

**POINTE TOWERS CONDOMINIUM ASSOCIATION
SPECIAL MEETING OF THE BOARD OF DIRECTORS**

November 15, 2018

December 8, 2020 Clarifications

Owners:

The Board of Directors continue to move forward with the Board's duty of maintenance, repair and replacement for common elements (i.e., more recently the cleaning, lining and repair of the underground lateral and sewer stack pipes). As part of this duty, the Board is notifying unit owners of unit owner responsibilities; that unit owners should move forward with their responsibility; if not, the unit owner will be negligent and responsible for such damages that may occur.

Please find attached the opinion letter from Karins Engineering Group which will be presented to the Board for acceptance. This letter recommends the Association make each unit owner aware of the foreseeable issues and remediation as well as related costs with the unit owned plumbing systems component.

Below are examples of some issues that are foreseeable and/or have occurred (not all inclusive).

COPPER PIPING

If the copper piping is a common element main water line, it is the responsibility of the Association. If it is a branch of the line behind the wall, going into a unit owner's unit and only servicing that unit, it is the unit owner's responsibility.

If the main water lines cause a problem and drywall is damaged, that is the Association's expense. The Association is not responsible for cabinets, counters, floors, wall paper, or appliances. If it is a unit owner's branch pipe that breaks, the drywall is the unit owner's expense if the drywall is torn open by the owner to repair. However, if the drywall is damaged because of the upstairs fault of the owner, the Association may be responsible if repair is necessary and the unit owner above either has no homeowner's insurance on their HO6 coverage or refuses to pay. The law requires that the Association may have to pay for the drywall, but it would have the right to sue the upstairs unit owner who caused the damage, pursuant to Florida Statute Chapter 718.303.

SEWER PIPES

If the sewer pipes service the entire building, they are the responsibility of the Association, such as the stack. If it is an individual line servicing an individual's toilet, or it is a similar branch line from the main sewer stack, or it is an interior pipe, i.e., it leaves the wall of the unit and enters the unit, it is the unit owner's responsibility. If pipes that service only a unit break and damage another unit and it is negligence, then it is the unit owner's responsibility who is negligent. The Association may have to pay for the drywall, but has the right to file suit against the unit owner who was negligent.

CAST IRON SHOWER DRAINS

Cast iron shower drains are the responsibility of the unit owner.

WASHING MACHINE PLUMBING

Washing machine plumbing not properly installed is the responsibility of the unit owner.

ICCP SYSTEM

The ICCP system is the responsibility of the Association, unless the unit owner has been negligent in not maintaining it properly or damaging it.

HVAC LINES

A unit's HVAC line sweating through the wall of another unit, is the unit owner's expense whose line is sweating through another unit's wall. If a unit owner remodels and damages that line, the expense is that of the person who damaged the line.