



Community Association Q&A

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Question – After the 2004 hurricanes, a new roof was installed and the air conditioners on our five story condo were placed on stands. Now, they cause a humming noise in the top floor units. Rubber pads have been installed under the AC units but that did not help very much. There was very little noise when they were mounted on wood 4x4s. The county has no code or answer for this problem. Have you heard of a solution? D.H., Ormond Beach

Answer – The problem you describe is not uncommon, and in the worst case scenario, becomes so invasive as to cause a nuisance which prevents an owner from having the peaceful use and possession of his or her unit. While I do not personally know how best to solve the problem, I do know that there are vibration isolators and other devices which can muffle the noise and preclude it from traveling through the building. The association should hire an expert to find a permanent solution to this problem.

Question – Our documents call for five members on the association board of directors. During the years 2004-05, three vacancies occurred. Each vacancy was filled by board appointment in accordance with our documents. The annual meeting of election of members to the board is the second Tuesday in December. When that date

came around, there were two members previously elected and three appointed, and no new candidates for the board, so no election was held. I don't know whether that was a decision of the management company or those serving on the board. My question is: shouldn't an election have been held to elect the members who had been appointed to fill vacancies that had occurred and to make appointed members duly elected members, or is that just a technicality? I would like an answer since we had vacancies occur this year that were also filled by appointment, and shouldn't their positions be declared legal by vote of the condo owners? (this December) M.D., Daytona Beach Shores.

Answer – A director appointed to fill a vacancy is treated no differently than an elected director, with one exception, the director serves until the next annual election, as opposed to serving the full term of the vacant directorship, if that vacant directorship was for a term longer than one year. Sixty days prior to the election, the association should have sent a notice to all unit owners advising of the date, time and place of the election and inviting candidates to serve on the board. I am assuming that this was done, and that the only 5 individuals who advised in writing, that they were candidates were the 5 then serving directors [the 2 elected and 3 appointed]. That being the

case, 5 directors, 5 candidates, there was no requirement that an election take place.

Question – I live in a rather large condominium complex. Everyone gets along fairly well, except for one couple who make life hell on earth for everyone else, including the condo board. They try to butt into everyone’s business and, in short, are just insufferable. Short of kidnapping them and sending them to the nearest nursing home, what could a condo board do to rid themselves of these trouble makers? Any recourse? Please help as we all are leading terrible lives as a result of these troublemakers. M.H., Fort Lauderdale

Answer – I can assure you that there is at least one clone of the couple you described living in many common interest ownership housing communities. Most residents, largely for their own sanity, learn to ignore the busybody, and not let it destroy the benefits of shared ownership for everyone else. No, there is no recourse such as forcing them to sell. Although, I do know of one community which did buy out a disruptive unit owner with an offer he couldn’t refuse.

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