



## Condominium Law Q&A

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**Question** - I live in a condominium that consists of 1 bedroom/1 bath units to 2 bedroom/2 bath units. The maximum square footage in the 2/2 is 1000 living square feet. About 8 months ago, renters moved in with 4 adults and a 2-year old into a 2/bedroom unit that is actually less than 1000 sq. ft. Since then, the amount of adults has increased to 5 adults, plus the infant, making it 6 individuals. Most of the condo is occupied by either 1 adult or 2 adults, max, and has always been so. We, the owners, do not feel it is fair that we are bearing the brunt of all their water usage, i.e., showers, etc. and the water/electricity usage of all their laundry. Also, the amount of cars per unit is 2 and they currently park 3 cars on the property. What is the Florida Statute that states how many people are allowed in the space of a certain unit, and how can it be enforced? The owner who rented it to them lives on the other coast and her only care is that her unit is rented, while the rest of the owners do not think this is right. Thank you for your advice. LMK  
No. Palm Beach, FL

**Answer** - Local zoning codes set the maximum number of individuals who can live within residential space, not the Florida Statutes. That said, as you advised, the declaration of condominium for your condominium sets occupancy limits as well as limiting the number of vehicles which can be parked on the condominium property. The Association has the ability and authority to enforce these restrictions. Why doesn't it? By not timely and uniformly

enforcing its occupancy and parking limits, the Association is setting a precedent, which will preclude enforcement of other violations in the future.

**Question** - Could you please indicate whether or not a homeowners association (HOA) can properly deny the construction of a screened entry (covered portico) to my single family home? The intent is reduce my air conditioning costs during the cool part of the year here in Palm Beach County. Thank you in advance for your response. S.G., West Palm Beach

**Answer** - It depends on the covenants, conditions and restrictions (CC&Rs) of your planned development. The authority of an association or any architectural, construction improvement, or other such similar committee of an association, to review and approve plans and specifications for the location, size, type, or appearance of any structure or other improvement on a parcel, or to enforce standards for the external appearance of any structure or improvement located on a parcel, shall be permitted only to the extent that the authority is specifically stated or reasonably inferred as to such location, size, type, or appearance in the CC&Rs or other published guidelines and standards authorized by the CC&Rs. The HOA Act (Chapter 720, Florida Statutes) provides that each parcel owner shall be entitled to the rights and privileges set forth in the CC&Rs or other published guidelines, and the

construction of permitted structures and improvements on the parcel. Such right and privileges shall not be unreasonably infringed upon or impaired by the association or any architectural review committee.

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