

## **AKW Owner-to-Owner Leak Policy (02/01/2017)**

**Purpose:** Situations where one owner's unit is damaged because of water intrusion from a neighboring unit are considered owner-to-owner issues. The Association is not responsible for the damage nor is it responsible for lending any formal repair assistance to the owners involved. These procedures are to outline for Association employees, its Directors, and its management company to direct them how to respond in these instances.

**Scope:** This procedure address how representatives of the Association should handle owner-to-owner leaks. The Association handles leaks determined to be its responsibility under separate procedures.

**Changes Since Last Version:** This is the first version of this policy.

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### **Procedures**

- When an owner notifies the office of a leak into their unit from another unit, the office will send an employee to their unit to witness the leak and its severity. The employee is then to investigate the leak by going to the adjoining unit from where the leak is most likely emanating. In some situations, the employee may have to visit the unit above for several floors up to pinpoint the originating unit; sometimes the water may be coming from a unit on the side of the unit receiving water.
- The employee is to take reasonable steps to triage the situation and stop or stem the flow of water. The employee's responsibility is to take fair and reasonable actions to stop or mitigate further damage, not to act as a plumber for the purposes of repair.
- The responding employee will notify the owner of the unit from which the leak is originating that it is his/her responsibility to contact a plumber to respond.
- As soon as practical, the responding employee should brief the units affected by the leak what its status is and let them know that they should expect to hear from the office about next steps.
- Following a quick briefing to the residents of the units below, the responding employee should immediately and fully brief the office. The on-duty office employee should promptly enter the incident into BuildingLink's Incident Report feature.
- The on-duty office employee should verbally notify all affected units that they should put their own insurance company on-notice that they may have to file a claim.
- In situations where the leak has only damaged the originating unit and one other unit, the two owners should work together—and with their insurance companies—to settle the matter of damages and remediation.

- In situations where the leak has affected the originating unit and two or more units, the on-duty office manager should contact the management company for assistance with the remediation and with insurance filings.
- Within six business hours of the incident, the on-duty office staff should reach out to the affected owners in-writing, either via email or hardcopy letter. The communication should remind them that they should be in contact with their insurance company. It should also remind them of the importance of remediating the moisture as a defense against the development of mold or other moisture-related problems.
- When there is a rental unit involved, the building office staff must notify the off-site owner of the incident and provide verbal guidance on next steps, as outlined here.

### Additional, Important Information

- Owners must proactively contact a plumber of their choosing to address leaks originating within their own unit. They should not delay responding and they should not expect Association employees to act as plumbers or to diagnose their issue. As stated above, the employee's responsibility is to stop or stem the flow of water insofar as they are able.
- It is presumed that employees will always use reasonable judgement in responding to owners' and residents' issues and concerns.
- Employees are not authorized to offer repair services to individual owners except as outlined in the In-Unit Services Program document dated 25<sup>th</sup> June 2013.
- Employees are strictly forbidden by the Association Personnel Policies from performing work for owners for which they receive direct payment. If employees perform such work they are eligible for disciplinary action up to and including termination. Consult the Personnel Policies for more information.
- Leaks found to be the responsibility of the Association—that is, those emanating from common elements—remain the responsibility of the Association.



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