

Hillside Place at New Britain Condominium Association, Inc.
hillsideplacecondo.com

**Condominium Ownership of Units and Common Elements:
Unit Doors, Locks, and Keys**

A major area in which living in a condominium, and specifically in Hillside Place Condominium, differs from living in single-family housing has to do with the matter of ownership. Excepting the mortgage owner, ownership is straightforward in single-family housing. In a condominium, the unit owner owns the interior of a unit, the exterior of a unit is owned “in common” by all unit owners. In our case, there are 30 units and 30 unit owners. Each of these owners owns 3.3333 % of the “in common” property. The legal basis for condominiums, at both the national and state levels, rests responsibility for the “in common” property (referred to as “common elements”) through a representative board. The board is charged with responsibly and reasonably maintaining the safety and well-being of the property for the benefit of all owners and residents.

Our documents address ownership by unit owners and responsibility for common elements as follows:

Declaration, Article IV, Maximum Number of Units, Identification and Boundaries, Section 4.3 - Boundaries, (a) [Vol. 1122, Page 26]

Walls, floors, windows, exterior doors [as opposed to doors from room to room within unit] and ceilings are designated as boundaries of a Unit. All lath, furring, wallboard, plasterboard, plaster, paneling, tiles, wallpaper, paint, finished flooring and any other materials constituting any part of the finished surfaces thereof are a part of the Unit, and all other portions of the walls, floors, windows, exterior doors and ceilings are a part of the Common Elements.

Declaration, Article VI, Maintenance, Repair and Replacement, Section 6.1 - Common Elements, (a) [Vol. 1122, Page 27]

The Association shall maintain, repair and replace all of the Common Elements, except the portions of the Limited Common Elements

which are required by this Declaration to be maintained, repaired or replaced by the Unit Owners.

Declaration, Article XXV, Executive Board, Section 25.2 - Powers and Duties [Vol. 1122, Page 47, Page 48]

The Executive Board may act in all instances on behalf of the Association, except as provided in this Declaration, the Bylaws or the Act. The Executive Board shall have, subject to the limitations contained in this Declaration and the Act, the powers and duties necessary for the administration of the affairs of the Association and of the Common Interest Community which shall include, but not be limited to, the following:

- (h) Regulate the use, maintenance, repair, replacement and modification of the Common Elements;
- (i) Cause additional improvements to be made as a part of the Common Elements;
- (q) Exercise any other powers conferred by this Declaration or the Bylaws;
- (r) Exercise all other powers that may be exercised in this state by legal entities of the same type as the Association;
- (s) Exercise any other powers necessary and proper for the governance and operation of the Association[.]

Declaration, Table of Interests (Declaration Schedule A-2) [Vol. 1122, Page 54]

[For each of the 30 units:]

Percentage Share of Common Elements	3.3333
Percentage Share of Common Expenses	3.3333
Vote in the Affairs of the Association	1

Bylaws, Article II, Executive Board, Section 2.2 - Powers and Duties [Vol. 1122, Page 47, Page 96-97].

The Executive Board may act in all instances on behalf of the Association, except as provided in the Declaration, these Bylaws or Chapter 828 of the Connecticut General Statutes. The Executive Board shall have, subject to the limitations contained in the Declaration and Chapter 828 of the Connecticut General Statutes, the powers and duties necessary for the administration of the affairs of the Association

and of the Common Interest Community which shall include, but not be limited to, the following:

- (h) Regulate the use, maintenance, repair, replacement and modification of the Common Elements;
- (i) Cause additional improvements to be made as a part of the Common Elements[.]

Every few years there is a question concerning the ownership of unit doors, locks, and keys. Our documents address unit doors, locks, and keys as follows:

Declaration, Article VI, Section 6.3 - Access [Vol. 1122, Page 27]

Any person authorized by the Executive Board shall have the right of access to all portions of the Property for the purpose of correcting any conditions threatening a Unit or the Common Elements, and for the purpose of performing installations, alterations or repairs, and for the purpose of reading, repairing, replacing utility meters and related pipes, valves, wires and equipment provided that requests for entry are made in advance and that any such entry is at a time reasonably convenient to the affected Unit Owner. In case of an emergency, no such request or notice is required and such right of entry shall be immediate, whether or not the Unit Owner is present at the time.

Rules, Article I, Section 1.3 - Access by Executive Board and Secured Space. [Vol. 1122, Page 109]

The Executive Board, the manager or its designated agent, may retain a pass key to all Units for use in emergency situations only. No Unit Owner shall alter any lock or install a new lock on any door of any Unit without immediately providing the Executive Board, the manager or its agent, with a key therefor.

Maintenance Standards Policy, Unit Entry Door Lock and Hardware:

Unit Owners shall not make any changes to a Unit door or door lock without prior written permission from the Association. Every Unit entry door lock shall operate with the Association's master key and no separate dead bolt may be installed.

As Hillside Place was originally created, all the doors worked on a master key setup. All the doors and locks are owned and controlled by Hillside Place. The board, in conjunction with our management, have the responsibility to maintain the locks, and keep all the units and buildings safe. The safety part is where the master key set up comes in. In an emergency occurs, such as a flood, which has happened within units here, and a unit has to be entered and there is no key, the door may have to be broken to allow for entry. These doors from the 1800s are irreplaceable and any matching replacement would be incredibly expensive. Instead of a flood, an emergency could involve life or limb, increasing the need for prompt action. Having all locks on a master key arrangement would hasten needed action and possibly mean the difference between life and death. At the present, the main entry door 911 Emergency Key Box, for use by first responders, contains the master key.

March, 2016. Approved on June 26, 2016, by the Board.