

COMMUNITY BUILDER

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The Matrix - Maintenance Responsibility

What would you do? It's one in the morning, and you get a call from a frantic homeowner – water is pouring in from the ceiling. Your neighbor does not know what to do or who to call, so you are contacted. As a board member, it is assumed that you need to provide direction as it is believed the association should be handling this.



When it comes to emergency water leaks or even general work orders, there tends to be a gap in understanding who does what for most associations. Most boards find themselves in the heat of the moment trying to make the right decision to help their fellow neighbors and not put the association at risk by covering an unapproved repair item. At this very moment, a Maintenance Matrix can help guide the board, the association, and your neighbors.

Defining a Maintenance Matrix

Most of you at this point must be asking yourself, “What is a Maintenance Matrix?” This multi-column community document is a proactive tool to help you and your homeowners define association maintenance items and responsibilities before the “uh-oh” moment arrives. It does this by providing a comprehensive breakdown of the association’s and the homeowners’ responsibility as outlined in your community association Governing Documents.

Within each section, one for the association and one for the homeowners’ the Maintenance Matrix defines:

- Maintenance items
- An article addressing said item
- Responsible party
- Comments

The matrix breaks down the maintenance item in one column, outlines the specific article in the association’s documents in another column, and then any important comments or vendor details for supporting details. This

ASSOCIATION'S RESPONSIBILITIES			
	Area:	Article	Comment
1	Bearing walls	Section 1(f)-“Common Elements” Section 14(d)-Maintenance, Repairs and Replacements	Defined as “Common Elements.”
2	Central Services Installations (power, light, gas, water, sewer, telephone, cable television)	Section 1(f)-“Common Elements” Section 14(d)-Maintenance, Repairs and Replacements	Defined as “Common Elements.”
3	Columns	Section 1(f)-“Common Elements” Section 14(d)-Maintenance, Repairs and Replacements	Defined as “Common Elements.”
4	Downspouts	NOT IN THE MASTER DEED	*This is not specifically listed in the Master Deed. This could be the responsibility of the Association.
5	Drives and Access Roads	Section 1(f)-“Common Elements” Section 14(d)-Maintenance, Repairs and Replacements	Defined as “Common Elements.”
6	Driveways	Section 1(f)-“Common Elements” Section 14(d)-Maintenance, Repairs and Replacements	Defined as “Common Elements.”
7	Ducts (Except those located entirely within a Unit)	Section 1(f)-“Common Elements”	Defined as “Common Elements.”

methodical, yet straightforward structure, provides a quick review and understanding for association members.

Who Authors a Maintenance Matrix?

73.9 million homeowners in the United States reside in a community association, but not every homeowner or board member has experience in reading and comprehending the legal verbiage that usually make up a community's Governing Documents. This challenge creates the perfect opportunity for your association's attorney.

As legal professionals, they can review the governing documents, define the areas of responsibility, and generate this matrix to help avoid board and homeowner interpretation gaps which can result. The investment in such service will vary from firm to firm; however, they tend to be a low-cost item with a high impact and return for your community.

With that being said, there may be gray areas in the Governing Documents that can be left up to opinion. However, Boards are working to the best of their abilities, and the comfort of having a Maintenance Matrix completed by a legal professional can help avoid gaps that the untrained eye might miss. Rendering a legal opinion is, at its core, an opinion. While the association's attorney provides an educated opinion when drafting a Maintenance Matrix that Boards can rely upon, it is still only an opinion. Yet, this simplified document offers members of the association additional assistance in understanding their documents and responsibilities.

The information contained in this article is provided for informational purposes only and should not be construed as legal advice. No recipient of this content should act or refrain from acting without seeking the appropriate legal or other professional advice.



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Kristan Ward is the Vice President of Sentry Nashville and brings fourteen years of industry experience and numerous designations and awards. Kristan currently serves on the Tennessee Legislative Action Committee (TN-LAC) with the Community Associations Institute, and her focus continues to be on nurturing communities we are all proud to call home.



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