



**Use and Maintenance Standards Resolution 15;
Air-Conditioning Units/RELAC HVAC Cooling System**

WHEREAS, the Board of Directors is responsible for the administration and operation of the Association consistent with the amended provisions of the Reston Documents; and

WHEREAS, Section III.5(e) of the First Amendment to the Deed of Amendment to the Deeds of Dedication of Reston ("Amended Reston Deed") provides the Reston Association ("RA") Board of Directors with all powers necessary and appropriate for carrying out the purposes of the Association which are enabled by law or the Reston Documents; and

WHEREAS, Section III.3(2)(a) of the Amended Reston Deed delineates that it is a purpose of the Association to interpret, administer, and enforce the protective covenants and restrictions of the Amended Reston Deed in such a manner as to conserve, protect, and enhance the value of all real property subject to the Amended Reston Deed; and

WHEREAS, Section III.7 of the Amended Reston Deed sets forth the composition and responsibilities of the Covenants Committee; and

WHEREAS, Section VI.2(b)(15) of the Amended Reston Deed states that: "In any residential Cluster in which central air-conditioning service is available to the Lot line, no individual air-conditioning units of any type shall be permitted" ("RELAC Covenant") - these central air-conditioning systems are commonly referred to as "RELAC HVAC cooling systems"; and

WHEREAS, for the benefit and protection of RA and of individual Members who use and benefit from the use of RELAC HVAC cooling systems, the RA Board of Directors deems it desirable to establish procedures to assure that requests to supplement RELAC HVAC cooling systems shall be fairly administered and documented so that they may be granted only when reasonably necessary to accommodate handicapped homeowners under federal, state and county fair housing laws who request permission to supplement their RELAC HVAC cooling systems with individual ~~heating and~~ cooling units or systems.

NOW, THEREFORE, BE IT RESOLVED, that the following administrative procedures shall be implemented with respect to requests for approval from the Covenants Committee to supplement RELAC HVAC cooling systems to accommodate handicapped persons as required by federal, state and county fair housing laws:

1. Residents who request permission for a temporary ~~exemption~~ from the prohibitions of the RELAC Covenant shall provide documentation from their medical provider explaining that the resident is handicapped and why the supplemental HVAC air-conditioning system is necessary to accommodate their disability in order for the handicapped person to be able to reside in the home. The temporary exemption shall be valid for one (1) year and must be renewed annually. At each renewal, the requesting resident must establish that there is still a handicapped person who requires an accommodation residing in the home and that the RELAC cooling system is still inadequate to allow the handicapped person(s) to reside in the home without supplemental air-conditioning. The temporary exemption shall lapse upon the earlier of the following events: a) there is no longer a handicapped person in the home who needs the supplemental air-conditioning; b) the RELAC cooling system is

adequate to provide sufficient cooling and humidity control to remove the need for the supplemental air-conditioning; or, c) the home has been transferred, sold or leased to residents other than those who obtained the temporary exemption.

2. Requesting residents also must provide written documentation certification from a qualified RELAC certified and licensed heating and cooling professional or contractor, who is familiar with RELAC equipment, certifying stating that the central air-conditioning system in the home is in good repair and is operating properly so that it can be established that the need for a supplemental HVAC air-conditioning system is due to inadequacy of the water serving the home rather than a mechanical deficiency with the equipment serving the home; which can and should be maintained in good working order. In addition, requesting residents must establish that they have made a good faith effort to worked with RELAC to maintain or, if necessary, upgrade their RELAC equipment and that they still need to supplement air-conditioning HVAC equipment. If RELAC does not provide the requesting resident with contact information for a RELAC certified professional or contractor within five (5) days of requesting this information from RELAC in writing, the requesting resident may substitute the certification required in this section from a licensed air-conditioning HVAC contractor or professional of their choice.
3. Provision of the foregoing information is a prerequisite to presentation of a request for permission to be permitted to install a supplemental air-conditioning HVAC system to the Covenants Committee for consideration and where appropriate, approval. The Covenants Committee reserves the right to request additional documentation from requesting residents as reasonably necessary to establish that the requesting person is qualified for a temporary exemption from the RELAC Covenant.
4. The Covenants Committee is not authorized to grant permission to the requesting party unless the requesting party agrees to abide by the terms of this Resolution and the conditions for approval given by the Covenants Committee pursuant to the terms of this Resolution.
5. The Covenants Committee shall advise the requesting party, and the requesting party shall agree, as a condition of approval that the Reston Association will file a Notice of Violation ("NOV") on their Lot pursuant to Amended Deed Section IX.1(b) and Design Review & Covenants Administration Resolution 5. The NOV shall be released when the supplemental air-conditioning HVAC equipment is removed.
- 5.6. Receiving a temporary exemption from the Covenants Committee only allows a resident to install supplemental air-conditioning. It does not provide a basis for terminating or altering the relationship between the requesting resident and the provider of RELAC services. It also does not provide a basis for altering the RELAC cooling system, disconnecting the RELAC cooling system or any other action that would adversely affect the capacity of the RELAC cooling system to operate as it did prior to granting of the temporary exemption.

ATTEST: This Resolution was adopted at a Regular Meeting of the Reston Association Board of Directors held on October 13, 2011; and amended on May 23, 2013; and amended on December 12, 2013.

Assistant Secretary

Reston Association

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May 23 December 12, 2013