

Neighbors by choice

Leaving chores of homeownership behind for condo life is liberating if you know the rules

BY JULIE JANOVSKY

When Ed Brozinsky and his wife, Janet Singer, moved from their Huntington home to their Lakebridge Club condominium in Kings Park eight years ago, Brozinsky says, one of the key selling points for him was that he would never have to mow his lawn again.

"I liked the idea, it [outdoor maintenance] was going to be done by someone else," Brozinsky says.

That's the draw for many homeowners, who look not only at a new home but also at the condo association or homeowners association that governs the development.

"Most people confuse condo and homeowners associations; they think the two are the same," says Ira Adler, senior partner and leader of the condominium and cooperative law departments at Certilman Balin Adler & Hyman in East Meadow and Hauppauge.

In a homeowners association, Adler says, you own the home and the lot it sits on, while in a condo association, you own the inside of your home. Everything outside — the exterior walls, the land — is owned in common.

In most cases, the community associations take care of maintaining the grounds. Some communities also include other amenities such as tennis courts, a clubhouse and a pool. But the communal arrangement comes with rules — something many prospective homeowners don't realize when they buy.

The rules for a new development must be spelled out in an offering plan, a book of documents that regulates how the community is run. Not all communities are governed the same way. "The offering plan tells you what you are responsible for, what you own, and contains the bylaws and declaration — the documents that govern your community," explains Garden City attorney Marc Schneider, who specializes in cooperative, condominium and homeowners association law. "It also tells you what property is part of the com-



Ed Brozinsky and his wife, Janet Singer, along with Elliott Graff, right, help oversee maintenance of the condos and common areas at the Lakebridge Club complex in Kings Park.

munity, monies you are supposed to pay, what is covered, what repairs you are required to make and what your rights are."

For purchasing a resale, Adler suggests obtaining a copy of a community's current budget and financial statement to make sure the organization is on a good financial footing. "The offering plan only pertains to the first sale of the home by the sponsor [developer]. Also ask for bylaws and the declaration to make sure you comply with their requirements," Adler adds.

Learning the ins and outs

"I think many people get caught up in the glitz and glamour of what the community looks like and don't have an understanding about how these communities work," Schneider says. "The boards have a lot of power to implement policy and enforce rules. You can get fined by the board or taken to court to comply with the rules."

While Brozinsky and Singer were glad to be free of outdoor

chores, they are both now responsible for making sure Lakebridge's 200 condos and common areas (which include six ponds) are properly maintained.

Here, the condos are governed by two boards — one for each phase of the development. The boards are overseen by a condo association, which is under a homeowners association to ensure the common areas throughout the development are maintained. Brozinsky is president of the homeowners association; Singer is president of one of Lakebridge's condo boards.

"Our homeowners are responsible for the internal part of their unit. We manage everything on the outside," says Brozinsky, adding the association takes care of Lakebridge's common areas besides managing the ponds and the guard service and providing lawn service and snow removal.

Singer, a wills, trusts and estate attorney, became a condo board member two years ago and is Lakebridge's Condo 1 president. She says Lakebridge's two

condo boards are responsible for maintaining the buildings' roofing, siding, gutters, driveways, sidewalks and decks. The boards also make decisions about upgrades, like a recent move to refurbish the clubhouse.

Not all communities provide the same services, and monthly charges vary by community. Singer says fees can run a few hundred dollars a month.

The enforcers

While the residents' boards make the rules, it's the property management company's job to enforce them. "The management company is contracted to help the board manage the property," explains Alvin Wasserman, director of property services for the Commack-based Fairfield Properties, which manages Lakebridge. Wasserman says his property managers maintain financial records, oversee contract work, make sure repairs are made, send out billing, collect common charges, act as a liaison

How condos compare

■ In a homeowners association, you own your home and the lot it sits on.

■ In a condo association, you own the interior structure of your home. The exterior walls and land are owned in common by all the condominium homeowners.

■ Association fees range from \$250 to \$500 per month. The figure is determined by the development's size, staff and amenities. Unlike a mortgage payment, these fees (called assessments for homeowner associations and common charges for condominiums) are not tax deductible.

■ In addition to the fees, homeowners are required to pay their mortgage taxes, insurance and utilities.

■ A board, voted upon by the community, runs a condo association.

■ A board of directors, also voted upon by residents, runs a homeowner association.

■ Some condo associations are under an HOA umbrella. This typically occurs in large condominium developments so there is consistent common area maintenance throughout the entire community. In this situation, a monthly fee is paid to both entities.

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Sources: Attorneys Ira J. Adler, senior partner, Certilman Balin Adler & Hyman, LLP in East Meadow, and Marc H. Schneider of Garden City.

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