

**ASPEN SHADOWS CONDOMINIUM ASSOCIATION  
RESOLUTION OF THE BOARD OF DIRECTORS  
REGARDING HARD FLOOR COVERING**

**Recitals**

A. The Board of Directors (the “Board”) of Aspen Shadows Condominium Association (the “Association”), an Arizona nonprofit corporation, has taken the following action at a duly called meeting of the Board.

B. The Association is governed by the *Condominium Declaration for Aspen Shadows Condominium*, recorded in the Office of the Maricopa County Recorder on October 16, 2002 at Document No. 3164863, as amended (the “Declaration”).

C. The Declaration, at Article 4, Section 4.23, provides:

*Restrictions on Floor Coverings.*

*PLAN C: Except for the kitchen/nook, utility room, master water closet, water closet only in optional guest bath off den and first floor entryway areas in the Plan C Units, as shown on sheets 8 and 9 of the Plat, hard floor coverings (e.g., ceramic tile, natural stone, vinyl, hardwood or laminated flooring) shall be prohibited in all other areas of the Plan C Units. Carpet and pad shall be required in all areas where hard floor coverings are prohibited, including, without limitation, the stairwell, to mitigate noise disturbance to first floor Units.*

*PLAN E: Except for the kitchen/nook, utility room, master water closet, second bath water closet and entryway areas in the Plan E Units, as shown on sheets 8 and 9 of the Plat, hard floor coverings (e.g., ceramic tile, natural stone, vinyl, hardwood or laminated flooring) shall be prohibited in all other areas of the Plan E Units. Carpet and pad shall be required in all areas where hard floor coverings are prohibited, including, without limitation, the stairwell, to mitigate noise disturbance to first floor Units.*

D. The Declaration, at Article 4, Section 4.4, provides, “[a]ny Unit Owner may make nonstructural additions, alterations and improvements within his Unit without the prior written approval of the Board of Directors, but such Unit Owner shall, to the extent permitted under Arizona law, be responsible for any damage to other Units and to Common Elements which results from any such alterations, additions or improvements.”

E. The Declaration, at Article 4, Section 4.19, provides: “No nuisance shall be permitted to exist or operate upon the Condominium, and no activity shall be conducted upon the Condominium which is detrimental to any portion of the Condominium or any Unit Owner or other occupant of the Condominium. No loud music or other loud noises or vibrations originating

*from inside or outside a Unit shall be allowed if such music, noise or vibration disturbs neighboring Unit Owner ...”*

F. The Declaration, at Article 6, Section 6.3, and the Arizona Condominium Act at A.R.S. § 33-1242(A)(1), authorize the Board to adopt, amend and repeal rules and regulations from time to time and such rules may, among other things, govern the use of the Units.

G. On September 14, 2024, House Bill 2141 became effective and amended the Arizona Condominium Act at A.R.S. § 33-1221 as follows regarding improvements and alterations that do not impair the structural integrity or mechanical systems or lessen the support of any portion of the condominium: “... *notwithstanding the condominium documents, the association shall not prohibit a unit owner from improving or altering the interior of the unit in a manner that may disturb adjacent unit occupants if the unit owner purchases and installs at the unit owner’s own expense any reasonably necessary improved materials, accessories or other adjustments that eliminate or minimize the potential disturbance.*”

H. House Bill 2141 renders the prohibition on hard floor coverings in certain areas of Plan C and Plan E type Units set forth in Article 4, Section 4.23 of the Declaration unenforceable.

### **Resolutions**

**NOW, THEREFORE,** in accordance with its authority set forth in the Declaration and the Arizona Condominium Act (A.R.S. § 33-1201 *et seq.*), the Board hereby resolves as follows:

1. The Association will not prohibit an Owner of a Plan C or Plan E type Unit from installing hard floor coverings throughout the interior of the Plan C or Plan E type Unit so long as the hard floor coverings do not impair the structural integrity or mechanical systems or lessen the support of any portion of the Condominium, and provided the Owner installs materials, accessories or other adjustments to eliminate or minimize potential disturbance to the adjacent Unit occupants.

2. In consideration of the requirement to install materials, accessories or other adjustments to eliminate or minimize potential disturbance to adjacent Unit occupants, the Association recommends Owners of Plan C or Plan E Units consult with a flooring expert and/or noise reduction expert.

3. To help eliminate or minimize potential disturbance to adjacent Unit occupants, the Association strongly recommends Owners of Plan C or Plan E type Units purchase and install a flooring assembly with the following rating for luxury multi-family housing as set forth in the International Code Council (ICC) G2 – 2010 Guidelines for Acoustics: Acceptable Performance (Grade B Performance), with an Impact Insulation Class (IIC) rating of 55, a Normalized Impact Sound Rating (NISR) of 52, and an Airborne Sound Transmission Class (STC) rating of 55, along with a corresponding Normalized Noise Isolation Class (NNIC) rating of 52. In lieu of the foregoing, the Association recommends Owners of Plan C or Plan E type Units purchase and install a flooring assembly meeting at least the following minimum requirement, which the

building code requires for sound isolation between dwelling units in multifamily housing: IIC rating of 50 (if tested in a laboratory) or 45 (if tested in the field) and an STC rating of 50 (if tested in a laboratory) or 45 (if tested in the field).

4. In the event of disturbance complaints from neighboring Unit occupants relating to the installation of hard floor coverings in a Plan C or Plan E type Unit, the Owner of said Plan C or Plan E type Unit shall provide the Association proof of installation of materials, accessories or other adjustments to eliminate or minimize the disturbance. Failure to provide proof upon written request by the Association shall be deemed a violation of A.R.S. § 33-1221 and may subject the Owner to enforcement action by the Association until the Association receives such proof.

**IN WITNESS WHEREOF**, a majority of the Board of Directors adopted this Resolution at a duly called meeting of the Board of Directors at which quorum was present held on April 15, 2025.

**Aspen Shadows Condominium Association**

*David A. Basinger*

By: \_\_\_\_\_  
Its: President