



RESOLUTION 01-18-115
INTERIOR FLOORING POLICY

WHEREAS, the installation of replacement flooring in units situated on a building level directly over another units living space has generated nuisance complaints to the Mutual related to noise transmitted to the lower neighboring units when members have replaced original flooring types with alternate flooring materials;

WHEREAS, the United Laguna Woods Mutual Occupancy Agreement requires that “a Member shall not obstruct or interfere with the rights of other members or annoy them by unreasonable noise...;” and legal counsel has previously opined that the Mutual has the authority to establish rational rules to regulate unreasonable noise;

WHEREAS, on May 13, 2014, the Board of Directors adopted Resolution 01-14-58 which prohibited any future installation of hard surface flooring in second floor units in areas other than the kitchen and bathrooms of units;

WHEREAS, Resolution 01-14-58 defined hard surface flooring as any flooring other than original flooring types of carpet, vinyl or linoleum; and,

WHEREAS, due to the advances in soundproofing underlayment technology and the continued popularity and value of installing hardwood style and laminate floors;

NOW THEREFORE BE IT RESOLVED, November 13, 2018, the Board of Directors hereby approves the Interior Flooring Policy, attached to the official minutes of this meeting, to further define and regulate permitted flooring types;

RESOLVED FURTHER, the Mutual shall permit the installation of alternate flooring materials other than the original flooring types, provided the materials meet the sound transmission specifications in the attached policy;

RESOLVED FURTHER, the installation of flooring types other than carpet with padding in any area of the unit with living space, of a separate residence below it, shall meet the requirements of the policy;

RESOLVED FURTHER, living space shall be defined as any area within a unit that is not a bathroom or kitchen;

RESOLVED FURTHER, that Resolution 01-14-58, adopted May 13, 2014, is hereby superseded and cancelled; and

RESOLVED FURTHER, that the officers and agents of this Corporation are hereby authorized on behalf of the Corporation to carry out the purpose of this resolution.



INTERIOR FLOORING POLICY

1.0 APPLICATIONS

1.1 FIIC AND MUTUAL STANDARDS: All interior flooring and underlayment installations (including but not limited to new, different or replacement flooring) which are installed in a room within a second floor unit that is located above a living space area of a separate residence must at all times meet a minimum of an Impact Insulation Class (IIC) rating of 60 as defined in the American Society for Testing and Materials (ASTM) E 1007 standard, and the utilization of same by the occupants of the unit must not cause any violation of Article 5 of the Occupancy Agreement.

1.2 INSTALLATION TESTING: All installations, *when tested in place*, shall meet Field Impact Insulation Class (FIIC) rating of 50. Testing on interior flooring shall only be required pursuant to the procedures described in the Interior Flooring Grievance Procedure. Floor coverings such as area rugs, may not be included to obtain the required minimum of FIIC 50 rating, unless these coverings are a permanent part of the interior flooring. Replacement or removal of these other floor coverings must provide the required minimum of a 50 FIIC rating. Living space shall be defined as any area within a unit that is not a bathroom or kitchen.

1.3 SHAREHOLDER RESPONSIBILITIES. The Shareholder(s) of a Unit (including the Unit Shareholder(s) on the date of the installation and all successor Shareholders) where interior flooring subject to paragraph 1.2 has been installed shall be responsible for ensuring that the utilization of said flooring at all times meets a 50 FIIC rating, and for ensuring that said flooring does not cause any violation of Article 5 of the Occupancy Agreement.



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INTERIOR FLOORING GRIEVANCE PROCEDURE

1. **APPLICABILITY.** This Interior Flooring Grievance Procedure (“Procedure”) shall govern Grievances by any Shareholder or resident of a first floor unit where the interior flooring in the unit immediately above is in violation of Article 5 of the Occupancy Agreement and/or United Laguna Woods Mutual Interior Flooring Policy.

2. **WRITTEN GRIEVANCES.** Any Shareholder or resident of a first floor unit who alleges that the existence of and/or utilization of the interior flooring in the unit immediately above it is in violation of Article 5 of the Occupancy Agreement and/or United Laguna Woods Mutual Interior Flooring Policy, must submit a written Grievance to the Mutual on a form provided by the Mutual (“Flooring Complaint Form”). The form is available from the Compliance Division. Upon receipt of said Grievance, the Mutual will forward a packet to the complaining unit Shareholder(s), the Shareholder(s) of the Unit against which the Grievance has been lodged, and the residents of same (if different from the Shareholders). Said packet, referred to as the “Meet and Confer Packet,” will include the Grievance, these Procedures, and a written demand that all affected parties meet and confer in person in a good faith effort to resolve the Grievance.

