

Clothes may be dried on balcony

My neighbor hangs garments, rugs and other washed items on a dryer rack on her balcony. Our rules say that no towels, rugs, or other items may be hung from the windows, balcony railings or other exterior portions of the units or the common areas. I sent a written complaint to the board with no results. What is my next step?

FS 163.04 says in part: "No deed restriction, covenants, or similar . . . shall prohibit or have the effect of prohibiting solar collectors, clotheslines, or other energy devices." In other words, your neighbor has the right to dry clothes on her balcony. But the board can establish policies to govern outdoor drying. It can limit drying to certain hours (say, between 9 a.m. and 5 p.m.), can restrict the kind of rack or hanger, and can say they must be taken in when not in use. The board's attorney should draft a policy that complies with FS 163 and federal energy codes.

Who keeps the keys?

I understand that the board has a right to enter units for inspections and repairs. In the past, we have had a key to each unit. Recently we were told that the board has no right to ask for a key from new owners who change their locks. Our manager says that in an emergency we need to call a locksmith at the owner's expense to gain access. Does this mean that the president has no right to the keys?

Your documents drive the answer to this question. If the documents give the board the right to keep keys, then you have the right to ask each owner to comply with the documents and provide a key. If the documents do not require that a key be retained in the office, you can still ask each owner for a key, and the owners have the right to refuse. In that case you can ask that they provide an emergency contact who can



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open their apartment in a few minutes, or notify them that if an emergency occurs and there is no way to open the door, they will be responsible for the cost of calling a locksmith and the repair of any damage caused by the entry.

When the board or manager controls keys to the units, they assume a great responsibility. Keys should be kept in a safe or a locked area, and access to the keys should be strictly limited. You should maintain a log showing when and why a unit was entered. I strongly urge that no one enter a unit alone. Two board members or a board member and the manager should make the emergency entry.

Handling the cash reserves

You said recently that cash reserves are not to be moved from one account to another without member approval. What is your source for the authority for this?

My answer was derived from FS 718.112 (2)(f). Let's briefly review the reserve budget process. The board must establish an adequate reserve budget each year. Using specific formulas, it calculates three basic line items: roofing, paving and painting. It must also calculate any other system that has a replacement value of more than \$10,000. Once the board approves the budget, only a vote of the members can change the reserve account line items, and members must do this each year at a members' meeting.

Since the board is obligated to

properly fund the account each year, if the members do not vote to change the reserves, there should be proper funds in the accounts to pay for repairs. If repairs are needed when the necessary funds have not been collected or placed in the accounts, then the only way for the board to pay for the repairs is to levy a special assessment. The board cannot borrow from one item in the reserves to pay for another without asking the members for approval at a special members' meeting.

Suppose there is \$10,000 in the paving account and repairs cost \$9,500. The board can go ahead and pay for repairs without seeking further member approval. The board has the duty to use that specific account for paving repairs. But suppose the repairs cost \$11,000. The board cannot borrow \$1,000 from the painting or roofing account without member approval. If the members decline to approve the transfer of funds, the board has no choice but to levy a special assessment.

Richard White is a licensed community associations manager. Write to him c/o Community Living, St. Petersburg Times, P.O. Box 1121, St. Petersburg, FL 33731. Sorry, he can't take phone calls or provide personal replies by mail, but you can e-mail him at CAMquestions@cfi.fl.com. Please include your name and city. Questions should concern association operations; legal opinions cannot be offered. For specific legal advice, contact an association attorney.

Readers may call the state Division of Condominiums Bureau of Customer Service at toll-free 1-800-226-9101 with questions or requests for materials. Access the Bureau of Condominiums Web site at www.state.fl.us/dbpr/lsc/index.shtml; or write to Bureau of Customer Service, 1940 N Monroe St., Northwood Centre, Tallahassee, FL 32399-1032.

Please note that this office provides no information about homeowners' associations. The state has no bureau or department covering those associations.

THE SENSIBLE HOME

Use windmill to reduce, not eliminate, electric bill

By JAMES DULLEY

I saw a show about using windmills to generate electricity for homes. It seems windy around my house and I would like to eliminate my electric bills. Does this make sense? How do I select a windmill?

Installing a windmill to generate all the electricity for your house can make economic sense in some situations. Generally, though, you are better off buying electricity from your utility company.

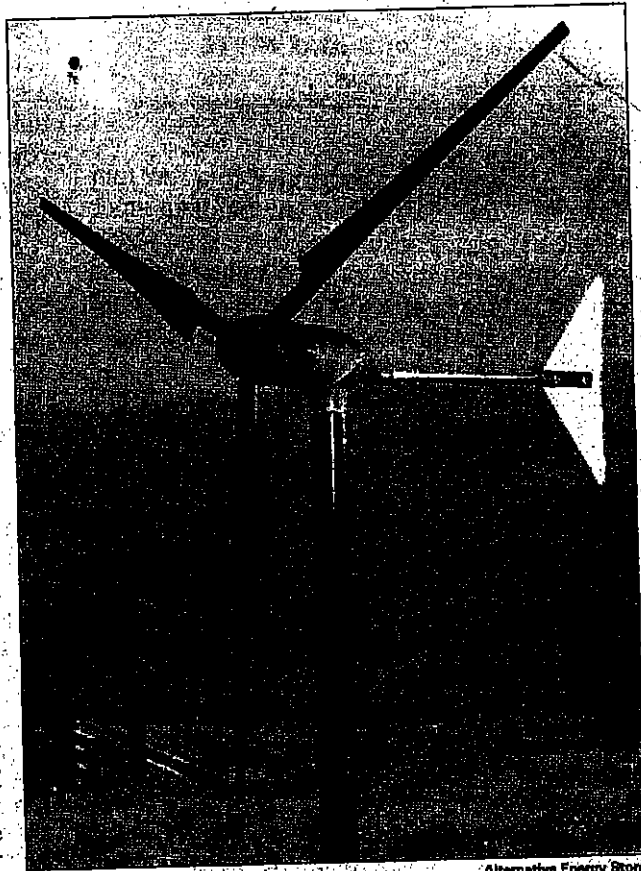
It would make more economic sense to plan to use a smaller windmill to reduce your electric bills rather than eliminate them totally. With adequate wind speed, a windmill capable of producing 10 kilowatts of electricity — enough for all the needs of a typical home — can cost more than \$20,000 to install. Depending upon your local electric rates, it will take many years to recoup its cost.

If your home is energy efficient, you may be able to get by with a smaller, less expensive model.

If you are planning to build a home in a remote area that currently has no electric power, installing a windmill may be the most cost-effective option. Running new utility lines to a distant house can be extremely expensive.

Some people are willing to make the additional investment in a windmill for environmental reasons. Windmills produce pollution-free electricity and reduce the need for nonrenewable fossil fuels.

Check with your local electric utility company about its policy on buying electricity your windmill produces. On windy days, when the windmill produces more electricity than your family needs, it can be fed back into the utility electric grid. The



Alternative Energy Store

This small windmill produces 900 watts of electricity and weighs only 47 pounds. The diameter of the rotor is seven feet.

eral months. Some windmill suppliers will provide you with a wind gauge. The wind speed will determine your economic payback and assist you in selecting the proper size windmill. All new windmills

com.
■ Wind Generation Products, (954) 525-9999 or www.windbugger.com
■ Wind Turbine Industries, (952) 447-6064 or www.windturbine.com