

# ROLES AND RESPONSIBILITIES



**ROLES AND RESPONSIBILITIES: THEY DEFINE EVERY PART OF LIFE, FROM A CAREER TO FAMILY LIFE. HOWEVER, MOST PEOPLE DO NOT THINK OF THEM WHEN THEY ARE CONSIDERING LIFE IN A CONDOMINIUM COMMUNITY. YET, KNOWING YOUR ROLE AND RESPONSIBILITIES IN A CONDOMINIUM COMMUNITY IN WHICH YOU INTEND TO LIVE AND/OR WORK IS ESSENTIAL TO YOUR HAPPINESS AND THE PROPER FUNCTIONING OF THAT CONDOMINIUM.**

**No matter their geographic location, size, or construction, all condominium communities consist of unit owners, residents, and board members, and, in many condominiums, a property manager – all working together.** If you own a unit, reside or work in a condominium community, serve as a board member, or work as a property manager, it is important for you to understand your role and responsibilities.

Condominium communities are facing modern problems. Most associations are seeing rising insurance costs, deferred maintenance concerns, and document violation issues on a daily basis. Given these and other issues facing most communities, it is more important than ever for those who are involved with condominiums to recognize their roles and responsibilities. Understanding the roles and responsibilities of the condominium trustee, unit owner, resident or tenant, and property manager is important to achieving harmony in a condominium community.

## **GOVERNING DOCUMENTS & STATUTES**

**To help determine** the role and responsibilities of each of these groups, the first place to turn is the governing documents of the condominium and the state statute(s) which govern condominiums. These provide the framework for the powers and duties of the board, those powers and duties that can be shared with or delegated to a property manager, and the rights and authority of unit owners and residents.

Each unit owner and resident should have some familiarity with the governing

documents of their condominium and the state statutes that govern their condominium association. Board members and property managers should be even more familiar with these documents, though they can and should rely on association counsel for assistance and interpretation of the condominium governing documents and state statutes.

## **BOARD MEMBER ROLE**

Board members can attest that their roles and responsibilities can be taxing, but they are very important. Board members serve in the decision-making, operations, oversight, and enforcement roles for their condominium associations. Together, these responsibilities mean that board members are responsible for running a condominium association properly as though they are the owners thereof. Board members are also responsible for communication with unit owners, residents, property management staff, and fellow board members.

### **» Decision-Making**

Decision-making is a very important responsibility for board members, as each association requires decisions to be made by board members on a regular basis, requiring frequent participation, responsiveness, and engagement. Decision-making is also important as an interface with property management, as an association's property manager will require board members to make decisions on many matters, and may require responses quickly, especially for any emergency matter.



TUESDAY, NOVEMBER 19  
NOON TO 1:00 P.M.

# LIMITIES

## MAKING SENSE OF WHO DOES WHAT

BY RYAN SEVERANCE, ESQ.

### » *Operations*

**In their operations role**, board members are responsible for repairing, maintaining, and replacing the common areas and common elements of their condominium. This role can include responsibilities ranging from reviewing a simple landscaping proposal to reviewing, hiring, and approving multiple unique contractors for large-scale projects like roof or masonry replacement on multi-story condominium buildings requiring scaffolding or even crane services. Addressing maintenance, repair, and replacement issues can be critical to the longevity of a community.

### » *Oversight*

**In their oversight role**, board members are responsible for association financial management, including the review of account statements, signing of checks, setting of common charges, reviewing and approving the condominium budget, planning for reserves, and initiating lien enforcement actions against delinquent unit owners.

Board members are also responsible for ensuring that they have the correct master policies of insurance, including, for example, property, liability, and officers' and directors' insurance coverage. This role also extends to the oversight of legal issues, including authorizing legal action or litigation by association counsel when necessary.

### » *Enforcement*

**As enforcers** of their condominium's governing documents, board members are responsible

for confirming violations of the documents and enforcing those documents, including sending notices to unit owners regarding violations or working with management or association counsel to do so. Board members are also responsible for drafting, reviewing, and revising rules and regulations with regard to their condominium common areas.

