



Condominium Law Q&A

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Question – Our homeowners association is approaching the time when it assumes control from the builder of all the common land and wetland preserves in our single-family home subdivision. As this date approaches, the local water and drainage authority has ordered all residents to stop mowing and maintaining the property that adjoins their yards as a means to return the land to its original state. Most of us have been maintaining a buffer of mowed vegetation between our yards and the preserve land as wildfire protection. Now, we've been ordered to stop. How can we ensure our homeowners association does the right thing and keeps some kind of wildfire management in mind when dealing with this land. T.B., Melbourne

Answer – I cannot pretend to have any expertise on the subject of wildfire protection. It so happens that I just returned from Yellowstone National Park where the fires of 1988 were memorialized with plaques, and the park rangers spent a considerable amount of time talking about efforts taken to contain the fires and their impact on several area hotels. What your board needs to do is set up a meeting at the homeowners' association office with representatives of your water management authority and your fire chief, so that you and your neighbors can become better informed on the extent of the danger and of the emergency plans which, no doubt, are already in place.

Question – About 10 months ago, we began to have problems with rats in the attics of our condominium units. We hired an exterminator. Traps were put in

all unit attics and poison boxes around outside. After all this time, we still have rats. Now, a unit has them inside on the kitchen counters and the floor. In the last two weeks, at least 10 rats have been caught inside this unit. The exterminator says they can't get rid of these rats as long as this unit is so dirty. The appliances have been moved out from the wall, and holes are in the wall with signs of rat residue. The condo board says there is nothing they can do. We feel our quality of life and the value of our investment in our homes are being affected. Is there anything we can do to help get this problem resolved? I.O., W.P.B.

Answer – Pest Management is the responsibility of the board, which needs to address the problem. If caused by the uncleanliness of a particular unit, that too can be addressed. Sometimes the problem is hoarding -- an obsessive/compulsive disorder. In those cases, the board can obtain court assistance to allow the association access to the unit, periodically, to ensure that it is being kept clean and that the trash has been disposed of properly. This is not a problem limited to seniors. Hoarding can affect any age group. It is important to recognize this as a medical problem and, when necessary to preserve and protect the condominium property and the safety, health and welfare of the unit owners, for the board to take appropriate court action. Saying, "Its not our problem" is an excuse, not a solution.

Question - I need some advice? My Ft. Lauderdale condominium apartment was damaged by termites. I have documented requests to the Board for

approximately 2 years for professional treatment. When treatment was finally done earlier this year by Orkin, the damage to the doorway woodwork was extensive, the carpet has to be removed and the termite infestation had spread to the triple dresser in my bedroom furniture suite. I've sent an estimate for remedial work, replacing woodwork, painting and carpet replacement as well as replacement of the bedroom suite to the Board of Managers. I'm getting the impression that my claim may not be honored. What recourse do I have? Must I sue? Please advise. Many thanks for your consideration.

Answer - As a general rule, if the termites are confined to the interior of a unit, eradication is a unit owner's problem and expense. If the termites are within the common elements (separation walls), then it is an association problem and expense. In so far as whether the Association or a unit owner is responsible for repair/ replacement of the unit door, that is determined by the declaration of condominium not the Condominium Act; thus, it is necessary to examine your condominium documents to find the answer. While, no doubt, the damage is less than your deductible, you still should evaluate whether to file a claim under your HO6 Policy.

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