



**realtors  
on call**

**jennifer cool**  
guest columnist

## Let's clear up what the term 'condominium' really means

FEW HOUSING TERMS are more misunderstood than "condominium," which is simply a form of ownership of real property. A condominium is comprised of units owned by one or more persons, along with an undivided interest in common elements (such as open space, clubhouses, pools and the like).

What it is not is an architectural style. A condominium can be a detached home on a 3-acre parcel or a unit on the 33rd floor of the Westin – and lots of things in between.

To help de-mystify this, let's focus on three key elements of the condominium documents to help you decide if purchasing a condominium is the right choice for you.

### What do you own?

A good starting point is the unit description, which is

usually found near the front of the Declaration of Condominium, a critical document that you will be given at the time of purchase.

A unit is that portion of the condominium intended for individual ownership. The unit description gives you information on the boundaries of what you own. Unit descriptions vary wildly.

It can range from a parcel of land identified either by a condominium plat or pins in the ground, and everything

on or inside of that parcel of land, to "vertical air space," defined as everything from the back side of the drywall in and from the plywood on the floor in.

In addition to the unit you own, you also have shared ownership of other elements of the condominium. Limited common elements are those portions of the common elements used by one or more persons, but less than all, of the members of a condominium. An example might be a sidewalk that is shared by two people leading to their homes.

Common elements are those portions of the condominium that are not units and are typically areas owned in an undivided interest by all unit owners.

For instance, in a 200-unit condominium with a park, each unit owner owns a 1/200th interest in the park.

### What do you maintain?

The next question to ask is, who maintains what? Key terms here are "repair," "replace" and "maintain," and each has its own definition.

Many people don't realize

that the condominium association can maintain things they don't own.

For instance, the documents can specify that, even though you own your entire detached home and the land on which it sits is your unit, the association could be responsible for replacing the shingles on the roof when necessary.

Maintenance language in the documents should be clear about each party's maintenance responsibilities and is typically quite easy to find in the documents.

### What do you insure?

Again, of interest is that the association can insure things it doesn't own.

While you would expect that the association would insure common elements, including clubhouses, parks and walking trails, it can also insure all or part of your unit. It all depends on how the documents were written.

You might expect that if you were purchasing a single-family detached home within a condominium form of ownership that you would obtain an HO-3 policy (a full hom-

owner's insurance policy). And you might expect that if you were purchasing a unit in a high-rise structure you would obtain an HO-6 policy, commonly called a renter's policy, to insure your possessions and the finishes (cabinets, appliances, floor coverings and the like) inside the drywall in the event of a loss.

But either assumption could be wrong! Again, insurance language in the documents will be quite clear as to what the association is required to insure and what you are required to insure.

When in doubt, take the full set of documents to your insurance agent for review. The key to a successful condominium purchase is to assume nothing. Yes, documents appear cumbersome and are full of legalese. But if you can answer these three questions I posed, you are on your way to an informed decision.

*Jennifer Cool, with Prudential Towne Realty, is grievance chairwoman and vice chairwoman of the Realtor Lawyer Committee for the Hampton Roads Realtors Association.*