



Condominium Law Q&A

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Question - Thank you for doing what you do, and for being a place to turn for direction. I am trying to find out what documentation, if any, I am entitled to from the condo association as it relates to the following. I live in a 4 story condo complex in Broward County. The condo association rules and regulations require that tile and wood floors have an underlay of no less than ¼ inch cork with an SPC rating of 55 and above, or a composite sheet membrane manufactured from an acoustically formulated alloy of chlorinated polyethylene with non-woven fabric laminated to both sides. A detailed specification sheet must be submitted to the Association, and approval must be obtained from the Association prior to the installation of any hard surface floor covering. The unit above me installed wood floors. I have not received a satisfactory response from the condo association that the wood floors meet the required specifications set forth in the rules and regulations. The condo association seems satisfied with taking the word of the unit owners that the proper flooring was installed. I would like to know what measures condo associations are required to take to ensure unit owners abide by the specifications set forth in the rules and regulations as it applies to installation of wood flooring. Also, what measures can I take to encourage the association to properly determine whether the proper flooring was installed. When it is time to sell my property, there is a large concern that if the installation of the wood flooring in the unit above does not meet the required specifications,

it could greatly depreciate the value of my property and adversely affect the sale of the property. Since the noise is excessive, it is also a concern that any possible buyers would be deterred by the sound of the unit owners walking above. Prior to installation of the wood floor, the unit owners above verbally told me that someone at the association building, they did not know who, told them there were no special requirements for the installation of wood flooring. When the unit owners purchased the wood flooring, the store asked if there were any specifications required by the condo. The unit owners said no, so the store suggested and sold them the least expensive wood flooring. Unit owners indicated they were going to put an extra layer of tissue layering under the floor just to be on the safe side and would lay a couple pieces of wood flooring, and check with me on the noise level prior to finishing installation. Installation was completed. It is very loud, e.g., when a two year old runs, it sounds like large furniture is being dropped and moved. The unit owners did not check the noise level with me as they indicated they would. The they showed the condo association a piece of floor and padding that was used, after the fact. Padding is a different thickness and color than what the unit owners showed me. In addition, these same unit owners converted the hot water heater to a tankless water heater and indicated that the work was being performed with the proper permits. The city later advised me that a permit was not obtained for the work that was completed. As this does not relate to

the wood flooring, it does show an example of the responsibility level of the unit owners. It appears possible that unit owners showed the condo association a piece of floor and padding that meets the specifications, while what was actually installed is something entirely different. After discussing the situation with the condo association, they said that the piece of floor and padding that the unit owners brought to the office meets the specifications. The condo association indicated that the unit owners said they installed the proper flooring and that the condo association did not want to accuse the unit owners of lying. Is the condo association responsible for ensuring that the wood flooring was installed according to the specifications set forth in the rules and regulations? What documentation am I entitled to from the condo association as it relates to the installation of wood flooring in the unit above? Thank you for any guidance or direction you can provide relating to this matter. C.H., Fort Lauderdale

Answer - I recently acquired a vacation condominium unit. Prior to installing marble flooring, the association required that I provide, not

only the name of my contractor and evidence of both its license and insurance, but also specifications of the insulation to be installed under the marble, which had to meet or exceed building specifications. Every association has an obligation to ensure that the provisions of the covenants are followed. There are numerous cases which have upheld insulation specifications, and when not installed, the courts have even required the removal of the hard flooring (wood, marble, tile) and replacement with the required insulation. I speak of this in my new book, *When Your Home Is Not A Castle, A Survival Guide to Condominium Living*, which I hope to have out later this year. There are sound engineers who can come out and measure the noise level from the unit above and determine if it exceeds permitted limitations. If it does, you might be able to bring an action to abate the noise nuisance caused by the failure to install sound insulation, assuming that is the case. The association records are OPEN to all unit owners. You can ask to see the application submitted for installation of the flooring and see if the insulation is specified.

Gary A. Poliakoff is a founding principal of [Becker & Poliakoff, P.A.](#) and has served as its President since the inception of the Firm. He is on the Board of Governors of the Shepard Broad Law Center of Nova Southeastern University where he is an Adjunct Professor, teaching Condominium Law and Practice.

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