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MONEY

Condo workers need licenses

Can owners perform unlicensed work to save on community bills? Can a board demand that an existing renter reapply for association approval?

Sun Sentinel readers have questions and we have answers this week with the help of attorney Alessandra Stivelman, of Eisinger, Brown, Lewis, Frankel & Chaiet. Have your own question? Send a message to dvasquez@tribune.com.



Daniel Vasquez – Living with Rules

Ellen Miraglia, of [Delray Beach](#), serves on a condo board committee that is working to replace a clubhouse ceiling. "We would like to do the electrical work ourselves," she said, to save the association money. The volunteers are not licensed in Florida. Would an association be violating local or state laws by having unlicensed owners or volunteers perform electrical, plumbing or similar work?

Stivelman says the association has an obligation to comply with all local codes and state laws, which likely require the association to obtain permits for electrical and plumbing work. As such, the contractors performing the work would need to be licensed in Florida to obtain permits. Also, boards have a fiduciary duty to unit owners, including an obligation to ensure that work on common areas is performed by qualified professionals. In addition, an association's governing documents may require that the work be performed by licensed and insured individuals.

Howard Kinchelow, of Tamarac, has lived in his unit for six years, but recently received a letter from the association requesting that he submit an application. Can a board demand a new rental application from an existing tenant? Can the board reject the application and evict a tenant who has lived there for years?

Associations may request that tenants submit a new application, as it has the right to know who is living in the condominium. However, it may have waived its

right to disapprove the tenant for the duration of the lease. Another factor, however, is whether the board was aware of the violation and knowingly decided not to enforce it. If so, it may have waived the right to enforce the approval provision in a governing document, as it pertains to that specific tenant, and may be required to "grandfather in" the tenant for the duration of the current lease. However, if the documents provide that leases must be approved on a yearly basis (including renewal of leases), the association may in fact have the right to require approval for any subsequent renewals.