

# "Rule of law" is necessary for peaceful common interest communities | Home & Living

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It's sometimes said that democracy, or our civilization, is built upon the rule of law. The same might also be said of property owners associations and condominium communities, where the governing rules and regulations prescribe how residents can live in peace, fairness and order.

Sad to say, more than a few folks who live in condo communities have never seen their condos' regulations or taken the time to read them. That's too bad, because condominiums are founded as "common interest communities," imposing not just the assumption but the requirement that the rules and regulations be complied with. If you haven't read your association's governing documents, you could unwittingly trip up on, for example, the proper way to put out your trash or park your car.

Your association's board might very well enforce the rules by sending you a written notice of your violation. If you don't correct the violation, the board will probably hold a violation hearing during which you can state your case. The board will ultimately decide whether to take enforcement action that could include a one-time fine or daily fines.

But the rule of law applies to association boards as well. A board must enforce the rules evenhandedly; it cannot selectively cite one owner for a violation but choose to absolve another who commits the same violation.

Likewise, the board should follow due process. For example, a board cannot slap an owner with a violation without first giving the owner written notice of the perceived violation. Boards that skip due process or show favoritism via selective enforcement could end up on the losing side of a lawsuit.

Additionally, I know of boards that have overreached the authority and made decisions outside the powers they're granted by the association's regulations. Similarly, there can be board individuals who act as though they have unilateral power to tell owners what to do, when only the board as a collective body has such power.

If you believe your board is overreaching, tell them so at the board's regular opening meeting. If the issue isn't resolved at that local level, you can file a complaint that needs to be addressed by the association within 14 days. If you receive an answer you don't agree with, or you do not receive an answer, you have the option to file a complaint with the state's Department of Professional and Occupational Regulation and the Common Interest Community Board.

But I reiterate – read your association's governing documents first. Know what those rules are, and remember that association rules can be changed if there is enough support from owners and board members.