020-11 which prohibited “all assemblages of more than 50 people in a single indoor shared space and all events of more than 50 people . . . .” In addition, the Center for Disease Control (“CDC”) recommends that people maintain a distance of at least six-feet in order to avoid transmission, and on Monday March 16, 2020, the President advised against groups of more than 10 people.

New Victorian is a community in which each Unit is located within the same Building. In light of Executive Orders 2020-4 and 2020-11, and due to the close proximity of the Units within the New Victorian Building, the Board of Directors adopts this Building Access Rule in order to establish certain procedures regarding access and use of the General Common Elements of the Condominium during the pendency of the State of Emergency.

### **Building Access Rule**

During the pendency of the State of Emergency:

1. Co-owners, occupants and guests shall comply with any quarantine orders or any other future emergency orders imposed by the federal, state or local government.
2. Co-owners, occupants and guests shall not loiter or permit loitering within or on the General Common Elements.
3. No gatherings in excess of 10 people will be allowed anywhere in the Condominium pursuant to the recommendations of the CDC and the President of the United States.
4. Access to and use of the General Common Elements of the Condominium, including the common hallways of the Condominium Building, shall be limited to Co-owners and NonCo-owner occupants of Units within the Condominium. This prohibition, however, does not apply to the following:
  - a. Delivery persons delivering items requested and/or ordered by a Unit Co-owner (including food delivery, grocery delivery, mail delivery or package delivery);
  - b. Medical or emergency services providers;
  - c. Clergy or other religious personnel;
  - d. Invited guests and family of a Co-owner or NonCo-owner occupant; and
  - e. Any other person specifically permitted by the Board of Directors.
5. Co-owners, occupant and guests shall keep six (6) feet of distance between each other when using the general common elements. If a co-owner, occupant or guest is using a common element hallway, please wait for them to exit the hallway if six (6) feet of distance cannot be maintained. This rule will not apply to Co-owners, occupants or guests that occupy the same unit, and it is intended to keep Co-owners, occupants and guests of separate Units apart.
6. Co-owners and NonCo-owner occupants who are demonstrating symptoms of the novel coronavirus (COVID-19), such as fever, cough, or difficulty breathing, are requested to notify the Association and to also notify the Association of any General Common Element areas with which they have had recent contact to permit the Association to clean and sanitize the General Common Element area.
7. Co-owners are also requested:
  - a. to assist in minimizing the number of persons who enter the Condominium Building;
  - b. to minimize their own access and use of the General Common Elements, including the common hallways, of the Condominium;
  - c. to avoid unsolicited and unannounced visits to other Units within the Condominium;
  - d. to limit the number of invited guests or family members to the Condominium; and
  - e. to the extent possible, to arrange to meet with delivery persons curbside in order to minimize the number of visitors who enter the Condominium Building.

## **A. VIOLATIONS**

Violation of a Rule or Regulation is subject to a fine and/or the enforcement procedures and options as outlined in the Master Deed, Condominium Bylaws, and/or Rules or Regulations, each as amended, (hereinafter the “Condominium Documents”).

This Building Access Rule, however, is intended to protect the health, safety, and general welfare of the Co-owners and NonCo-owner occupants of the Condominium; it is not intended to serve as a punitive measure. No fine will be imposed and no enforcement measure will be taken under this Building Access Rule without a hearing before the Board of Directors, conducted either in person or remotely (i.e., by videoconference or teleconference), as provided in the Condominium Bylaws. Further, the Board of Directors reserves the right not to impose a fine or take any enforcement action in those circumstances where the violator is able to demonstrate extenuating circumstances.

## **B. COMPLAINT PROCEDURE**

Any Co-owner having a complaint concerning an alleged Building Access Rule violation should:

1. Draft a written complaint with the following information (if known): the date of the incident(s), the time of the incident(s), the name of the individual(s) involved, the address of the individual(s) involved, a detailed description of the alleged violations and any other pertinent information demonstrating the alleged violation of the Condominium Documents; and
2. Submit the above written complaint to the Board of Directors or its designated agent, if applicable. The Complaint should contain as many of the specifics as possible. Any such complaint should be sent, via e-mail, to the Association President, Andrew Daily, at [andrew@andrewdaily.com](mailto:andrew@andrewdaily.com).

[SIGNATURES ON FOLLOWING PAGE]

This Building Access Rule has been adopted by the Board of Directors of New Victorian Condominium Association on and will be effective as of March 21, 2020. Unless extended by the Board of Directors, this Building Access Rule will automatically expire on the expiration of the State and National Declaration of Emergency.

**New Victorian Condominium Association  
Board of Directors**

/s/  AuthentiSIGN  
3/20/2020 3:42:41 PM EDT

By: Andrew Daily  
Director

/s/  AuthentiSIGN  
3/20/2020 3:44:57 PM EDT

By: Kenneth Bumgardner  
Director

/s/  AuthentiSIGN  
3/20/2020 3:49:30 PM EDT

By: Robert Ajlouny  
Director