

Moreland Courts Condominium Association, Inc.

REMODELING POLICY AND PROCEDURE

Moreland Courts is a unique architectural complex, consisting of fifteen contiguous apartment buildings, designed in the early 1920s by the architect Alfred Harris, Sr. as a visual essay of English architectural styles from the 15th to the early 19th centuries. It is listed in the National Register of Historic Places and is a dominant feature of the greater Shaker Square neighborhood. It is also a continuing and vital part of Cleveland's 21st century residential life. This exciting and challenging mix of historical value and contemporary life style is what sets the framework for the following *MCCA Remodeling Policy and Procedure* (Policy) to guide Unit Owners (Owners) when they are considering and developing remodeling projects.

Moreland Courts Condominium Association (MCCA) welcomes and encourages these projects, and Management is available to assist Owners. The following historic, structural, and neighborly considerations represent the core principles of this Policy:¹

- All remodeling work must be done so as not to cause any physical damage to neighboring Units or compromise the Moreland Courts structural, heating, plumbing, electrical, fire rating or similar infrastructure or systems.²
- All remodeling work should carefully consider the impact that a proposed project will have on other Owners, especially those residing in abutting or nearby Units, and take steps accordingly, in consultation with Management, to avoid harm or undue inconvenience or nuisance to these neighbors.
- Owners considering a remodeling project are encouraged to retain the remaining historic fabric of the main spaces of their Unit, typically the entry hall, living room and dining room or, when change is unavoidable, to undertake the work in such a manner that the historical features may be restored by a future Owner.
- Any proposed change that would adversely affect the visual appearance of the exterior or main interior Common Elements of the Moreland Courts complex (as defined in the Moreland Courts Declaration) is not permitted.³
- MCCA recognizes that Owners may wish to remodel the interior of their Units in a contemporary style, reflecting our time, rather than the historical past.

This Policy applies to all Owners who hire a contractor to perform work in their Unit, or anywhere at Moreland Courts, including Owners who perform such work themselves. The procedure that Owners must follow to remain in compliance with this Policy is detailed below:

REVIEW AND APPROVAL PROCESS:

Owners and their design professionals are encouraged to meet with MCCA Management (Management) to discuss the scope of work before any formal steps are taken.

1) REMODELING AGREEMENT

Owners wishing to undertake a remodeling, repair, or decorating project must first submit a completed *MCCA Remodeling Agreement* to Management accompanied by drawings and specifications that may be helpful in determining the nature and scope of the project.

2) **FINAL DETERMINATION**

Management determines the classification of a project⁴ and will forward preliminary project materials to *MCCA's professional advisors*⁵ when applicable. Together, they determine if any additional drawings, specifications, or other documents are required for final approval. This review will be a dialogue among all parties so clear expectations and goals are defined. For COMPLEX projects (defined below), Management will schedule a meeting with the Owners, the Owners' design professionals and construction team, and MCCA's professional advisors. If necessary, the *MCCA Design Review Advisors* are available to mediate any conflict.

NOTE: Cost of any drawings, specifications, construction documentation, and consultation or review by MCCA's professional advisors is the responsibility of the Owner.

PROJECT CLASSIFICATION

All remodeling work will be reviewed prior to commencement. Owners must consult and coordinate all single day repair/in-kind replacement with Management before work begins, as work may have unintended repercussions on neighboring Units.⁶ Unless it is an emergency, all single day repair work is subject to normal contractor hours and other provisions of the *MCCA Contractor Policy and Procedure*.

3) **SIMPLE**

Includes windows that comply with the *Specifications Manual*, in-kind replacements that do not alter utility lines or layouts, redecorating exceeding one day, carpet installation, and light maintenance or repair. These projects require prior review and approval by Management, a \$500.00 Security Deposit, and proof of liability insurance and workers' compensation from all contractors, sub-contractors, trades, and services.

4) **COMPLEX**

Includes all other projects and those requiring building permits. These projects require:

- a) An initial meeting with Management, the Owners, and the Owners' design professionals to determine the scope of the project.
- b) An Owner or contractor Security Deposit ranging from \$1,000.00 to 10% of total project cost up to a \$50,000.00 maximum,⁴ evidence of contractor Liability Insurance with coverage of at least \$1 million and MCCA named as an additional insured, and evidence of workers' compensation coverage from all contractors, sub-contractors, trades, and services.
- c) A formal review and approval meeting composed of Management, MCCA's professional advisors, the Owners and their design professionals, and the Owners' construction team before the commencement of any work.
- d) A \$100.00/week MCCA's staff consultation and coordination charge regarding matters such as property logistics and infrastructure evaluation. This staff consultation charge is deducted from the Security Deposit.⁴
- e) Complex projects shall be conducted under the authority of a single general contractor, 3rd party construction manager or similarly accessible and accountable person or their designee to administer and coordinate all work, contractors, sub-contractors, trades, and services. *Management will determine when this person or*

*their designee must be physically present on the property during critical stages of construction.*⁴

REMODELING REQUIREMENTS:

These requirements must be demonstrated in the design documentation prior to approval.

