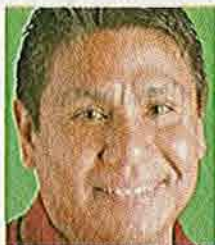


Money

Condos must have 'adequate' insurance



Daniel Vasquez
Living with Rules

What kind of hazard insurance is your condominium association required to have? Does your association have to quiet down loud neighbors? Are special approvals from a board grandfathered, or can a new board disregard approvals by previous boards?

Sun Sentinel readers have questions and we have answers, this week with the help from attorney Robert Kaye, of the South Florida community association law firm Kaye & Bender. Have a question? Email it to dvasquez@tribune.com and include your full name, city and type of community association you belong to, such as condo, homeowner or co-op.

Pam Wright, of Boca Raton, recently purchased a condominium for about \$150,000. She wants to make sure her investment is properly protected from storms. She asks:

What type of hazard insurance does state law require my condominium association to purchase?

Florida statutes require condominium associations to obtain and maintain "adequate" property insurance for the replacement cost of the property to be insured. The amount of coverage should be deter-

Please turn to **VASQUEZ, 4D**

VASQUEZ

Continued from Page 1D

mined by an independent insurance appraisal or update of a prior appraisal. The replacement cost should also be recalculated at least once every 36 months.

Community insurance won't cover portions of the areas inside an owner's condo, with specific obligations set forth in the statutes. But condo association insurance must cover common areas of the property, under state law, and replacement materials must be of the same kind and quality originally used.

Insurance coverage documents must be available to unit owners who want to see them. There is no requirement under current Florida laws, however, for the association to show proof of coverage. State laws do not require unit owners to obtain insurance coverage.

Unlike condo facilities, homeowner associations are not required to have insurance for common areas, under state law. The governing documents for the community, however,

may state such insurance requirements.

Ron in Fort Lauderdale has a condo neighbor who plays music late at night and often hosts loud parties on the weekend. He said the board has sent letters to his neighbor and has tried to intervene to no avail. The problem continues to persist. He asks:

Is the condo association responsible for dealing with loud neighbors or do owners have to settle such a situation themselves?

Governing documents should spell out what is to be done about nuisance behavior of owners. In general terms, the associations have enforcement requirements when the conduct of the resident is disturbing to multiple residents. When only a single neighbor is being disturbed, the association is not required to act.

Florida statutes entitle owners to bring legal action against another owner or resident for such circumstances and allow for the recovery of attorney's fees and costs. When a neighboring resident is causing nighttime disturbances, the first action to take is to

contact the local police.

Gail in Boca Raton lives in an older condo building and three years ago replaced her front door and another exterior door with hurricane-resistant doors. Before doing so, she made sure to get approval from her board. But the board recently changed members and the new board is demanding that she replace her doors to keep them uniform with the rest of the community or face fines. She asks:

After a board approves something, isn't it grandfathered in going forward?

Yes, as long as the owner who made the alteration received the written approval of the board at the time. If the approval is not written, the owner must be able to prove, through witness testimony, of such approval. One option: The association can choose to replace the door at its own expense.