

LEGAL



Work in Units – Still a BIG issue in Century Village

BY MARK FRIEDMAN, FLORIDA BAR CERTIFIED AS A SPECIALIST IN CONDOMINIUM AND PLANNED DEVELOPMENT LAW

I have done articles on this topic in the past. UCO also had various representatives of the county come and speak at the theater. Yet, while the message seems to be getting out to the Boards of Directors, it does not seem to be resonating with Unit Owners.

If you think that it is better to ask for forgiveness than ask for permission, you are sorely mistaken on how the process works. If you are a unit owner, this article is for you.

I want to renovate my unit.

When you want to renovate you have to understand the unit boundaries. While each condominium, depending on the developer, can establish different boundaries for different condominiums, the unit boundaries most often found in Century Village condominiums are from the surface of the walls inward. You own the air space between the boundary walls, and do not own any support structures inside those boundary walls.

What does that mean? That means that if you go behind the walls to make any modifications to the water lines, drain lines, or electrical lines, or any other conduit or item behind the wall, you are materially altering the common elements. This is likely prohibited by the Declaration of Condominium. That also means that you cannot

dig a trench in the slab or extend your unit above the ceiling into any existing attic space. The common elements are owned by everyone based on their proportional shares of the common elements as outlined in the governing documents. They are not yours to modify or alter.

County Approval/ Permits

Certain major construction work requires permits from the county prior to starting work in the unit. You cannot proceed without such permits and Board approval.

Board Approval

Every set of documents I have reviewed in Century Village has required some level of Board pre-approval before units can be renovated or remodeled. If this is a requirement in your Association's documents that must occur prior to commencement of work, even if you have a permit. Obtaining a permit is only one half of the approval that is required.

Liability

The statute provides, in Section 718.111(11)(j)(1), Florida Statutes:

A unit owner is responsible for the costs of repair or replacement of any portion of the condominium property not paid by insur-

ance proceeds if such damage is caused by intentional conduct, negligence, or **failure to comply with the terms of the declaration** or the rules of the association by a unit owner, the members of his or her family, unit occupants, tenants, guests, or invitees, without compromise of the subrogation rights of the insurer.

Therefore, if you violate the provisions of the governing documents and cause damage to other units or the common elements (e.g., causing the floor above to sag, or cause the roof to otherwise have issues), you could be financially on the hook for any amounts not covered by insurance to make those repairs.

Stop. Look at your governing documents. Speak to the Board before doing any work in your unit. This is for everyone's safety.

Mark D. Friedman, B.C.S. is a shareholder at the law firm of Becker and is recognized by the Florida Bar as Board Certified in Condominium and Planned Development Law. This article is intended for educational purposes only and is not intended as legal advice to any Association or unit owner. You should always seek advice from your own legal counsel.

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