

## Ephrata condo residents may have to spend thousands to replace pipes [Lancaster Watchdog]

LUCY ALBRIGHT | Staff Writer Sep 15, 2024



Andrew Boyer shows the Quest pipes that are connected to the water heater in his Ephrata Borough home Thursday, Sept. 12, 2024.

BLAINE SHAHAN | Staff Photographer

Faith Dieterle says the pipes in her Ephrata Borough condo have worked fine over the nearly five years she's lived there. But she and other residents of Westpointe Ridge Condominium may have to spend thousands of dollars to replace the pipes in their condos, or risk increased fees and even possible legal action.

The reason? An inspection performed for the 50-unit complex's insurance carrier found that two units contained Quest piping, also known as polybutylene piping, according to a letter sent to residents in July. The plastic piping is prone to becoming brittle and flaky, which can lead to leaks and can cause the pipes to burst under high pressure, according to Loretta L. Worters of the Insurance Information Institute.

The letter — dated July 12 and sent by Maryellen Chenoweth, association manager at Horst Property Management — gave what at least some residents understood as an ultimatum: replace the pipes to avoid the condominium complex being dropped by its insurance in 2025. Horst Property Management is contracted by Westpointe's homeowner association's board of directors to handle administrative duties, said Lori Van Gorden, vice president of operations real estate management at Horst Property Management.

"Since the plumbing within the unit is the homeowner's responsibility, the Board of Directors must request that homeowners prepare for and begin having these pipes replaced as soon as possible," the letter said.

Some residents of the condominium complex — a collection of townhomes and multi-unit dwellings located on Westpointe Drive between Lake and East Fulton streets less than a quarter-mile from Route 322 (East Main Street) — have begun replacing the pipes, according to Dieterle and resident Andrew Boyer.

### **‘It should be our choice’**

Boyer said he had a small section of his own pipes replaced due to a leak; however, he said he is not replacing all his pipes, citing money as his main concern. He said two residents near him were quoted around \$7,800 and \$9,200 each to replace their units’ pipes, adding that would just cover the work of opening the walls and replacing the pipes, not repairs to the drywall or paint.

There is another reason Boyer said he is not replacing the pipes in his unit.

“It should be our choice,” he said. “Like, I don’t care if their insurance goes up, I have my own insurance, and it’s for the inside (of the unit). So if I don’t want to do it, I shouldn’t have to do it.”

Boyer said he distributed flyers advertising a private Facebook group for concerned Westpointe residents.

“I just kind of kept to myself, but once this happened I knew I kind of had to do something because there are so many people here that just can’t afford that and can’t do this by themselves,” Boyer said.

When Dieterle was buying her townhome at Westpointe, she had it inspected and no problems were found with its pipes, she said.

Dieterle, who took a break from trimming a rosebush outside her unit to speak with Watchdog, said that she didn’t feel the condominium’s insurance rates were her responsibility.

“And no offense, if they weren’t able to renew their insurance policy, someone’s going to insure them. And if not, that doesn’t sound like a me problem, it sounds like a you problem,” Dieterle said.

Can homeowners associations require residents to make repairs?

Harrisburg attorney Stephen Dzurain says homeowners associations can generally require residents to fix problems that could affect a condominium’s insurance.

Assuming a condominium’s declaration doesn’t say otherwise, an association has the power to impose costs on specific residents if it can show evidence that they’re responsible for making the condominium’s insurance premium go up, said Dzurain, who deals with condominium association law. In practice, that could mean an association fixes the pipes itself and bills the resident, according to Dzurain, who said the declaration is a document that sets the ground rules for a condominium.

Mallory Meehan, an attorney and associate clinical professor of real estate at Penn State University, said that due to natural disasters, insurance policies have become more expensive and companies have become more selective about who they insure and what situations they’ll cover.

“A lot of that is stemming from, you know, hurricane damage from Florida, tornado damages in the Midwest, you got the fires in Maui, like, all of those things combined,” Meehan said.

Meehan said it’s plausible that an insurance company could end its coverage of a condominium if the pipes aren’t up to standard.

The way condos are insured, each owner has their own interior insurance while the association fee charged to residents pays for the building’s insurance, according to Meehan.

Condo owners typically own the interior of their unit, said Tony Campisi, executive director of Community Associations Institute Keystone Chapter.

At Westpointe Ridge Condominium in Ephrata Borough, owners are all members of the condominium’s homeowners association and share interest in the common areas of the complex, said Lori Van Gorden, vice president of operations real estate management at Horst Property Management, which is contracted by the association’s board of directors to handle administrative duties.

Whether residents can be required to replace pipes depends on the rules of the specific condominium association, according to Dzurainin. It also depends on where the pipes are located, which can affect whose responsibility they are under the condominium's rules and state law.

The rules of most condominiums allow their boards to repair or replace things that could potentially damage other units, said attorney Holly Setzler, who represents condominium associations with regional law firm Gawthrop Greenwood PC. If the owner said no, she said the association could take them to court.

Westpointe's declaration has a provision making owners responsible for problems in their own units that could affect other units, according to LNP | LancasterOnline's review. If the unit owner doesn't do the necessary work, the document said, the association has the power to make the repairs or replacements and impose the cost on the resident.

And as for insurance, Setzler said that if a condominium association loses its coverage, the premium will be "sky high" at the next provider it goes to.

## Legal action possible

More than 30 people attended a meeting on Monday where members of Westpointe's board of directors and Horst representatives discussed the issue with residents, according to Boyer, who said he was in attendance. Dieterle did not attend.

Boyer said a board member and a lawyer who was present told people at the meeting that for the insurance policy to be renewed, the pipes in all 50 units need to be replaced by April 12, 2025. The lawyer at the meeting represented the homeowner association, according to Van Gorden.

Van Gorden did not respond to a request for the name of the insurance provider in time for publication. She also did not provide the name of the lawyer who attended the meeting.

Andrea Bodnari, the daughter of a Westpointe resident and an attendee at the meeting, said she asked whether one resident failing to replace the pipes would prevent everyone from getting the insurance policy. Bodnari said she was told that it would.

"If everyone in the community did not change their plumbing, say there was one person that could not afford \$6,000 on a limited income ... then their insurance still would not cover," Bodnari said.

Boyer said those in attendance were told that an insurance plan that would cover the pipes could cost at least four times more than the \$26,000 the current plan costs. Bodari's account of the meeting backed this up.

Van Gorden confirmed that verbal quotes from several insurance agencies gave a price range of \$100,000 to \$150,000.

A board member told residents that they could see their monthly fees increase if the pipes are not replaced, according to Boyer. Van Gorden confirmed that the fees would rise to recoup the increased insurance costs if residents do not get the pipes replaced by the April 12, 2025, deadline.

And legal action, too, could be an option.

"We hope that everyone will replace their pipes. But if they do not, the association will consider any legal action it has available to it for the good of the entire community," Van Gorden said by email.

Speaking after Monday's meeting, Boyer reiterated that he isn't getting his pipes replaced.

Even if people want to replace the pipes, Boyer said, there are those who don't have the money or don't have the credit to get a loan.

"Either way, our fees are going to go up, because there's absolutely no way that all 50 of these units are going to be done by April 12th," he said.

Bodnari said her mother, who has been in the community since the 1990s, is afraid she'll lose her home. She said she is the acting power of attorney for her mother, who is on a limited Social Security income.

“There would be no way possible for her to come up with \$6,000 ... in order to have this done,” Bodnari said.

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