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Is condo board overstepping its bounds?

Posted by [Elizabeth Rhodes](#)

Q: Our condo, in a recreational area, is used only by our family. It's not a timeshare and not in a rental pool. The homeowners' board of directors recently authorized management to inspect each unit for "safety items." We received a letter stating that we had a "loose bathroom fan" and the tub needed caulking. It also stated that there'd be a \$100 inspection fee if we did the repairs ourselves. I resent this intrusion. Does the board have the legal authority to do this? Does it have a right to have a key to our unit? We had previously put a new lock on the unit but they replaced it with their own.

A: Attorney Josh Rosenstein, of Hanson Baker Ludlow Drumheller in Bellevue, says it's possible your condo board has overstepped its bounds. But whether it has or not likely depends on language in the association's governing documents.

Under state condominium law, the board has the authority to enter a unit to maintain common elements, Rosenstein says, but it doesn't have a general right to enter to inspect or to maintain elements individually owned.

State law also doesn't give a board the legal right to have keys to all the units. In fact that's not addressed in the law.

Your documents, however, may grant both those rights to the association. If so, Rosenstein says, you'll most likely find permission written into your declaration, rather than the bylaws or rules and regulations.

As for charging you \$100 to check self-made repairs, Rosenstein says state law grants associations the right to charge a fee if it's related to some cost incurred by the association.

"I don't know how these people are going to show that," he says. "Unless you can show there's some pattern that people doing these repairs do them wrong, and there's a danger to others, the \$100 fee is too speculative."

An attorney can help you resolve these situations with your board.