

Phones: Homeowner and HOA Responsibilities

by Carl Street

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The HOA is responsible for wiring from the property line to the connection room of your building. The wiring from the connection room of your building to your unit is exclusively for the use of your unit and becomes your responsibility under the legal doctrine of exclusive use which essentially states that Community funds can only be used to benefit the entire Community and cannot be used to benefit individual members of the Community.

There are a number of items that fall within the purview of this doctrine, for example: your unit's furnace chimney, dryer vent, electrical wiring, phone wiring, etc. Even though portions of these items lie outside the physical confines of your unit they are your responsibility as the only unit that benefits from their use is your own unit. That is a fundamental difference between living in an apartment building where the entire infrastructure is owned and maintained by a single entity and a condominium where the infrastructure's ownership and maintenance is shared based upon its relationship to the Community and/or the individual unit.

You might be interested to know this doctrine has been established by the State Legislature and has been well tested in court cases and has been upheld without exception. The Law is so specific it mentions telephone wiring problems experienced by residents. The Board is bound to obey the Law and may not deviate from its provisions under penalty of both criminal and civil sanctions and the individual Board members becoming personally liable for failure to honor their fiduciary responsibility to the Community as well as placing the HOA's non-profit tax status in jeopardy.

Your HOA will provide your utility and/or licensed repair contractor every cooperation and provide access to mechanical/electrical plans of your building, etc. but cannot legally provide any funds or maintenance services.

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