

## Questions & Answers

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**Please reference The Massachusetts General Laws , Chapter 183A, for more accurate legal definitions of the terms and phrases used in the list of questions and answers.) For a copy of MGL, Chapter 183a, please see “Resources and Links”**

### **What is a master deed?**

The master deed is the legal document that describes the entire condominium project, including each unit. The master deed is recorded in the registry of deeds.

### **What laws apply to a community association?**

**The** principal law that applies to condominiums is Chapter 183A of the General Laws of Massachusetts. Other laws **that** relate to corporations, health and safety, vehicles, taxes and real estate, also apply to condominiums.

### **What are common areas?**

The common areas **include** the entire Condominium project, with the exception of the separate interests of each owner. The common areas can be used by all the owners. All owners share in the costs of operation and maintenance of the common areas. Common areas include the exterior portions of the buildings, building lobbies, common hallways, walkways, swimming pools, and recreational facilities.

### **Why do we need to hire a property manager?**

A professional property manager **is** a very valuable asset and resource for the association **providing assistance with all aspects of your property including:**

- Organizing and preparing financial reports
- Recommend qualified vendors to attend to maintenance, capital projects, and needed repairs
- Maintain association records
- Minimize time devoted by trustees to affairs to the association
- Inspect the property and make recommendations regarding repairs, to assist in maintaining the value of the property and your unit
- Collecting monthly condominium fees **and pay utility and repair bills accordingly.**
- **Being on call 24/7 for any type of emergency.**

### **Can we manage the association ourselves?**

Yes, **as long as members of the association are knowledgeable about property management and can dedicate the time necessary to address the needs of the association.**

### **Who is responsible for maintenance and repairs?**

The trustees are responsible for ensuring that the common areas are properly maintained and repaired. Each unit owner pays a fee to the association for the maintenance and repair of the common areas.

### **What is a community association?**

A community or homeowner association manages a real estate common interest development or condominium project.

### **What is a condominium?**

A condominium is a form of realty ownership in which unit interiors are owned individually and the property is owned jointly with other persons.

### **What is a unit?**

A unit is part of the condominium with one or more rooms including balconies and storage areas, that are identified in a master deed as being owned by the unit owner.

### **What is a Master Deed?**

**The master deed, recorded in the Registry of Deeds, is the legal document that describes the entire condominium project, including each unit.**

### **What type of insurance is required?**

The homeowners association obtains the appropriate insurance for the common areas. Premium payments are made with the funds paid by the individual owners. Insurance for individual units and personal property is the responsibility of the individual owner.

### **Who is responsible for paying the bills for the association?**

The association is responsible for the utility charges for the common areas. The individual unit owners pay utility charges for individual units if the utilities are separately metered; if not, the association would pay the charges.

### **Are we required to have a budget?**

Yes. A budget anticipates what the expenses will be for a given year, and helps to determine what the monthly condominium fee will be, based upon the percentage of interest owned by each unit.

### **What is a reserve study ?**

The amount of reserves needed is dictated by a comprehensive review of the associations common physical plant. Matters such as the useful life of each major components in the building(s), maintenance and repair histories etc..are all taken into consideration when compiling a reserve study. **An** engineer who specializes in reserve studies can be useful in conducting such a study.

### **Who do we call if there is damage to the building?**

The responsibility depends on the nature of the damage, how it was caused, and who caused it. If a unit owner caused damage to the common area, the unit owner **would** be responsible. If the damage to the common area was caused by a storm, the association would be responsible. Each individual case of damage should be carefully reviewed by the manager and the Trustees to determine how to best handle the situation.

### **Who is responsible **for** paying the bills for the association?**

The trustees generally handle the payment of bills, unless **the** property manager **has been retained to do so.**

### **What are condominium fees ?**

Fees payable to the association by the unit owners are established based upon the financial needs of the association, as determined by a budget **and** amenities study. The dollar amount of fees will vary, depending upon the size of the condominium project and its financial needs.

### **Can we change the rules and regulations?**

Yes. **Changes require** the unit owners and trustees **to adhere to** all applicable legal requirements, bylaws, rules and regulations of the association. **An** agreement **must be** reached by the appropriate number of unit owners and trustees.

### **Is the association in charge of the snow removal?**

The trustees make the arrangements for snow removal **or your property manager can take care of this for the association.**

### **Who arranges **delivery of** heating oil?**

The trustees choose **the oil company or your property manager can take care of this for the association.**

### **Can you provide **information** about community associations?**

You may contact Boston Realty Works, Inc., or you can click on the links in the Boston Realty Works, Inc. website.