### MANAGER ROLE

**While the board member** responsibilities may seem to be quite involved, many board members share some or all of these with a property manager, who can serve as an advisor to board members in decision-making, help board members to communicate with unit owners, and help to fulfil the board's operations, oversight, and enforcement roles.

While each property manager has a slightly different relationship with each association board with which they work, property managers work at the direction of the board, and typically serve to assist the board with all of their responsibilities in some capacity. Boards are typically empowered to delegate items to their property manager that they otherwise may have to do individually if not for management.

### » *Advise the Board*

**Property managers** also act as advisors when board members need to act in their operations role, bringing their experience, knowledge, and contacts to board members who may not have the necessary background to make decisions about complicated projects, contractor issues, or even governing document enforcement.

### » *Communicate with Owners*

**Property management staff**, especially in larger condominiums, also typically serve as the first line of communication for residents to interface with the board, fielding resident questions and complaints about day-to-day condominium issues, responding and solving smaller issues as is practicable and necessary, and passing along the most important items to the board. That communication role is vital and helps to reduce the communication burdens on board members.

### » *Assist with Operations and Enforcement*

**Managers also fulfill roles** and responsibilities that may otherwise be taken on by board members, including in the day-to-day aspect of operations and enforcement that is necessary to a condominium.

This includes a wide range of tasks, from ensuring that the front door security system is working or repaired, to confirming violations of the governing documents, to locating appropriate contractors, to obtaining bids for necessary projects. Most boards also delegate their authority to pay invoices to vendors, to sign checks, and to draft the budget to their property manager, who takes on these responsibilities with the board's oversight.

Property managers also serve as enforcers of the condominium documents at the direction of the board, including tracking violations and sending out violation or warning notices when needed. By taking on some or all of these responsibilities for board members, property managers reduce the overall burden on board members.

### UNIT OWNER AND RESIDENT ROLE

Finally, **unit owners** and residents serve very important roles as well, as neighbors and citizens in a condominium.

It is the responsibility of the unit owner to ensure:

- That their common charges are paid on time and in full so that their condominium association can fund maintenance, repairs, and expenses;
- That their unit is properly maintained so that it is not damaging other units or the common areas; and
- That they and their unit occupants are aware of and are complying with the terms of the governing documents of the condominium and their state statutes.

#### » *Be a Good Neighbor*

**Residents should embrace** the role of being a good neighbor, complying with rules and regulations and restrictions on the use of their

units to ensure that their fellow residents can enjoy living in their units.

This important responsibility also involves keeping an eye on the security and safety of fellow unit owners, including not leaving doors open or allowing for unsafe conditions to persist without notifying the board and property manager.

#### » *Be Involved in Governance*

**Unit owners** must also embrace their important responsibilities in condominium governance. It is very important that when unit owners are called upon – for purposes of obtaining quorum at an annual or special meeting, for voting or running in elections for board positions, or for voting on amendments to the governing documents – that they are responsive and attend and vote.

Engagement in this way is essential to a condominium association remaining functional in the modern world. In addition, unit owners need to remain engaged with their association generally, reviewing and responding to notices from the board or the property manager, and addressing violations related to their units without unnecessary delay or anger.

While unit owners and residents serve important roles, it is also necessary for them to recognize that there are certain roles and responsibilities in a condominium that they cannot fulfill. For example, residents can't enforce rules and regulations on their own, can't engage contractors on behalf of their association, and can't utilize common areas without board approval. Those are powers of the board alone, and residents and unit owners who try to fulfill them can cause chaos in a condominium community.

Anyone who owns, resides in, or works in a condominium community can attest to the fact that it is a unique arrangement. Embracing the proper role and responsibilities is the key to allowing all of the players in this unique form of ownership to function properly in the changing world. ■



■ RYAN SEVERANCE, ESQ.