

Harbourside Master Villas Guidance:

Repair of Polybutylene Water Supply Pipes

Purpose

To inform Unit Owners about the responsibility and repair and of polybutylene water supply pipes.

Policy

When polybutylene pipes or fittings connecting those pipes to one another or to any fixture or drain in a Unit fail and/or leak, the Unit Owner will be responsible for:

- 1) All costs associated with providing full and complete access to said pipes or fittings to the Association, such as removal of drywall and insulation covering said pipes and fittings.
- 2) All costs of providing access, replacing drywall and insulation, repainting and any other repairs necessary to return their unit to its previous condition
- 3) Any costs incurred to repair and part of the Unit Owner's floor which the Declaration of Unit Ownership designates as owned by the Unit Owner.

Upon Unit Owner notification to our management company when failure and/or leak occurs and when complete access has been established by removing drywall and/or insulation covering said pipes or fittings, the Association shall authorize at its' sole discretion payment for replacement of polybutylene pipes or fittings that are easily accessible.

Water Supply Line Maintenance Recommendations for Unit Owners

- Unit Owners are advised to avoid touching the water supply lines in the crawl space or in the interior walls or floors of their unit due to the potential of damaging the pipes.
- If Unit Owners replace a water line at your hot water heater, use copper or stainless steel.
- If a tenant or Unit Owner plans to leave the unit unattended for a day or so they should shut off the water supply line at the valve clearly marked. Cut off valves are on the exterior front wall in the crawl space. The pipes come up from ground into these valves at about 4-foot level on the inside of the exterior wall in the crawl space by the entry door. If there is a leak in your water line, immediately turn the valve off until a repair is made. You may also use a plumber's key to turn off your water at your meter located under the building.

Background

The Association has made the decision to bear the cost of the above repairs in its sole discretion as outlined in the cited declarations below, and policy. This decision by the Board of Directors of the Association to pay these expenses pursuant to this policy shall in no way:

- A) Constitute or be interpreted to constitute the assumption by the Association of any legal responsibility to pay these or any other expenses;
- B) or for the Association to incur legal responsibility for any consequential damages which arise or may arise from any leak, failure or repair, or to in any way created any legal rights or responsibilities between the Association and Unit Owners which does not already exist pursuant to the provisions of the Declarations or the operation of applicable law;
- C) to alter any legal rights between or among Unit Owners regarding damage to any Unit arising from a leak of or failure of polybutylene pipes or fittings located in or adjacent to any other unit;
- D) to alter in any way the operation or application of any casualty loss insurance related to any damage to any Unit.

This policy may be amended from time to time in the Association's sole discretion upon ten (10) days written notice to all Unit Owners.

6100 and 6200 buildings were constructed using polybutylene water supply pipes. This type of piping was later deemed defective and a class-action suit was brought against the manufacturer. At that time, Unit Owners voted and declined to participate in the class-action settlement to replace these polybutylene pipes.

Water supply lines start at the water meter boxes located in the ground under the first-floor decking, directly behind the front stairway of each building. Each water supply line goes to a hot water tank, usually located in the crawl space beneath each building, then directly onto each unit. Individual water supply lines are owned by each Unit Owner.

The HVM Association has in recent years undertaken the repair of broken supply lines. Our Homeowners Declaration does not require this (see The Guidelines from our Declaration at the end of this policy). Alternatively, if there is a storm damage to lines or water heaters in the crawl space or common areas, our HWM Association insurance, paid for by the Association, may provide coverage, regardless of who owns that particular water heater, pipe or furnace.

Guidelines from our Declaration of Unit Ownership:

Article XIII. II. C sets forth the relative responsibilities for Reconstruction and Repair After Casualty. That section states that if the damage is only to those parts of a Unit for which the responsibility of maintenance and repair is that of the Unit Owner, then the Unit Owner shall be responsible for reconstruction and repair after damage or casualty. In all other instances, the responsibility of reconstruction and repair after casualty shall be that of the Association.

Article XV.B. (1) provides that Each Owner Unit agrees to maintain his Unit and all interior surfaces within his Unit (such as the surfaces of the walls, ceilings and floors), whether or not a part of the Unit or Common Elements, in good condition and repair; to maintain and repair the fixtures in his Unit; and to pay for any utilities which are separately metered to his Unit. Subsection E of this Article provides that the Association shall be responsible for the maintenance, repair and replacement of the Common Areas, including but not limited to all property not required to be maintained, repaired and/or replaced by the Unit Owners. The remainder of this section gives the Association some latitude **in its' sole discretion**, in arranging for repair of certain items for Unit Owners.

Article XXI. A. provides that the Unit Owners shall not be deemed to own the undecorated and/or unfinished surfaces of the perimeter walls, floors and ceilings surrounding their respective Condominium Units. The Unit Owners shall not own pipes, wires, conduits, or other public utility lines running between or through their respective Units which serve more than one Unit. That would include the sewer pipes outside the boundaries of each unit. These items are part of the Common Areas. Each Unit Owner, however, shall own non-load bearing walls, floors, and ceilings including plaster, paint, wallpaper, etc. All load-bearing walls, sub flooring, floor joists and other flooring components other than the finished surface of all floors in each Unit, and the roof of each Building are Common Areas.