

## **Mold and Mold Remediation Part II**

The issue of mold and mold remediation is such an issue today that we felt it important to continue with the responsibilities of remediation, especially to those who reside in attached housing such as a townhome or a condominium.

The challenges of community living with adjoining walls and ceilings can turn common areas into common nightmares. The cause of mold is always moisture. That moisture can enter the envelope of the building in many different ways. It can be a very small, very unnoticeable roof leak, a leaking window, a crack in the stucco, a lack of waterproofing due to old paint on the exterior of the building, a leaking plumbing pipe or other related plumbing issues such as broken wax rings in toilets or leaking or broken waste water lines in showers or tubs or leaking shower pans. All of these provide the main source for the beginning of mold – moisture.

The problems specific to condominiums concerning water damage and mold can and do become convoluted. Leaks resulting from plumbing within common walls affecting individual and/or adjoining units are just one of the problems for condominium structures. Unlike an apartment or a single family home where the landlord or the owner would be responsible for repairs, water damage in condos can become a no mans land of responsibility. Certainly there are landlords as well that may ignore a tenants report of leaks and mold, however, the difference in a condominium is that, while you may own the condominium, you oftentimes have little to no control over many aspects including repairs.

Condominium insurance policies, for the most part, specifically exclude mold as a claim. This is due to the fact that most mold occurs from water intrusion and unless it is wind driven from some kind of storm or relates to other damage as a result of a covered event, then the repairs are going to be left to the owner and the Association.

Most unfortunate is when condo associations, in a misguided attempt to protect property values, conceal extensive problems of mold. By attempting to conceal these problems, it inadvertently causes the problem to worsen. Most homeowners not even realizing that a serious problem is taking place within the building need to be notified and educated in what to look for and report. If mold is growing inside the walls due to a moisture problem and it is not dealt with, it continues to grow and grow right into adjoining units. Even if an association or an owner remediates one unit, problems in adjoining units may cause recontamination.

All repairs and remediation is not necessarily the entire responsibility of the association. Owners in condominiums will share in the cost of repairs and remediation. More often than not, the battle can begin when a board fails to recognize and treat the problem when they first learn of it. A board's resistance to correct the problem, let alone acknowledge that a serious problem even exists, can further exacerbate the situation.

In dealing with damages that result from the common areas it is important to first thoroughly understand what is meant by the term "common". There are many complexities to this in a condominium structure. Each owner should familiarize themselves with their own associations governing documents, specifically their CC&R's regarding the sections concerning "common" and "common area."

Be clear and concise when reporting an issue. Document the problem in writing to the Board. Owners should make the first attempt to mitigate damages by calling the appropriate service provider to investigate the cause of the problem, whether it be a plumber, an HVAC specialist, or other expert to make sure the problem is not one they are responsible for. Read and understand your own insurance policy for coverage that you may carry.

In essence, the integrity of your condominium can depend upon the integrity of you, your association, your board of directors, the property manager, maintenance employees and vendors.