

**Plaza South Condominium  
Policy and Procedure  
Hot Water Tank Replacement and Responsibility**

The possibility of hot water tanks in the utility closets of the units at Plaza South Condominium ( hereinafter “Plaza South, Association or Condominium”) leaking constitutes a potential for significant damage to common areas and multiple units, a potential for fire and safety hazards and a potential for serious health issues. In order to inform unit owners of their responsibility to our community to prevent damage the Board has established this policy and procedure for the mandatory replacement of their hot water tank:

1. In addition to all other items within the interior of units and under the control of owners, all unit owners are responsible for the electrical connections, plumbing pipes, pans and hot water tanks that exclusively service their units. Unit owners and their tenants are required to monitor their hot water tanks, and pans for leaks and signs of wear to discover leaks and damage to the hot water tanks that will affect the common areas and units within the Condominium.
2. All unit owners are required to maintain regular (weekly at minimum) inspection of their hot water tanks whether in or out of residence (either through a private person or through the Plaza South Surveillance service, see "Out of Residence" policy below) to insure that there is no water leaking from the hot water tanks, pans or plumbing and they are operating normally. The common signs of problems are seeping of water from the seams of the tank, leaking from the bottom spigot, and water in the drip pan beneath the hot water tank, etc. In addition, the regular inspections must include checking for any mold or mildew in the utility closets.
3. “Out of Residence” Policy shall mean a period in excess of one (1) week. All unit owners are required to inform Plaza South if they will be out of residence for more than one week. All unit owners are required to provide for, at a minimum, weekly surveillance of their units if they will be out of residence for any period of more than a week. All out of residence unit owners are required to turn off their hot water heaters’ electricity and their units’ water supply. Plaza South Unit Surveillance Service is performed weekly (please refer to the Plaza South Unit Surveillance Service Policy and Procedure).
4. The Plaza South Condominium Association (“Association”) shall have the right (without the obligation or assuming any responsibility or liability) of inspecting all utility closets, hot water tanks and pans. If it has been determined that the hot water tank is beyond the

warranty period listed on the hot water tank (or as it may exist) or older or is otherwise in need of replacement, the hot water tank and the pan must be replaced as stated herein before the end of the year that the warranty on the hot water tank is due to expire as determined from the date of the installation or sooner if there are any signs of problems. In the event that the Association detects a failure, leak or other potential problem with a hot water tank, plumbing, pipes electricity, or pan, the Association shall have the right (without the obligation or assuming any responsibility or liability) to shut off the electricity and/or water to the hot water tank. In such case, the Association shall timely notify the unit owner of such action.

5. In the event that the Association determines that a hot water tank is beyond the warranty period listed on the hot water tank (or as it may exist) or older or is otherwise in need of replacement, owners will receive a notice advising them that they must and are required to have their hot water tanks and pans replaced as soon as possible or in the event of failure immediately all as stated herein. Responsibility for any and all damage caused to the unit, the common areas (including without limitation to the elevators, electrical service, by mold and mildew, etc.) or to other units rests solely with the unit owner of the faulty water tank whether they have insurance or not. All costs associated with replacement of the hot water tanks, plumbing, pipes, electrical connections thereto and/or pan is the sole responsibility of the unit owner.

It is suggested, but not required, that unit owners investigate types of alarm systems that alert the existence of leaks. These range from simple, inexpensive devices to more costly, sophisticated devices. These devices have a sensor that is placed in the pan under the hot water tank and sounds an alarm when water is present.

All unit owners must immediately notify the General Manager or Maintenance Supervisor of the existence or possibility of any failure or leak of their hot water tanks, pans or any other systems within their utility closets. All unit owners must notify the General Manager or Maintenance Manager in advance of their replacement of hot water tanks.

6. Once a determination has been made by unit owners or the Association that a hot water tank and/or pan need to be replaced, unit owners must choose a qualified, licensed and insured plumbing company that shall obtain all necessary permits to complete the job. All new hot water tank installations shall include new pans to be installed underneath the new hot water tanks. Copies of all permits must be provided to the Plaza South Office to be placed within the units office file.
7. The Association shall have the right (without the obligation or assuming any responsibility or liability) to correct the common area damage, to aid other unit owners with issues in their units, and to remediate damage including mold or mildew at the unit owners (whose hot water tank caused the damage) sole cost.

8. In the event that the Association determines that a hot water tank is required to be replaced as stated above, the Association shall have the right (without the obligation or assuming any responsibility or liability) to replace the hot water tank, electrical wiring, plumbing, pipes, pan, etc. Any costs related to the repair and replacement of the water tank shall be the sole responsibility of the unit owner and shall be reimbursed to the Association by the unit owner within thirty (30) days. This charge shall be added to the unit owner's maintenance account.
9. **PLEASE NOTE THAT IF YOU HAVE HOME OWNERS INSURANCE YOU SHOULD MAKE SURE THAT IT COVERS YOUR HOT WATER TANK IN THE UTILITY CLOSET.**

### **Plaza South Hot Water Tank Disclaimer, Terms and Release**

Any inspection or service provided by Plaza South to Unit Owners relative to this Policy and Procedure for their hot water tanks or pans is specifically limited as stated below:

Plaza South makes no warranties or representations and accepts no obligation, responsibility for or liability for the working order, condition or efficiency of unit owners' hot water tanks, pans, and /or the electricity supply to the hot water tanks or the condition of leaking from any plumbing pipes that are considered to be the responsibility of unit owners per the condominium documents. Under this Policy and Procedure Plaza South shall not be responsible for or liable for any events, repairs or conditions that may occur that cause any damage to Units or common areas or result in damages, costs or other expenses relative to this Policy or Procedure.

The Unit Owner shall release Plaza South from any liability, responsibility or costs involved with any matter involving any event, repair or condition that may result in any damage to said unit or hot water tank, electrical wiring, plumbing, pipes and pan, etc. other than as specifically described above. The unit owner shall waive any right to file a claim against the Plaza South's liability insurance policy hereunder.

Any damage, repair or replacement to the hot water tanks, electrical wiring, plumbing, pipes and pans, etc. as described above (except as specifically otherwise stated) shall be the responsibility and liability of unit owners. The unit owners agree that any insurance claim regarding such damage, repair and/or replacement shall be made to, against and under the unit owners' homeowner insurance policies and not against Plaza South's liability policy.

Approved Plaza South Association  
March 18, 2019