



Condominium Law Q&A

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Question - Can you please help me with a question on the definition of monthly condo board minutes. Is it proper to leave out information such as the price of a repair that was discussed? Our President says it's okay to leave out prices even though they were discussed. The President stated, and I quote, "As to adding the \$\$\$ amounts for quotes, this has never been a part of the format and we will not be adding it now. The more information we add to our minutes, the more we open ourselves for lawsuit, as advised by a former Board Member who is a practicing attorney in Stuart." T.M., Stuart

Answer - The minutes are a summation of the "actions taken" and are not intended to be a verbatim transcript of all that was said. That said, if action was taken to approve a contract at a given amount, that amount should be included in the resolution. Same would be true of any budget, budget amendment or special assessment.

Question -.I live in New Jersey, and I inherited my parent's condo in an over 55 community in Boca Raton. I am over 55, but my child is 22. The condo association says the bylaws allow for her to stay in my unit for a maximum period of 30 days and only if I'm in residence. They sent me a nasty letter (they are an inflexible Association and cannot be reasoned with). She possibly will attend FAU Graduate school next year and, if so, we would like her to be able to live in our unit. I do not know where to go to find out if this is legal/allowable or not and/or if I

need to engage an attorney. Please advise. Thank you. H.C., Boca Raton

Answer - The Federal Fair Housing Law protects individuals below the age of 18, living with a parent or guardian; that is, unless the community is "Housing For Older Persons," as defined by the Act. Accordingly, if the community meets the prerequisites of being an "exempt" community, that is at least 1 person in 80% of the units is 55 years of age or older, it can exclude individuals below age 18, and can even establish a threshold that all permanent residents must be 55 years of age or older.

Question - I came across a website, PetsinCondos.org, which triggered a question I would like to ask you, given your vast experience in the subject matter. My homeowners association has a restriction on pets where a person may not have more than one pet and that pet may not be over 25 pounds. I have 2 dogs (one 13 lb. poodle, and one 55 lb. English Bulldog). I've been living at this house for 3 years, now, and on the day of my closing, I saw the homeowners association's rules and asked the current homeowner (who was friends with members on the board) if they enforced the rule. He said that they did not and that one board member even had multiple pets. When I moved in, I actively walked both dogs in front of members of the board and heard no complaints. The board most recently lost a lawsuit against another homeowner

due to “selective enforcement.” Now, it seems they are trying to send a letter to everyone about having multiple pets. Can they wait this long? Do you know what my other options are? B.S.P., Boca Raton

Answer - The defense to enforcement of covenants, conditions and restrictions is one of timeliness (5 years) and selective enforcement (treatment of one unit owner different than others). Otherwise, pet restrictions, other than in the case of emotional support animals are enforceable.

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