

October 2, 2017

Owners of University Green Town Homes
P.O. Box 580521
16574 Space Center Boulevard
Houston, Texas 77258

Re: Repair and Maintenance resulting from Hurricane Harvey

Dear Owners:

We have been asked to review the applicable governing documents regarding the duty to repair after a natural disaster with respect to University Green Town Home Owner's Association, Inc. ("Association"). While we do not address any specific instances as we do not have that information, this letter analyzes the terms of the governing documents of the Association in a broad manner.

The Association is responsible for routine maintenance caused by normal wear and tear of various, but not all, exterior portions of the town home units. Specifically the Association is responsible for painting, repairing and caring for "roofs, gutters, downspouts, exterior building surfaces, including garages, trees, shrubs, grass, walks, driveways, and other exterior improvements." See Declaration, Article IX. The Association is not responsible for maintenance and repair of other exterior portions, nor is the Association responsible for maintenance or repair of the interior of any unit.

With respect to Hurricane Harvey, the Association has no duty to maintain or repair any portion of a town home unit if the need to maintain or repair was caused by casualty or natural disaster if insurance does not cover that need. See Declaration, Article IX. We have found no provision that requires the Association to maintain or repair damages resulting from casualty or natural disaster either to the exterior or the interior of a town home unit beyond what is covered by insurance.

The Association is required to obtain a blanket insurance policy on buildings and improvements within the community to protect against loss from casualty, including hurricanes. See Declaration, Article V, Section 10. This provision does not require the Association to obtain insurance coverage for any interior portion of a town home unit. In fact, Article V, Section 10 further provides that it is the owner's responsibility to insure his or her personal property and liability.

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As noted above, in the event of a need to maintain or repair resulting from a natural disaster, like Hurricane Harvey, the Association has no duty to maintain or repair beyond what is covered by the blanket insurance policy.

After review of the governing documents, the facts presented and applicable law, we believe that the Association has no duty to maintain or repair any hurricane damage caused to the exterior or interior of any town home unit beyond what is covered by the blanket insurance policy. We have not reviewed the insurance policy and have no knowledge of the Association's coverage. Our opinion is based solely on the recorded governing documents and the facts presented by the board of directors.

Please let us know if you have any questions.

Very truly yours,

Kourtney E. Schroeder
Crinion Davis & Richardson LLP