



Your Money

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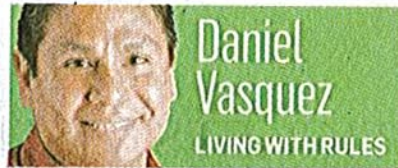
Who must pay for repairs of condo air conditioners?

Who should be paying costs related to maintaining and replacing air conditioning units in condo units of shared communities should be spelled out in governing documents. And those provisions are often different for each community.

Like many South Floridians, Mark Bykoski relies heavily on cooled air to combat heat and humidity inside his condominium. But that cold relief comes with a few headaches when determining who is legally responsible for insuring, repairing and replacing condo air conditioners, owners or the community association?

Bykoski's air conditioning unit was new when he bought his Wilton Manors condo a decade ago, but now its days are numbered. Experts recommend replacing those units at least every seven to 10 years.

"I'm a very proactive person. I'm not having any issues with my AC now, but it's not new, either," said Bykoski, a Fort Lauderdale accountant. "I just want to



Daniel Vasquez
LIVING WITH RULES

be prepared and keep my community informed. If we get an answer now, it could save time and trouble later."

Florida law offers some help. Unfortunately, it's not enough to avoid many condo community conflicts.

State statutes were changed in 2008 to require associations to carry insurance for the entire community that covered air conditioning units.

But now many "people think the statute was changed to read that if your old AC units needs repair or replacement that the association is now responsible under any circumstances," said Bill

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Condo rules often unclear on who pays

Raphan, the South Florida supervisor of the state Office of the Condominium Ombudsman, which helps condo owners understand their rights and responsibilities under state law. "In fact, the insurance required by statute is for hazard and casualty, not normal maintenance and repair."

Who should be paying costs related to maintaining and replacing air conditioning units in condo units of shared communities should be spelled out in governing documents. And those provisions are often different for each community.

"Many governing documents are written in such a manner that it is not entirely clear who has the maintenance responsibility," said Robert Kaye, a Pompano Beach attorney specializing in community association law. To solve such a problem, he recommends boards work to clarify confusion in the documents or add amendments that clearly spell out responsibilities, when it comes to maintaining air conditioning in units.

Some condo communities may choose to make owners bear the full cost for maintaining and replacing air conditioner parts within the unit and leave the rest of the responsibility to the association. Others may expect owners to cover all costs. And still others may spread costs of all air conditioning units to all owners, lessening the burden each time a major repair or replacement is needed.

For a condominium building with air conditioning units and parts located in common areas, Kaye recommends adding language to governing documents which allows the association to select the contractors and assess costs of air conditioning work and repairs to common areas to the owner.

Whenever an association responsible for maintaining air conditioning units fails or refuses to do so, Kaye said owners should consider legal action to compel it to get the work done. The first step in the process would be to notify the association through a letter sent by certified mail, return receipt requested. The letter should describe the problem and condition of the air conditioning unit and the work that is needed, possibly including estimates.