5) HISTORIC STATUS PARAMETERS

As Moreland Courts is listed in the National Register of Historic Places, MCCA is responsible for preserving its distinctive character as a federal and city architectural landmark. The historic fabric both inside and outside the buildings is irreplaceable and therefore subject to preservation. *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, Cleveland's *Landmarks Commission*, and the *MCCA Amended Declaration* establish the guidelines.

- a) **PRESERVE HISTORIC FEATURES.** MCCA encourages the preservation of historic features within each Unit. These include but are not limited to original hardwood floors, crown and base moldings, ceiling moldings, distinctive door and window casings, windows, entrance doors, built-in bookcases, decorative plaster moldings and details, distinctive doorways, and fireplaces including mantels. These features are typically found in the entry foyer, living room, dining room, and library.^{7 8}

*NOTE: See the Specifications Manual for defined Window specifications.*⁹

6) ARCHITECTURAL PARAMETERS

All architectural modifications require the review and approval of MCCA's State of Ohio registered architect, structural engineer, or both.

- a) **STRUCTURAL INTEGRITY.** Any work that may in any way compromise the structural integrity of Moreland Courts buildings or infrastructure is prohibited.
- b) **WET OVER DRY.** Avoidance of wet over dry room renovations is preferred. If proposed, such projects require the demonstration of safeguards acceptable to MCCA to protect Units below from incompatible noise or water intrusion.⁹
- c) **WORK AFFECTING COMMON ELEMENTS.** The *MCCA Amended Declaration* and Ohio condominium law restrict the incorporation of Common Elements into a Unit except for functional purposes and as provisionally provided to or leased to the Owner by MCCA. Such space retains its designation as a Common Element. Both require MCCA approval. At all times, the Owner is responsible for addressing any concern that is caused by, arises from, or is related to the design, construction, maintenance, use, existence or removal of the Common Element project, or leased or used space. This may include repairing damage to the interior or exterior of any Unit or Common Element and the cost of removal and reinstallation necessitated by periodic MCCA infrastructure inspections, repair and maintenance, replacement, or modernization.¹⁰
- d) **ROOFTOP PATIOS.** Any work related to the installation, modification, or removal of a rooftop patio requires additional coordination and supervision when roofing or utility services are affected. Rooftop patio space is leased to the Owner by MCCA, except as specified in the *MCCA Amended Declaration*, and requires direct MCCA

Board of Directors' approval. MCCA's Roofing contractor shall be used. Also see *MCCA Patio Policy and Procedure*.^{9 11}

- e) CENTRAL A/C. Central A/C is permissible if appropriate chases and rooftop compressor space are identified and accessible. Common Element space is made available on a first request, first reserved basis. All work related to Central A/C installation requires additional coordination and supervision when roofing or utility services are affected. MCCA's Roofing contractor shall be used.^{9 12}
- f) STEAM HEAT SYSTEM. Total removal of the steam heat system from a Unit is not allowed. MCCA's approved heat system contractor is required for all work on the steam heat system. Radiator covers should allow easy access for maintenance, repair, and replacement as Owners are responsible for the cost of removal and reinstallation of such covers. If Owners replace individual radiators with technology other than in-kind radiators, they assume responsibility for maintenance, repair, and replacement of the new heating elements.^{9 13}
- g) UTILITY/CHASE STACKS AND CHIMNEY FLUES/VENTS. Relocation of vertical plumbing stacks, chase stacks, former incinerator chutes, chimney flues, and vents is prohibited. Other utility, telephone, and cable services may be relocated provided serviceable access to key components is maintained. The exterior façade may not be used to run piping, conduit, cabling, wiring, or other utility lines or components.
- h) PLUMBING CONTRACTOR. A MCCA approved plumber is required for all rough-in plumbing work.⁹

