

**LEXINGTON CONDO HOMES  
RULES REGARDING INDOOR RADON GAS**

The Board of Directors of Lexington Condo-Homes Association (the “Association”) adopts these rules on the 28th day of September, 2022.

**BACKGROUND**

A. The Association is responsible for governance, maintenance and administration of Lexington Condo Homes (the “Condominium”).

B. The Association exists pursuant to the Michigan Condominium Act and the Michigan Nonprofit Corporation Act, as well as the Association’s Articles of Incorporation, the Master Deed and the Bylaws for the Condominium (collectively, the “Condominium Documents”).

C. The Michigan Condominium Act and the Condominium Documents (see Article VI, Section 11 of the Condominium Bylaws) authorize the Association's Board of Directors to adopt and enforce reasonable rules and regulations in the interest of the Condominium.

D. The Association's Board of Directors has determined that, to protect the health and safety of the residents and the property in the Condominium, and to prevent false readings and alarm, it is necessary to adopt reasonable guidelines governing the detection and mitigation of excessive levels of indoor radon gas within the Condominium.

The Association's Board of Directors adopts the following Condominium rules (the “Rules”), which are binding upon all Co-owners and their tenants, occupants, successors and assigns who currently or in the future may possess an interest in the Condominium, and which shall supersede any previously adopted rules on the same subject matter:

1. Co-owners may test their Units to detect excessive levels of indoor radon gas. As a precondition to the Association taking action as specified in detail below, Co-owners must utilize a certified radon measurement service provider to detect excessive levels of radon gas. Each Co-owner shall be solely responsible for all costs associated with the utilization of a certified radon measurement service provider.

2. Co-owners must promptly notify the Association if the certified radon measurement service provider test indicates an elevated level of radon gas above 4 picocuries per liter, thereby exceeding EPA standards, and shall provide the Association with the test results. Co-owners may also submit to the Association a proposed mitigation plan to reduce the excessive radon gas levels.

3. Upon Co-owner notification and submission of the test results, the Association will have a minimum of two weeks to evaluate and confirm the results and documentation. The Association may conduct confirming tests of its own and shall have access to the Unit to conduct tests and another two weeks after access to confirm test results.

4. Upon confirmation of a radon level consistently above 4 picocuries per liter, the Association, in its sole discretion, may either implement its own mitigation plan to reduce excessive radon gas levels or accept a Co-owner's proposed mitigation plan to reduce excessive radon gas levels. The Association shall only be responsible for costs to the extent the radon is entering through a Common Element that the Association is responsible for maintaining, repairing and replacing and, in that case, the Association will perform any additional tests as it deems necessary to confirm that the approved mitigation actions have reduced radon gas to acceptable levels. Each Co-owner will be solely responsible for all costs associated with mitigation actions taken prior to Association approval.

5. The Association does not warrant, guarantee or ensure that mitigation will be successful and bears no responsibility, other than for the cost of the work, if the Association deems further actions are necessary. The Association is not responsible for delays caused by Co-owner or contractor failure to follow proper testing procedures or these Rules.

\* \* \* \* \*

Respectfully submitted,  
Board of Directors  
Lexington Condo-Homes Association