



## Condominium Law Q&A

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**Question** – Our community (HOA) is in the process of installing a bar code system, and they are requiring us to provide a copy of our driver's license. My question is: Is this a violation of my privacy since there is enough information on my driver's license to allow someone to steal my identity? Is this legal and can I refuse to give them a photo copy? I have no objection to giving them a copy of my registration, which they also requested. S.M., Boynton Beach

**Answer** – I am of the opinion that requiring unit owners to provide the association a copy of their driver's license is not an invasion of privacy and is otherwise permitted. If you asked about you giving the association your social security number my opinion would be different.

**Question** – I have a question regarding something my condo association has done recently. They have denied us the access to hot water heaters in our laundry rooms. They tell us washing all our laundry in cold water in much cheaper. I feel it is denying us our right to cleanliness, washing towels and bedding is cold water is not very sanitary. We have no ability to hook up a washer/dryer in our units, we share one set per building. Is this something they are legally allowed to do? A.C.

**Answer** – That is absurd. Regrettably, there are many shared ownership communities which are experiencing severe economic stress due to a large number of unit owners not paying their maintenance, along with units in foreclosure in which the lenders

are similarly not paying. That said, implementing cost saving measures, such as that which one condominium association did in electing to cancel their hazard insurance (the condominium subsequently burned down), failing to pay waste removal, water & sewer charges, and building maintenance is self defeating. All that does is accelerates the decline in property values which negatively impacts everyone.

**Question** – A 2009 Board member handed in a letter of resignation one half hour before the annual membership election meeting was to start, as follows: "Please be advised that effective immediately, I am resigning my application for the board of directors for personal reasons. Thank you for your consideration. Signed by \_\_\_\_\_." The meeting started at 7 PM. This member's name was on the election ballot. The President opened the meeting and announced that the Board had accepted the resignation of the person. He said that we did not need to have an election. It was stated that we had to go through the ballot count to see who would be serving the 2 and 1 year terms, because we voted and passed a staggered term election. After the ballots were counted, the person who resigned was one of the winners, so being that person had resigned the next highest vote getter was established as a winner, so the 5 winners had an organization meeting. The next morning the past and new president told the person who had resigned at the membership meeting the night before that she had won the election, so if she wanted to be on the new board or resign it was up to her. She said that

she changed her mind about resigning and that she wanted to be on the board, so the president called the person that was put on the board as the fifth winner and told him that he was being put off the board because the person that resigned changed her mind and that he was putting her on the board instead of him. Some of the board protested, but the president wanted to have another organization meeting but again some of the board members said that she resigned and should not be on the board. So there was not another organization meeting. So could you advise me where we go from here? J.M., Ft. Pierce

**Answer** – The individual who withdrew her application for the board before the votes were cast and counted was ineligible to be considered. Notwithstanding the fact that she received sufficient votes to be elected, ballots cast for said individual should have been disregarded and those candidates receiving the highest votes should have been declared the winners for the staggered terms. Those elected officers at the initial organization meeting are the duly elected officers of the association.

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