



Condominium Law Q&A

August 2, 2010

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Question: My community never registered as a 55 and older community until last month when I questioned their status. My daughter and mom brought a condo almost 2 years ago. They tried to throw my daughter out but could not because they never registered as a 55 + community. My question is now that they are in process of registering can they make her leave? My mom and daughter are co-owners of the condo and my mom is rarely there. They were both screened and accepted by screening committee. They will not answer any of our questions. They tell us they can't because their attorney told them not to. I also am not 55 - I bought 3 years ago. I filed a complaint with the Fair Housing Agency against the condo for family status. T.S., Ft. Lauderdale

Answer: In 1988 Congress passed the Fair Housing Amendments Act which added to the class protected from discrimination, "familial status", which is housing for families with children below the age of 18. For a community to be exempt from the law, it must qualify as "housing for older persons," which translated means that at least 80% of the unit residents must be 55 years of age or older, and the community must publish and adhere to policies holding itself out as housing for older persons. The Florida Fair Housing Law also requires that the community register every 2 years as a housing for older persons community. If the condominium doesn't cross all the "t's" and dot all the "I's" it would not be able to enforce the restrictions against someone already living in the community, but could do so prospectively. Whether or not you will be able

to continue living in the condominium will turn on the specific facts of your case.

Question: I hope you can answer my question. My condo association has been given a special assessment because of past due water bills and money that wasn't put in our reserves by a previous board. I want proof of this and want to see our condo records. I know as an owner I have the right to see our records. It's been over 10 days since my request to see these records. The CONDOMINIUM CONCEPT book states "this failure entitles the unit owner to recover both damages and costs from the association." What exactly does this mean and what are my legal rights to see copies of the bills and bank statements? Should the records be with the board members or with the property management company? I appreciate your response to this. L.B.

Answer: It doesn't matter who the records are kept with, the manger or the association. The bottom line is that you, or your representative, are entitled to see the records and ascertain for yourself how your money is being spent. Good for you for asking.

Question: My wife and I purchased a condo in 2003. Currently I am VP of the board for the association. It has come to the board's attention that our condominium has been licensed with the state of Florida as a "resort condominium". This license is held by a realty company that runs a rental program for some of the condo owners so they can generate income. The license has been in place for years and covers a total of 12 units out of 30. As a result of

this licensing we are now being contacted by the County health department regarding the “public” pool on the property. They are advising us of changes that may have to occur to our pool in light of this status. Our condo docs clearly identify our condos as residential and I am not interested in paying for upgrades to our facilities that are a direct result of this rental program. R.K., Lee County

units being leased for six months or less is deemed to be a resort condominium of the type which is regulated by the State of Florida Hotel & Resorts, and must collect sales taxes on the units being rented. The only way to escape the classification is to change the rules on renting, which is difficult these days because it requires an amendment of the condominium documents and approval of all current unit owners who wish to continue renting their units.

Answer: Any condominium which operates a rental pool or timeshare and has a majority or more of its

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