

CHAPTER 3

CONDOMINIUMS ARE MULTI-FAMILY HOUSING

When you own a condominium you own a piece of real estate, which makes you different from a renter. But most condominiums are a way of living that is more like living in an apartment than many owners expect. Examples:

- You are subject to many rules on how you decorate your home, just like a renter.
- You are living in close quarters, often sharing walls, floors and ceilings with other residents of the community.
- You will hear noise from the activities of your neighbors living in their units.
- The noise you make will be heard by your neighbors.
- You will pay for expenses that you would not choose to incur if given the option.
- You will have limited parking and storage space.
- Someone else will decide how the landscaping looks.

Ways in which you are not like apartment renters are:

- You will pay the full cost of all repairs and maintenance for the building.
- You will receive the appreciation in value of the real estate.
- You are a voting member of an association or corporation that owns the buildings.
- You can serve on the Board to influence decisions if you choose to (and can get elected).

Your condominium is a neighborhood and community. Just as you may be annoyed by the activities of your neighbors, you have an obligation to be mindful of the impact you have on your neighbors' lives. You need to be considerate of the noise you make, the cigarette smoke your guests create, the appearance of your decks, etc. And you should at least consider talking to your neighbors when you are going to engage in some activity that may bother them (like a party) or when they are behaving in a way that bothers you. They may not know your sleep schedule and may not be aware that they are disturbing you.

RULES RULES RULES

You are part of a democracy of unit owners that governs your building and way of life, just like a small government. The rules of that small government are often very detailed, and contained in documents that are recorded with the property. These rules are embodied in the declaration, bylaws, and regulations adopted by your association. Most owners have never read the declaration, bylaws or rules & regulations for their condominium. Most buyers will purchase

their piece of real estate without reading or understanding what may be hundreds of pages of detailed rules about how the condominium will be operated, and how things must be done.

Whether or not you read and understood those governing documents, you are bound by them. Whether or not they are fair is generally not considered, even by the courts, because they are the rules that you agreed to live by when you purchased your unit. Some of the rules may be in violation of state or federal law, and those may be unenforceable, but rules related to how space is used, how expenses are shared, powers of the board of directors, etc. will be presumed fair and reasonable in most cases. If you are unhappy with those rules, you may be able to change some of them with a vote of the owners, but some changes require a 100% vote of the owners. And for many “unfair” rules, such as how expenses are shared between units, any change that benefits one unit will necessarily harm some other unit, so getting 100% to agree on a change is virtually impossible.

The flip side of this is that it is impossible for your association to get compliance from every owner for every rule all of the time. Rules about parking, garbage, pets, political signs, material stored on decks, and other rules are difficult to enforce with 100% compliance, even by a diligent board. Many people are simply ignorant of the rules. Others think they are complying when they are not. Others don't understand how it matters if they comply or not, and sometimes they are right.

Your association should make reasonable efforts to enforce the rules, but sometimes we advise associations that a violation is not significant enough to warrant the enforcement effort or the expense of enforcement. If the violation is not causing any harm to any person (for example a pet slightly over the weight allowed), and no other owner is bothered, there is little point. While you may want to live in an orderly community, you probably don't want the “condo police” inspecting everything you do and comparing it to the rules. The expense of enforcement is something that is shared by the owners and should be balanced against the expected benefit.

Condominiums are Not Appropriate for All People

Many people do not have lifestyles or temperaments that make condominium life suitable for them. We urge these people to find more suitable housing. Condominiums are often purchased as entry level homes by people that cannot afford the single family homes they really want. Others are purchased by people downsizing or looking to have a home that is “maintenance free”. They are often disappointed when they realize how much they value the independence and distance that they enjoyed in their detached single family home.

Condominiums are not noise free. If you share walls with neighbors, you are likely to hear them. If you have floors above, you will hear your upstairs neighbors moving around, and will probably hear the plumbing when the upstairs neighbors flush the toilets or run faucets. Even properly constructed condominiums are still multi-family housing, and occasionally you and your neighbors will hear each other; maybe all of the time for some units in some buildings.

Condominiums are not maintenance free, nor do they manage themselves. Even if you have a property manager for the association, the board, which is made up of unit owners, has to make many decisions about how the condominium is run. This includes decisions about how and when major repairs and maintenance for the condominium are done and how to pay for those costs. Often associations do not have enough money to pay for work that must be done and a special assessment is necessary. Remember that the board is no happier about this situation than any other unit owner and as owners the board members have to pay too.

If you don't want to live by the rules and decisions of your neighbors, then you need to be on the board of directors for your association. That is the only way to be certain that the board at least considers doing those things that you consider important. (But you are only one voice on the board, and the rest of them may not agree with you).

The benefits of living in a condominium community often outweigh the costs, but there is no question that condominium living requires compromise and is not for everyone. People should consider the way the community is built and the rules they will have to live by *before* buying into a condominium.