



Policyholder Question about Condo Association Declaration Changes Regarding Old Water Heaters

Q. Our association has an issue with water heaters that are original, 15+ years old. Multiple tanks have failed over the last several years. Luckily, I was able to contain the flooding before any significant damage occurred. I have posted and sent notices to all owners requesting that they change out their old heaters. I still have a few that do not take this issue seriously. Do you have any advice with Declaration changes that require water heaters to be replaced every 10 years on pros and cons that may influence my recommendation to the board?

"These water losses are a nightmare for association boards and units owners. You are likely to have damage to both unit owner and master association property and have everyone pointing fingers as to who is responsible."

A. You should be commended for taking this proactive step to get ahead of a potentially serious claim liability. My experience has been that these water losses are a nightmare for association boards and units owners. You will have both unit owner and the master association property which will likely be damaged in the same unit and have everyone pointing fingers as to who is responsible. A bad situation has been made worse by Tallahassee insurance regulators who have been beaten down by the insurance lobby to get a form change that says any water loss over 14 days old is excluded. They are even saying the FIRST 13 days might apply! This policy change is very bad for condo owners in Florida given that so many are part-time residents and may not be aware of leaks that can start out slow but likely will ruin unit owner and common area property very quickly.

So to put in place a policy or requirement to periodically change-out problematic appliances that are the root cause of many water disasters is sound judgment and gets ahead of the problem. In fact, you would think the insurance underwriters would require this plan as a condition of insurance.

If you have an insurance claim question please [contact us](#). It may appear in the next newsletter.