

Condo parking space hog

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Q. A homeowner in our association has been parking a vehicle with no tag in one of his two parking spaces for over three years. He has two other drivable vehicles taking up parking spaces in the guest parking area. Our rules state that uninspected, unregistered, unlicensed, abandoned or junk vehicles are not permitted on condominium property and further, that no vehicle may be stored on the common or limited common property. What can be done about this?

Part of the answer to your question depends on whether an owner's assigned parking spaces are deeded to the owner along with his unit, or if they are common elements.

If the spaces are deeded, then the association's board, by itself, cannot impose additional restrictions on the use of those deeded spaces on top of whatever restrictions are already in the declaration. Adding additional restrictions to property owned by the homeowner would require an amendment to your declaration, approved by at least two-thirds of the voting power in the association.

Both the Condominium Act and the Planned Community Act give homeowners' association boards the authority to regulate the use of common elements. I assume the visitor spaces are common elements.

Perhaps the association's board should consider adopting new regulations that prohibit owners (and/or their tenants) from parking their own vehicles in visitor spaces. If the assigned parking spaces are also common elements (as opposed to being deeded to the owner), then perhaps the list of prohibited vehicles should be revised.

Your board of directors should consider these options at their next meeting, after reviewing the declaration to determine how the title to the assigned parking spaces is held.

COLUMNISTS »

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