### **Who is responsible for trash removal?**

The trustees will make arrangements for trash collection and removal, if necessary. Individual owners have the responsibility of complying with all applicable laws, rules, and regulations regarding the disposal of waste, including, the disposal of hazardous waste.

### **Who makes the decisions about landscaping?**

The trustees are responsible for making any necessary decisions regarding landscaping. They can also acknowledge the individual unit owners opinions on landscape decisions.

### **Am I allowed to rent my condominium?**

This depends on what is stated in the bylaws and the rules and regulations of each individual association.

### **How many people can live in my condominium ?**

If there are any limitations or restrictions they will be stated in the bylaws, rules and regulations, and city/town codes.

### **Am I allowed to have pets?**

The bylaws and rules and regulations of the association will determine whether or not pets are allowed. There may be limitations as to the type, size, and number of pets allowed. Pet limitations do not apply to Seeing Eye dogs.

### **Am I allowed to make any changes to the building?**

Any necessary changes to the building would require advance notification of the trustees, or the management company. Written permission is required prior making any changes. Changes are subject to the requirements of law, the bylaws, and the rules and regulations.

### **What are the consequences if I don't pay my condo fees?**

A lien may be attached to your condominium and foreclosure proceedings may begin.

### **What should I do if the neighbor makes too much noise?**

Your first course of action should be to discuss your complaint in a friendly manner with the noisy neighbor. If this proves to be ineffective you can file a complaint with the trustees and/or the property management company We are always available to help.

**What should I do with a neighbor who is a nuisance?**

In many associations, the bylaws and the rules and regulations will provide guidance for difficult neighbors. If the matter cannot be resolved directly with the neighbor, then the help of the trustees or your property manager can be requested.

**What if a neighbor ignores the rules and regulations?**

A professional property manager or attorney can assist with any neighbor issues.

**Is the association responsible for pest control?**

Any pest problem in the common area will be attended to by the association. If the pest problem exists only within a unit, the unit owner would most likely be required to assume responsibility. Pests such as termites would be an exception to this rule.

**Is the association responsible for maintaining a common area washer and dryer?**

The trustees or the property manager would make arrangements for any required maintenance, if the washer and dryer is owned by the association. Otherwise, if leased, the leasing company would be responsible for maintenance.

**Who enforces the rules and regulations?**

The trustees and property manager are in charge enforcing the rules and regulations and issuing appropriate and reasonable fines if needed

**Who decides if capital improvements are needed?**

The trustees, with the aid of the property manager, determine necessary capital improvements.

**Who is responsible for the preparation of the budget?**

The trustees work with a professional property manager and /or an accountant, to prepare the budget.

### **How often is the roof inspected?**

Your roof should be inspected at least once per year, as well as after any major weather event such as a hurricane or blizzard, where damage may have occurred. The trustees will decide, after meeting with roofing professionals, how often the roof should be inspected. Roof drains, if any, should be cleared on a periodic basis.

### **Who is responsible for the roof repair, leaks, and damages?**

The association is responsible unless damage to the roof has been caused by a unit owner.

### **If the roof leaks, who is responsible for damage to personal property?**

The association is not responsible for any damage to personal property. Homeowners and renters should maintain their own insurance to protect their personal belongings.

### **Who is responsible for plumbing repairs?**

The association is only responsible for common area damage. Any common area damage caused by an individual unit problem will be the responsibility of the unit owner.

### **How many times do the trustees/Board meet in a year?**

The owner's meetings are held once a year. The trustees can meet as often as they want to follow-up on the affairs of the condominium association. The by-laws and the rules and regulations usually contain provisions regarding meeting schedules.

### **What types of documents should I receive when I buy a condominium?**

At the time of your closing you should receive: master deed, rules and regulations, the bylaws, budgets, financial statements, meeting minutes, proposed special assessments, reserve studies, and any other types of documents required by your attorney.

### **Is there a way to prevent pipes from bursting in extremely cold weather?**

In order to avoid pipes bursting, you can keep the water faucets on a steady drip. Pipes with hose bibs that are on the exterior of the building or which are exposed to low temperatures should be drained in preparation of extremely low temperatures. If the water in the pipes are frozen, you may want to consider calling a plumber.

### **Who is responsible for drain back ups ?**

The master deed defines the unit's boundaries, however, in general if the clog is beyond your unit and into the main plumbing system of the building, the back up would be considered a common area problem, if the clog which caused the back up is within your unit, the cost to alleviate the blockage would generally be upon the unit owner.