3. **MEET AND CONFER PROCESS.** Upon receipt of the Meet and Confer Packet, all affected parties shall meet and confer in person in a good faith effort to resolve the Grievance between them. Unless extenuating circumstances exist, the parties shall be required to meet within 21 calendar days of the initial notification. If the offending party fails or refuses to meet, the offending parties will be scheduled for a disciplinary hearing. If the affected parties resolve the Grievance, they shall notify the Mutual in writing of the terms and conditions of the resolution. If the affected parties are unable to resolve the Grievance between themselves, then the complaining Shareholder or resident must notify the Mutual in writing on a form provided by the Mutual (“Notice of Failure To Resolve Flooring Grievance”). The form is available from the Compliance Division.

4. **INVESTIGATION OF GRIEVANCES.** Upon the Mutual’s receipt of the Notice of Failure To Resolve Flooring Grievance from the complaining Shareholder or resident, the Mutual shall: a) forward a copy of said Notice to the Shareholders and residents of the Unit which is the subject of the Grievance, and b) select, retain and advance the costs for an acoustical testing and engineering expert, who shall perform FIIC testing on interior flooring located in bedroom(s), the living room, and hallway(s), whichever is the subject of the Grievance. Testing shall not necessarily be required on interior flooring located in the kitchen or



bathroom(s). The Mutual's payment of the costs for the expert shall be subject to its right to obtain reimbursement of such costs by imposition and levy of a reimbursement assessment upon the appropriate unit and unit Shareholders pursuant to the Governing Documents and these Procedures.

5. FIIC TESTING. All FIIC testing which is conducted under these Procedures shall be performed by an expert selected by the Mutual in its sole discretion. The expert shall be experienced in the field of acoustical testing and engineering. Said expert shall promptly forward to the Mutual a written report which shall include all test results as well as the findings, opinions and recommendations. The Mutual shall forward copies of the report to the complaining unit Shareholders and residents, and to the Shareholders and residents of the unit wherein the interior flooring at issue is located.

6. SHAREHOLDER AND RESIDENT COOPERATION. All unit Shareholders and residents involved shall fully cooperate with the Mutual, its agents and experts in connection with FIIC testing. Said cooperation shall include allowing the Mutual, its agents and experts to enter, inspect, photograph, and test all Units which are identified in the Grievance. If entry into a unit is required, such entry shall be done at reasonable times, upon reasonable prior notice, and with as little inconvenience to the unit Shareholders and residents as possible. The unit Shareholders and residents shall cooperate and allow entry within 15 days of notification by the Mutual of the FIIC testing. The Board shall impose and levy a reimbursement assessment against the appropriate unit Shareholders and their respective units to reimburse the Mutual for all costs, expenses and attorney's fees which the Mutual incurs in connection with the Grievance or the enforcement of these Procedures. Failure to cooperate with any or all of the aspects of these procedures may result in disciplinary action by the Board.

7. BOARD HEARINGS AND ORDERS.

1. As soon as reasonable after the Mutual receives the expert's test results and report, a hearing shall be held before the Board of Directors. At the hearing, the Board shall consider all relevant matters, including whether there has been any violation of Article 5 of the Occupancy Agreement and/or United Laguna Woods Mutual Interior Flooring Policy.
2. After the hearing has concluded, the Board of Directors shall determine such actions, remedies, fines, penalties, suspensions, reimbursement assessments, and other orders that the Board in its discretion deems appropriate to be taken, including, but not limited to:
 - a) Imposing and levying a reimbursement assessment against either the Shareholder of the unit where the interior flooring at issue is located or the Shareholder of the unit which originated the Grievance (even if the Grievance was made by a non-Shareholder resident in the Unit) to reimburse the Mutual for all costs, expenses and attorney's fees that the



- Mutual has incurred in connection with the Grievance or its enforcement of these Procedure, including the costs of FIIC testing, expert consultations, and expert reports;
- b) Directing the Shareholder(s) and/or resident(s) of the unit where the interior flooring at issue is located to take remedial action to correct the situation that resulted in the Grievance, submit documents verifying that such remedial action has been completed, and/or allow an expert selected by the Mutual and paid for in advance by said Shareholders to perform follow-up FIIC testing to verify the effectiveness of the remedial action; and
 - c) Making such other and further orders as it deems appropriate, including imposing monetary penalties and fines, imposing and levying reimbursement assessments, suspending the right to use any facilities owned, operated or managed by the Mutual, suspending the right to vote in Mutual elections, recommending to the Golden Rain Foundation (GRF) that it take disciplinary action against the Shareholder(s) and/or resident(s) with respect to the Shareholder(s) and/or resident(s) use of GRF provided facilities and amenities, and/or setting additional hearings.