



Condominium Law Q&A

August 17, 2009

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Question – I recently became a member of our condominium board of directors, and I was wondering if there is a booklet or flyer available regarding the basic rules of serving on a board. How are meetings conducted? What agenda items require a board vote? Are there expenditure items that can be decided by the board president without the consent of the full board, etc.? B.C., W.P.B.

Answer – I recommend the following resources for you to review:

1. Community Associations Institute (CAI); a national membership organization that represents homeowners and condominium associations, providing education, tools and resources. Visit CAI's bookstore at www.caionline.org/bookstore.com
2. Community Association Network, a public Internet resource for community associations. www.communityassociations.net
3. Dunbar, Peter M., *The Condominium Concept: A practical Guide for Officers, Owners, Realtors, Attorneys of Florida Condominiums*
4. Poliakoff, Gary and Ryan, *New Neighborhoods: The Consumer's Guide to Condominium, Co-Op and HOA Living* at www.newneighborhoodspublishing.com

A number of community colleges now have classes available for directors and unit owners.

– You recently mentioned air conditioners and homeowners association's responsibilities for repair or replacement. I recently had to replace my outside unit. Can I retrieve any expense from my homeowners association? R.H., Juno Beach

– As a general rule, the unit owner is responsible for the cost of maintenance and repair of air conditioning units in both condominium and homeowners associations. At issue is whether, in the event of a casualty, the unit owner or association is responsible for repairing or replacing the unit. In a homeowners association, it remains the responsibility of the unit owner. In a condominium, at least for the moment, it is the association's obligation, the cost of which is a common expense.

– Our condominium had a large cast bronze plaque prominently fastened to the wall in the lobby. The plaque had the name of our condominium, the builder's name, the architect's name and the date of completion of the condominium. The plaque was removed without any owner notification, and without any announcement in a proper meeting of the board of directors attended by owners. There is no mention of this action in minutes of the board. Was this a legal action of the board of directors? Is this to be considered a "material change" to a common area? Should this plaque be returned to its original position in our lobby? Thank you for your reply. D.O.L., Daytona Beach Shores

– While I seriously doubt that the removal of the plaque constitutes a material alteration of the kind requiring prior unit owner approval, it would be appropriate for the manager or board to explain why it was done. I am aware of one situation where the

association, in dispute with the developer over warranty claims, removed the plaque dedicating the building to the developer's deceased father. It is my understanding that the plaque was later restored.

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