



Condo Associations Can Require Owners to Provide Duplicate Keys

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Q: Our condominium association would like to institute a program of requiring owners to provide keys to the association. We have had two recent incidents concerning water leaks in units, where the units were left unoccupied by seasonal residents. In one situation, a neighbor had a key to the unit that was leaking, and was able to provide access to the association manager before the leak got out of hand. In the other situation, no key was available and the association manager and maintenance worker were unable to access the unit. They basically stood by for a few minutes while water leaked from under the front door and into the common element hallway. After a few minutes, they forced the door open and turned off the leaking valve, but in doing so, caused damage to the front door and lock. Can the association require owners to provide keys to their units? **R.S. (via e-mail)**

A: The situations you describe are not uncommon, especially during “off-peak” months when many seasonal residents are away from their units. Accordingly, many associations explore the possibility of requiring owners to provide duplicate keys to their units, in the event the association is required to access the unit for maintenance and/or emergency purposes.

The Florida Condominium Act gives each condominium association an irrevocable right to access each unit during reasonable hours when necessary for the maintenance, repair or replacement of any common elements or any portion of a unit to be maintained by the association pursuant to the declaration or as necessary to prevent damage to the common elements or to a unit or units. This right authorizes the association to access a unit for maintenance or emergency purposes. In my opinion, water leaking from under the front door of a unit and into the common element hallway would certainly constitute the sort of emergency contemplated under the statute.

The right of access to a unit does not necessarily authorize an association to require owners to provide duplicate keys to their units to the association. Instead, such right generally stems from a provision in the association’s condominium documents. Preferably, the provision would be contained in the declaration although I have also seen this requirement in an association’s rules and regulations.

There are arbitration decisions by the Division of Florida Condominiums, Timeshares and Mobiles Homes upholding an association’s right to require

duplicate keys from unit owners. Although arbitration decisions are not legally binding precedent, they provide some level of guidance on how similar cases may be decided.

Therefore, in response to your first inquiry regarding unit keys, the answer is yes, an

association may require unit owners to provide duplicate keys to their units, although it would be necessary for the association's condominium documents to contain an express provision along those lines.

Mr. Adams concentrates his practice on the law of community association law, primarily representing condominium, co-operative, and homeowners' associations and country clubs. Mr. Adams has represented more than 600 community associations and serves as managing shareholder of the Firm's Naples and Ft. Myers offices.

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