

ROOF GUTTERS, DITCHES AND DRAINAGE SWELLS

By: Sara E. Barry, PCAM – UNLV Certified Paralegal

Gutters? Who has gutters in Southern Nevada? A lot of homes have gutters in Southern Nevada and they can be one of the most overlooked components that a Community Manager may forget to check in the Spring and in the Fall. A majority of the homes don't have gutters, which is silly, but the manager needs to really be on top of this area.

Gutters have to be cleaned out to channel water away from the home. If you don't clean out gutters, the water will backup onto the roof and cause roof leaks.

When taking on a new property, a serious inventory of components should be taken by the Community Manager by a thorough physical inspection. Do they have gutters? Do they have any flood channels running through the property? Do they have ditches or drainage areas that must be maintained? The initial plans drafted by the Developer may show these areas on the Plats or landscaping plan.

In the serious 100 year rains in 1989 in the San Francisco Bay area, an E-mail confirmation sent to the Manager by the President confirming that he had verified that the Landscaper had cleaned out the V-ditches (drainage ditches installed on all hillsides by the Developer) and the gutters kept my management company out of a lawsuit.

Flooding occurred on the property when the v-ditches could not hold any additional water during that 100year rain fall. They overran into a couple of properties causing damage to one home. That owner sued the Association for failing to maintain the v-ditches. That E-mail to the Manager from the President stating that he had inspected them and they were clean one week before the flood saved the Manager and the Association.

Gutters, drains and v-ditches are installed for a reason and must be cleaned out on a regular basis. Put it into one of the reliable service provider's contracts, which requires them to list the cleaning separately on an invoice, even though it may be included in the invoice in the lump sum. This will make them think about doing it, document doing it and possibly save the Manager and the Association from a serious claim.

If your company uses an inspector to do the job for the Community Manager in this area, make sure that this area is documented with the inspector at a staff meeting where everyone discusses the important of these inspections and verifications that the services have been provided.