

Comstock HOA
Water Intrusion Policy

January 20, 2015

Pursuant to Section 6.2 Unit Owner's Responsibilities and Obligations of The Comstock HOA CC&Rs, the following policies regarding water intrusion and water damage to units are summarized.

The Association shall maintain, repair and replace as necessary the condominium buildings including but not limited to foundations, portions of the buildings including the exterior walls, bearing walls, columns, girders, subfloors, unfinished floors, and utility installations except the outlets located within the Unit or water, utility and electrical facilities serving an individual Unit exclusively. There are various reasons for water intrusion and/or resulting water damage. Owners are responsible for repairing or replacing any personal property that is damaged. Each Owner or resident that desires to be protected with regard to recovery of costs in a water damage (or fire or other casualty) loss for personal property, an insurance deductible on the master policy, or other related cost, should procure insurance coverage for these things.

1. Roof Leaks – Damage to walls, ceilings and flooring as a result of roof leaks is covered by the Association. The Association will make every good faith effort to match patching and painting to existing conditions. Repairs will be limited to the areas affected.
2. Window and Door Leaks – Windows and doors are the responsibility of the unit owner. Owners must keep weep holes clean in order for accumulating moisture to run out. Failure to keep weep holes open results in damage to window sills and insets. The area underneath patio doors is another source of leaks. These areas should be checked and sill plates and/or caulking replaced as necessary. Dry rot and damage to walls, flooring and sills related to leaking windows is not covered by the Association. Front door leaks are usually a result of failed weather stripping or a missing threshold, both of which are the homeowner's responsibility.
3. Wind Driven Rain – Rain can be driven into windows, doors, through siding, or vents. Often, a vent blows off the bathroom or heater jack on the roof allowing a small amount of water to enter heater closets or bathrooms. Damage from wind driven rain is not covered by the Association. Owners are responsible for reporting the problem promptly so the Association can remedy the immediate problem (in the case of vent caps, etc.) Interior damage is the responsibility of the unit owner.
4. Common Area Flooding – The Association driveways are below street level resulting in the possibility of flooding in driveways and garages under extreme conditions. These conditions include massive amounts of rain and coincidentally, the failure of one or both of the existing sump pumps. The Association is not responsible for damage to any items stored in garages and/or storage areas that may be affected by such flooding. We recommend using pallets to keep belongs off the ground.
5. Sewer and Drain Overflows – The Association is not responsible for damage to walls, ceilings, flooring, or personal property as a result of sewer and drain backups or overflows. In general, four units share common plumbing lines. The cost of clearing lines will be paid for (or reimbursed by) the HOA, provided the blockage is located in common lines and not in a unit toilet, sink or disposal line. In that event, the cost of clearing the blockage will be charged back to the owner.
6. Bathroom and Kitchen Leaks – Frequently, leaks occur in a unit due to a failed cartridge inside the bathroom shut off faucet, lack of caulking around tub/tiles, or a faulty tub overflow or shower pan which allows water to leak into the kitchen, the foyer immediately outside the front door and/or the garage. All structural damage and dry rot from leaking fixtures or long term water intrusion is the sole responsibility of the owner. Owners are responsible for the cost of removing and replacing sheet rock in foyers and/or garages that

result from leaks inside their condo. **NOTE:** If there is a leak in the foyer outside your front door and your home warranty company will likely NOT be willing to remove the sheetrock to trace the source of the leak. Contact the office if you need help to arrange for a contractor to remove/replace these ceilings as necessary BEFORE you call your home warranty company or a plumber.

7. Burst pipes are covered under the Association's insurance policy. They are subject to a \$5,000 deductible, for which the owner is responsible. The Association recommends owners include Loss Assessment coverage in their personal insurance (HO6 policy) as protection against this and other events which may lead to claims against individual unit owners as noted herein.
8. Summary of Responsibility – All water damage within any Unit must be repaired promptly by the Owner of the Unit. Upon notice, the Association shall promptly repair any Common Area water damage. If leaks are reported promptly the chance of mold is greatly minimized. Unless negligence can be proved, the Association is not responsible to make any repairs to or for any damage to a Unit caused by water leaks or water intrusion.

For any damage that is caused by leaking pipes other than Common Area pipes located outside of a Unit, or any appliance tubing, plumbing fixtures, overfilled tubs, clogged drains, or any other identifiable source which is within the responsibility of a Unit Owner, then that Owner shall bear the responsibility to have all of the repairs to the item causing the leak and all resultant damage accomplished promptly. This includes damages to his or her Unit and all damaged adjoining Units. Should a damaged adjoining Unit be repaired by the Owner thereof, that Owner is entitled to seek reimbursement from the person and/or Owner that is responsible for the water intrusion. If the Common Area is damaged, the Owner responsible for the cause is required to reimburse the Association for repairs made to the Common Area.

If the water intrusion is coming from a source that is Common Area, and notice is provided to the Association, the Association shall promptly repair the cause of the intrusion and thus interior damage can be minimized. Failure of the Association to respond in a diligent manner may constitute negligence. Likewise, if an Owner fails to promptly report a leak and there is damage to the Unit as a result of that failure to report, or exacerbated damage for lack of timely reporting, the Owner would be negligent and shall share in the responsibility for the damage. The same applies to any leaks or water damage situations.

Homeowners must make all requests in writing, including a description of the problem and statement of cause, providing documentation as necessary to support their statements. The Board will respond to such requests within a reasonable amount of time and reserves the right to make an independent inspection of the area.