



Lakewood Park Condominium Association, Inc.  
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## CONDOMINIUM MAINTENANCE RESPONSIBILITIES

Condominium ownership offers many benefits and at the same time there are many responsibilities, especially when it comes to issues involving maintenance. The question of who is responsible for the maintenance of different components of the property can be confusing and complicated. The governing documents of the association as well as Florida Statutes usually determine the areas of responsibility. Here are the repair and replacement obligations of different areas of an Owner's unit.

### **MAINTENANCE AREAS**

Basically, there are three defined maintenance areas and who is responsible:

<p><b><u>COMMON AREAS</u></b>          Areas used by the entire community. These include the pools, spas, tennis courts, building roofs, building exteriors, landscape, etc.</p> <p><b><u>LIMITED COMMON ELEMENTS</u></b>          A portion of the common areas designated for the exclusive use of one or more, but fewer than all of the owners. <b>EXAMPLES:</b> exterior doors and frames, windows, screens, telephone wiring</p> <p><b><u>INDIVIDUAL UNITS</u></b>          Defined in our documents as the walls, floors and ceilings being designated as the boundaries and anything contained within those boundaries.</p>	<p>The Association is responsible for the maintenance of the common areas</p> <p>In most cases, the Unit Owner is responsible for the maintenance of their own Limited Common Elements. The Association maintains any Architectural authority. For instance, a balcony or patio is considered a LCE, however the Association can create and adopt rules pertaining to what may be stored there</p> <p>A Unit Owner is responsible for the repair and maintenance of his or her Unit</p>
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### **WHO IS RESPONSIBLE?**

When determining the entity responsible for the repair and replacement of damaged property, the first question to ask is:

### ***WHAT EVENT CAUSED THE DAMAGE THAT NECESSITATES THE REPAIR AND REPLACEMENT?***

In these situations, there are two types of events, Insurable and Non-insurable.

**INSURABLE EVENT:** This damage is caused by events such as fire, lightning, tornado, hurricane or sudden pipe burst. When damage occurs from an insurable event, the Condominium Act (Florida Statute 718), controls who is responsible. Typically, the Association is responsible for everything except all personal property within the Unit or Limited Common Elements.

***ESSENTIALLY, THE ASSOCIATION IS RESPONSIBLE FOR THE DRYWALL OUT***

**NON-INSURABLE EVENT:** This damage is caused by events such as a slow-leaking pipe, tub drains, toilet leaks, appliance line leaks. When damage occurs from a non-insurable event, the Association's governing documents control who is responsible. The Unit Owner is responsible for everything contained within the unit including floors, walls ceiling coverings, electrical fixtures, appliances, water heaters, built-in cabinets, and countertops, and window treatments.

### **EMERGENCY MAINTENANCE**

Emergency maintenance is defined as a situation where there is a current or imminent threat to personal safety or property from a common source. Some examples could be a roof or plumbing leak – either from the roof, if it is raining, or from a common area plumbing supply line. In this situation, the Association should be contacted to make the necessary repairs.

Water leaking from the back of a toilet, or under a sink is an emergency, but not a current or imminent threat. **AN OWNER OR RESIDENT SHOULD CONTACT A PLUMBER IMMEDIATELY**, after shutting off the water source. The Association is not responsible for this type of plumbing emergency. **As the owner of your individual unit, this is your responsibility.**

If you have water entering your condominium unit from above or beside you, and it is not raining, the first step is to immediately attempt to contact your neighbors and ask them to check the plumbing fixtures in their unit. There may be a plumbing leak and they may not be aware of it. **ONCE AGAIN, WE WOULD LIKE TO EMPHASIZE, TURN OFF THE WATER OF THE UNIT CAUSING THE LEAK.** By taking this action first, the resulting damage will be less significant. If no one is home, you should then contact the Association Office:

**BUSINESS HOURS (9:00 a.m. – 4:00 p.m.) (407) 260-1632  
AFTER HOURS (407) 788-6700 and follow the prompts**

### **NEGLIGENCE, INTENTIONAL ACTS, OR FAILURE TO FOLLOW ASSOCIATION RULES**

*In reference to Florida Statute 718.116, regardless of the type of event, if it is determined that the damage has been caused by the negligence, intentional conduct, or failure to follow the Association's Rules and Regulations by a Unit Owner, guest or tenant, the Unit Owner will be held responsible for the cost of repair or replacement of **ANY** portion of the Condominium property.*

### **INSURANCE**

A final note about insurance responsibilities. Our governing documents require all owners to purchase their own insurance policy for their unit. These policies are known as HO-6 policies. It is very important for owners to carry insurance for several reasons. For example, this type of policy covers items not covered by the Association's master policy that may be your responsibility, such as the interior items and personal property of your Unit. Regardless of the type of event, a Unit Owner should contact their insurance carrier when an event occurs so the determination can be made whether it will be covered.

This letter has been researched and prepared with the assistance and endorsement of the Association's legal representation as well as its insurance carrier. We hope that it will be of help to all Owners should they experience any of these situations. If you have any questions, please feel free to contact the Association Office.