

## **Condominium Leak? Who is responsible?**

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Leaks represent one of the most common issues affecting condominium unit owners. If you've experienced a leak in your condominium, you know there (unfortunately) is almost never a straightforward or consistent process. "What steps should I take?" "Who is responsible for paying for the repairs?" "Is it the leak-er, the leak-ee, or even the association?" These are just some of the questions that come up during a situation involving water damage.

### **What steps should I take?**

If you experience a leak, the first step is to shut off the main water supply to your unit. It is important to always know where the shut-off valve is located. If you are using a property management company, make sure they're also aware of it's location. Immediately shutting off the water could be the difference between a few small spots of water damage or extensive drywall damage and sopping wet carpets. Shutting off your water will help you figure out if the leak is coming from your unit or your neighbors.

Once the water is shut off, assess the area. If the leak stops, this means you are the leak-er. If the leak continues, you are the leak-ee. Immediately contact the surrounding units – above, behind, and beside. At this time, you should also contact the Association's office. They are able to provide assistance in contacting your neighbors and even recommending a licensed plumber.

Common leaks for you and your neighbors to look out for include, but are not limited to, pin-holes in copper pipes, tub or toilet seals, decaying tile grout, hot water heaters, washing machines, and clogged A/C condensation drain lines. We recommend that you contact a licensed plumber to help you identify the source of the problem.

### **Who is responsible for paying for the repairs?**

Once the source is determined, it is important to carefully review the documents that govern your Condominium Association. Certain documents provide for the Association to only be responsible for water lines up to the point where they 'split' to service individual units. To further explain, if the leaking water line ONLY services your unit, it is your responsibility to address the repair. In some Associations, the documents are not

as specific and provide that The Association is responsible for any water pipe contained inside the walls of the condominium structure.

The repair of the leaky pipe is usually relatively straightforward. The question becomes: “who is responsible for the damage in the unit?” (furniture, drywall, cabinets, floors, etc). As a general disclaimer, we recommend that you contact your insurance company and attorney for specifics related to your situation. However, the standard procedure affirms each individual unit owner is responsible for damages within their unit (from the drywall in). In simpler terms, if the unit above yours experienced a water break, and your unit was unfortunately damaged due to the leak, you would still be responsible for the interior damage of your unit. The same would apply to others affected by the issue. The association is typically responsible for repairing/replacing the drywall. However, individual unit owners are responsible for the paint and texture once the new drywall is in place.



An exception to the scenario described above would include negligence on the part of an owner to maintain the components within their individual units. If negligence is found, it is possible the owner of the unit responsible for the leak could be responsible for the damages caused to other units.

As a general rule, once you identify the issue, and depending on the extent of the damage, you should consult with your attorney and insurance company right away.

Lastly, as a homeowner, it is important to familiarize yourself with [FSS 718.111, Condominiums – The Association](#), as well as your Association’s governing documents. These documents can be requested from your condominium’s management company.



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