

**FAIRLINGTON GREEN CONDOMINIUM
COUNCIL OF CO-OWNERS**

POLICY RESOLUTION NO.08-01

(Water Damage, Leaks and Sewer Backup Liability)

WHEREAS, pursuant to Article IV, Section 2 of the Bylaws, the Board of Directors is vested with the power and duties necessary for the administration of the affairs of the Council of Co-Owners ("Council") and with the powers to do all such acts and things as are not by law or the Bylaws directed to be exercised and done by the Co-Owners; and

WHEREAS, the governing documents of the Fairlington Green Condominium require that the Council of Co-Owners maintain and repair the common elements and require that each Co-Owner maintain his own condominium Family Unit ("Unit") in good repair; and

WHEREAS, Article VI, Section 2(d) of the Amended Bylaws provides, in part, "...*the Council shall not be liable for any damages to the Family Units or property therein due to causes originating in or through the common elements unless the Council's negligence was the sole cause of such damage and then only to the extent of available insurance proceeds except in the case where such damages were caused by the gross negligence or reckless acts of the Council.*" and

WHEREAS, there is a need to clarify responsibility for damages associated with water penetration, plumbing/sewer backups and related losses that may originate in Units or the common elements, but which cause damages to the Units and personal property therein; and

WHEREAS, this policy affirmatively rescinds *Policy Resolution No. 1, Water Penetration.*

NOW, THEREFORE, THE FOREGOING RECITALS INCORPORATED HEREIN BY REFERENCE, BE IT RESOLVED THAT:

1. Water Penetration/Plumbing-Sewer Back Ups/Inter-Unit Leaks: Subject to any available insurance proceeds under the insurance policies maintained by the Council, the Co-Owner of any Unit is solely responsible for repairing any water damage, leaks or sewer back-ups to his or her Unit and related property regardless of whether the cause of such damage originated as ground water or otherwise through the common elements or any plumbing, conduit or piping located thereon or in any Unit. This includes, but is not limited to, ground water entering Units through slabs, foundations, windows, etc.

2. Insurance Proceeds: The Council shall maintain a master insurance policy covering damages to Units and the Common Elements for certain water-related damages and may administer the allocation of such insurance proceeds as the Council may receive (including responsibility for any deductible under such other Council policies as may govern the same). However, in the

absence of insurance proceeds, nothing shall obligate the Council to pay for repairs or damage to any Unit or associated damages except in instances where such damage was due to the gross negligence or reckless acts of the Council.

3. Negligence/Fault: In the event damage to the common elements or Units is caused by the fault or negligence of a Co-Owner (or his or her tenants and their respective family members, guests, agents, contractors, licensees or invitees), such Co-Owner shall be responsible for related costs and damages which may include the insurance deductible under the Council's master insurance policy, management charges and legal fees. Individual Co-Owners must seek redress for damages to their Units directly from such negligent Co-Owners.

4. Individual Insurance: Co-Owners are strongly encouraged to obtain and/or maintain individual insurance on their Units and personal property and to seek available coverage for master insurance deductibles, sewer back up, etc.

ADOPTED by the Board of Directors this 24 day of July, 2008.

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COUNCIL OF CO-OWNERS

By: 

Stacey Knobler, President