7) **OTHER REQUIREMENTS**

- a) LIMIT IMPACT ON NEIGHBORS. All remodeling work will be done as quietly and quickly as possible.
- b) COMMUNICATION. Timely and relevant communication and coordination with Management and neighbors is an important priority. A weekly submission and posting of daily work and estimated work noise levels, including details on jackhammer or masonry demolition, is required and should provide neighbors with adequate notification and allow time for them to leave the premises if they so desire.⁹
- c) DEMOLITION. Confine major demolition to the initial phase of the overall project, whenever possible. *Jackhammer or masonry demolition is further restricted to the hours of 9:00 AM to 4:00 PM.*⁹
- d) DURATION. *Major construction should not exceed nine months.* Management determines what is considered major construction. Projects exceeding nine months may require multi-year phasing or other alternatives in consideration of neighbors.⁹
- e) ADVANCE APPROVAL. All remodeling projects require review and written approval before commencement of work. Any unapproved work may require Owners to immediately cease all further work activity and may further require the Owner to restore the premises to the original condition.
- f) COMPREHENSIVE CONSTRUCTION PLANS. Complete plans are essential. Available MCCA blueprints, records, and other documents useful in planning should

be utilized whenever possible. Identification and collection of available materials is an Owner expense.⁹

- g) **GOVERNMENT CODE AND PERMITS.** Projects must satisfy all applicable City of Cleveland building and fire codes. Copies of necessary building permits are to be filed with Management prior to beginning any work.⁹
- h) **PROJECT CHANGES.** All changes to a project, including duration, require written approval in advance by Management. Minimum documentation includes a revised project schedule. Review by MCCA's professional advisors may be necessary.
- i) **REPORT DEFECTS.** Report all defects promptly to Management.
- j) **ASSOCIATION COORDINATION.** Project coordination with MCCA's staff and/or professional advisors is required to assure the integrity of Moreland Court's infrastructure. This is not a substitute for inspections required by the state or city. MCCA's staff must be notified and present for any state or city inspection. MCCA's observation of conditions behind walls, ceilings, or floor coverings and rough-in installations is required before closing off the affected areas.⁹
- k) **GARBAGE DISPOSALS.** The installation of new garbage disposals is prohibited due to the age of Moreland Court's plumbing.¹⁴
- l) **LAUNDRY AND DISHWASHER EQUIPMENT.** Requires the installation of proper drainage, a catch pan or discharge tub, water sensor, and automatic shut-off valve(s) along with proper outside venting.^{9 15}
- m) **PROVIDE EVIDENCE.** Lead paint and asbestos EPA certification (when applicable), debris removal plans, and dust containment measures.⁹
- n) **UNIT FLOOR PLAN.** If the Unit floor plan is altered in any way, Owners or their designee must provide Management with an 8 ½" by 11" floor plan with the final Unit design and room designation labels in addition to any design drawings required by MCCA or the City of Cleveland Building Department.
- o) **MECHANICS' LIENS.** Owners agree to pay all claims for labor and materials used in connection with their remodeling project. Owners and all contractors, subcontractors, trades, design professionals, or construction managers agree to keep MCCA property free of mechanics' liens resulting from or connected with such work, to secure the release and discharge of all mechanics' liens that may be filed relating to the remodeling project, and to indemnify MCCA against all such liens.
- p) **LIABILITY.** All reviews, approvals, and other involvement by MCCA, including by Management, is solely for MCCA's benefit and protection. Owners understand and acknowledge that the use of any MCCA approved contractor does not constitute a warranty, guarantee, or assurance that any materials used or work performed by the contractor will be free from defects or other error. Owners further understand and acknowledge that MCCA's review and approval of Owners' remodeling plans, drawings, designs, or other documents, as well as MCCA's oversight or approval of Owners' infrastructure work, does not constitute a warranty, guarantee, or assurance that any materials used or work performed by Owners' contractor will be free from

defects or other error. Owners remain at all times responsible and liable for all aspects of their remodeling work and project(s), as well as for compliance with this Policy and all other MCCA remodeling rules and requirements.

- q) **INSURANCE.** It is recommended that Owners ensure that all contractors', subcontractors', and trades' insurance requirements are satisfied and maintained as defined in Project Classification and that they be contractually bound by the Owner(s)' liability. Liability will not be limited by insurance coverage limits or interpretations of loss that include depreciation of value.
- r) **RIGHT TO REVISE POLICY.** The MCCA Board of Directors may revise this Policy at any time in the future, at its discretion, with due notice to Owners.

Policy approved by the MCCA Board of Directors on October 27, 2015.

¹ The basis for these commitments is laid out in the *MCCA Amended and Restated Declaration of Condominium Ownership (MCCA Amended Declaration)* adopted on March 24, 2014 (Article 3, Paragraph B, Subparagraph 4 – pg. 7-15, Subparagraph 5 – pg. 15-18, and Article 8, Paragraph B – pg. 43-54). Contractor work guidelines and more detailed design specifications are found in the *MCCA Contractor Policy and Procedure*, the *MCCA Remodeling Standards and Specifications Manual* (Specifications Manual), and other project specific MCCA Rules or Policies, such as the *MCCA Window Policy* or *MCCA Patio Policy*.

