

Roof Leaks

Huntington Homeowners' Association

Legal Opinion on Roof Leaks

The following is the text of a letter received from the association's lawyer on the question of liability for interior repairs that are caused by a roof leak.

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THE HUNTINGTON HOMEOWNERS' ASSOCIATION, INC. c/o Board of Directors 350 2nd Street North #28 St. Petersburg, FL 33701

Re: Scope of Association Liability for Interior Home Damage from Roof Leak

Dear Board of Directors:

This letter is in response to your inquiry regarding whether the Association has any responsibility or liability for damage to the interior of a home, which results from a leak in the roof. I have reviewed the Association Governing Documents, and my findings and conclusions are as follows:

1. The Declaration of Covenants, Conditions, Restrictions and Easements of the Huntington, Article II., Section 9.(a), provides that the Association is responsible for maintenance upon each Lot, including "the exclusive right to painting, repair and replacement of exterior building surfaces and roofs."

2. The language of the Declaration specifically limits the Association's obligations and responsibilities to the exteriors of the homes. The interiors of the homes are specifically the obligation of the individual owners to maintain, repair and replace.

3. Article V. of the Declaration provides that the Association is responsible for insurance only on Common Areas. Article V., Section 4, provides in part as follows:

Section 4. Insurance on Lots. Each Owner of a Lot shall obtain insurance coverage upon the Lot insuring the dwelling unit located thereon . . . Such coverage shall afford protection against:

(a) Loss or damage by fire, hurricane, tornado, wind-storm, and other hazards covered by a standard extended coverage endorsement, and

(b) Such other risks as from time to time shall be customarily covered with respect to buildings similar in construction, location and use as the buildings on the land . . .

4. The individual owner has an absolute obligation to report a roof leak to the Association. If the owner waits six months to do so, that is not the responsibility of the Association. Further, as long as the Association takes action to repair the roof within a reasonable period of time, as soon as possible after being notified of the leak, the Association has no liability for any interior home damage which arises, even if the damage is caused by the leak in the roof. If the Association were put on notice of a leak, but failed to take action to get the roof repaired, and damage occurred in the home, there is a possibility that the Association would have some liability for the damage.

In summary, the Association is not an insurer for the individual homeowners. Although the Association maintains and repairs the roof, leaks which occur between maintenance periods must be reported to the Association. The Association has no liability or responsibility for damage to the interior of a home:

a) if the damage occurs because an owner delays in reporting a leak; or b) as long as the Association takes prompt action to make repairs as soon as possible when it is notified of a leak in the roof.

When you have had the chance to review this letter, please let me know if you have further questions, or if I may be of additional assistance.

Very truly yours,

/S/

Ellen Hirsch de Haan For the Firm