

This Water Intrusion Policy is being published for community comment. The Board of Directors gave it a “first reading” at its March 31, 2021 General Session.

And it has been reviewed by our attorney and insurance agent.

It is now being sent out to the community via this webpage and also the May Hilltop Highlights. Our community is asked to study it and forward any questions or comments to the Board via email (oceanapresident@gmail.com) or during the homeowner comment portion of the Board’s May General Session.

After receiving community input, the Board has scheduled the vote on this policy for its May meeting.

Water Intrusion Policy

CC&Rs 2.9. Notification and Liability of Association Regarding Water Intrusion

The Association’s Water Intrusion Policy will determine liability in the case of water intrusion damage.

Every Member of the Association owns a Fee Simple private lot that is inclusive of the Member’s dwelling footprint and usually some of the particular appurtenances which also are within the lot’s boundary, such as an atrium, patio, porch, entry area, carport and garage. The parcel boundary extends up past the roof, and down past the footing into the ground. In general, Members are responsible for water damage that occurs within the parcel they own. That is their private property. Homeowners are responsible to maintain their property, clean up after water damage on their property, and repair systems in their control that caused the damage.

The Common Area is the land outside the private lot. Our Association holds fifteen large lots that make up our Common Area under terms of a ninety-nine-year land lease. The Lease with the Oceanside Land Company makes the Association responsible for maintaining systems, structures, and land in the Common Area. The Homeowner is not allowed to initiate work in or modify any portion of the Common Area without permission in advance from the Architectural Committee and Board of Directors.

Most utilities and other systems, such as sewers, walkways and driveways run through the Common Area before they enter the Homeowner’s private property. Exhibit C of our CC&Rs delineates the particular points in each system where responsibility changes from Association to the Homeowner, or the reverse of that. The listings below are taken from Exhibit C, which Homeowners have voted to accept as part of their Governing Documents.

Responsibilities of the Homeowner

According to Exhibit C, water intrusion damage within private space in control of the Homeowner is Homeowner responsibility. More particularly Homeowner responsibility includes:

- Drains – bathtubs, showers, sinks, laundry, toilet

- Gutters & downspouts – components above ground
- Water damage in the dwelling due to a clogged downspout or leaves in the gutter
- Landscaping in enclosed yards/patio
- Storm drain within parcel boundary of the atrium
- Plumbing lines – interior/owner-modified exterior
- Plumbing lines – domestic water service in common area up to Association shut-off valve
- Roofs on dwelling units – including fascia board
- Sewer lines – interior dwelling to the Association clean-out
- Windows and doors – glass, flashing/waterproofing,
- Water Heater
- The homeowner will also be held responsible for damages if intrusive water has been allowed to sit for 14 days or more without proper attention.

Responsibilities of the Association

In general, water intrusion damage to an Association-maintained system is a responsibility of the Association. Association responsibilities include:

- Existing drains and drainage systems throughout the common area (e.g. ditches, catch basins, and all below ground components)
- Cement block retaining walls
- Curbs & road drains
- Landscaping and irrigation in the common area
- Plumbing lines outward from the homeowner's shut-off valve
- Sewer lines – beyond the homeowner's clean-out to main
- Stucco repair & replacement

Water damage may be covered by either or both homeowner and association insurance when the occurrence is sudden and unforeseen. Coverage for water intrusion is shared by both insurances for any damage covered by that policy. Please be aware that both policies have deductibles that likely apply to damage claims. Homeowners are advised to contact their agent to ensure their policy includes sufficient coverage under property coverage or loss assessment to provide for the expense to the homeowner for the association deductible (currently \$25,000).

The CC&Rs provide the Board with flexibility to address water intrusion damage which allows for this policy to be adjusted if a new class of problems or a change of conditions occurs.