

Notice of Paseo Crossing Policy Regarding Tree Roots

In recent months, we have seen an increase in the number of homeowner reporting issues with tree roots, and specifically the roots of the Sissoo trees planted in HOA common areas. We wanted to use this opportunity to be proactive and inform you of how we have handled these past claims, why we have handled them that way, and give you some guidelines for how to handle these in the future.

Due to the number and kinds of claims we have received, and the requested remedies by those homeowners, the Paseo Crossing HOA board consulted with our attorneys for assistance in understanding what responsibility the HOA has in these situations. We did so because, as an association of homeowners (and your representatives) we must act in accordance with our governing documents and the law, both to limit the financial exposure and potential liability to the HOA (and, as fellow owners, you.) The following policy was developed based on this feedback from our attorneys, and has been followed in cases brought before us recently. It is the policy we will follow going forward.

1. If you find damage from roots that you suspect belong to an HOA tree, you must inform our management company immediately. Please include all relevant information, along with photos of the affected area.
2. Once this information has been received, and if the Association determines the damage was caused by HOA trees or if the Association otherwise determines that the tree roots should be cut, an order will be issued to cut the offending roots at or near the entrance to your property. In extreme cases, and at the sole discretion of the Paseo Crossing Board of Directors, we may opt to remove the tree and replace it with a new tree.
3. If you assert that common shared walls are damaged between your Lot and the Common Areas, you must notify the Association immediately. The Association will investigate the alleged damage and determine if any action on behalf of the Association is necessary. Our governing documents state that costs to repair damaged walls are shared equally among the parties to that wall.
4. The HOA cannot, and has no legal authority to, enter your property or make any repairs on your private property. This is in accordance with state law and our governing documents.

While the above policy is the general policy, the HOA cannot account for every incident and there can be circumstances where deviations will need to be made. In general, the HOA cannot know what is happening inside the walls of your property, and as such, cannot be responsible for damage we cannot see. Once notified, we will act as swiftly as possible to prevent damage, but the key is reporting such potential damage. Also, please be aware that settling of walls is occurring in our now-18 year old development, and that not all damage may be due to tree issues. Nevertheless, it should still be reported so that the HOA can have an arborist or other contractor assess the situation quickly.

Thank you for your cooperation and understanding in this matter.