² *MCCA Amended Declaration* (Article 3, Paragraph B, subparagraph (5) – pg. 15)

³ *MCCA Amended Declaration* (Article 3, Paragraph B, subparagraph (4) (a) and (b) – pg. 7-8)

⁴ Management determines the application of higher security deposit requirements, the necessity of a construction manager, and the applicability of staff consultation charges, including the right to waive them when limited and reasonable circumstances apply. See *Specification Manual* for additional information.

⁵ *MCCA's professional advisors* include a State of Ohio registered architect. MCCA's architect will determine, in consultation with Management, when additional professional services are necessary such as MCCA's State of Ohio registered structural engineer.

⁶ Management determines if and when a project should be reclassified as "Simple" when a repair or in-kind replacement ends up taking more than a single day (see the "Project Classification" section on pg. 2).

⁷ *MCCA Amended Declaration* (Article 3, Paragraph B, subparagraph (5), (5) (e), and (5) (n) – pg. 15-18)

⁸ See *Specification Manual* for additional information.

⁹ *MCCA Amended Declaration* (Article 8, Paragraph B, subparagraph (1) (c) – pg. 44)

¹⁰ *MCCA Amended Declaration* (Article 3, Paragraph B, subparagraph (4) (d) – pg. 9)

¹¹ *MCCA Amended Declaration* (Article 3, Paragraph B, subparagraph (4) (e) (iii) – pg. 11-12)

¹² *MCCA Amended Declaration* (Article 3, Paragraph B, subparagraph (4) (e) (i) and (ii) – pg. 10-11)

¹³ *MCCA Amended Declaration* (Article 8, Paragraph A, subparagraph (4) (m) and Paragraph B, subparagraph (1) (m) – pg. 42, 47)

¹⁴ *MCCA Amended Declaration* (Article 3, Paragraph B, subparagraph (5) (k) – pg. 17)

¹⁵ *MCCA Amended Declaration* (Article 3, Paragraph B, subparagraph (5) (i), (j), and (m), Article 8, Paragraph B, subparagraph (1) (o) – pg. 16-17, 48)

MCCA Remodeling Project – Remodeling Checklist #1

PROJECT CLASSIFICATION

<u>ACTION/REQUIREMENT</u>	<u>SIMPLE</u>	<u>COMPLEX</u>
Single Day Repairs only need to consult Management	n/a	n/a
Approval by MCCA Management	yes	
Approval by MCCA Management and designated Architect and/or Engineer		yes, with formal review meeting
Security deposit required	\$500	\$1,000 to 10% of total project up to \$50,000
Proof of general liability insurance and workers' compensation coverage	yes	yes
Additional proof of general liability insurance with minimum of \$1 million coverage and MCCA named as an additional insured		yes
Weekly MCCA staff consultation charge		yes, \$100/week
Assignment of construction manager		yes, must be on-site at certain critical times
City permit(s)		yes
City inspection		yes
Photo record of adjoining Units		yes
Communications for affected neighbors	yes	yes

MCCA Remodeling Project – Remodeling Checklist #2

PROJECT CLASSIFICATION

<u>PROJECT DESCRIPTION</u>	<u>SIMPLE</u>	<u>COMPLEX</u>
Painting or wallpapering	yes	
In-kind fixture/appliance replacements (that do not alter utility lines or layout)	yes	
Window treatments (see <i>Rule Book</i> 4.10 & 4.11 for additional restrictions)	yes	
Carpet installation or replacement	yes	
Light maintenance or repair	yes	
Window and exterior door maintenance restoration, or replacement when based on the <i>Specification Manual</i>	yes	
Any project requiring a Building Permit		yes
Masonry Demolition of any scope		yes
Fixture/appliance replacement (that includes utilities or plumbing)		yes
Any work affecting utility chases, chase ways, chimney flues, vents, etc.		yes
Changes to kitchen/bathroom layout		yes
Wet over dry relocation of kitchen or bathrooms		yes
Removal of kitchen or bathrooms		yes
Changes to, openings in, removal of, or addition of walls		yes
Installation of central A/C systems		yes
Work affecting Steam Heat system		yes
Combining/reversing two or more Units		yes
Significant repurposing of Unit space		yes
Work in any way affecting historic features		yes
Rooftop Patios or other work affecting Common Elements		yes
Any Exterior or Unit penetrations		yes