

Questionnaire as the basis for the further research

1. Regulations concerning condominium owners' meetings

1.1 Votes

- per capita
- per share
- per unit
- other mode
- written form
- form agreed upon by participants
- secret vote
- open vote
- vote by raised hands
- abstention does not count
- abstention counts as against
- result must not be deduced by subtraction of minority votes

1.2 Proxies

- simple written form
- formal written form (by notary)
- formal requirements must be met
- allowed
- impossible
- limited by contract
- limited by ruling of owners' meeting
- management can hold proxies
- management can hold proxies conditionally
- management cannot hold proxies
- proxies are/are not transferrable

transfer?

1.3 Quorum

- no quorum required
- quorum required
- quorum required for votes on certain decisions/motions
- if quorum is not reached, a new meeting is scheduled

1.4 Agenda

- set by management
- set by an elected group of owners

- each owner is entitled to add items to the agenda prior to the invitation
- the meeting can only debate and vote upon items on the agenda
- items on the agenda must be clarified in detail
- the agenda includes preformulated motions

1.5 Vote by mail

- generally permitted
- permitted only by general approval
- only permitted for specific issues
- only permitted if quorum is reached
- only permitted if motion is brought in within deadline

1.6 Invitation period

- in weeks
- in days
- depending on when invitation was received
- depending on when invitation was sent
- postage must meet formal requirements (registered, with acknowledgement of receipt etc.)

1.7 Consequences of delayed invitation of individual owners

- meeting is void
- meeting can be declared void by motion
- none if owners who were not invited in due time represent only a small part of the votes

2. Influence of legal framework on the management

2.1 Ownership

- The owner buys a share of the territory. The apartment allotted to him is inseparable from this share.
- The owner buys the apartment. The territory and common property have their own legal nature and are owned by the owners' association.
- The owner buys the apartment. The territory and common property have their own legal nature and are owned by a third party.

2.2 Legal status of the owners' association

- Can the owners' association go or be taken to court?
- Can the owners' association own real estate?
- Can the owners' association take out a loan?
- Can the owners' association file for insolvency?
- Is the owners' association a legal entity in relation to its members?
- Can the owners' association be abolished by majority vote?

2.3 Is there a concept of due practice of management that any owner can lay claim to?

3. The management advisory board

3.1 Does the law

- allow
- prescribe
- favor

a management advisory board?

3.2 What is the position of the management advisory board?

- It operates as a supervisory body.
- It cooperates with the management on an equal level
- It consults the management.
- It supports the management to the degree required by the management
- It is a group of spokespersons for the owners

3.3 Number of members of the advisory board

- the number is decided upon in an owners' meeting
- the number is regulated by law
- the number is set by contract

3.4 Responsibilities of the advisory board

- control of the annual statement
- control of the budget
- control of estimated for repairs
- tasks attributed by the owners' meeting

3.5. Honorary capacity of the advisory board

- no financial compensation
- reimbursement of costs
- financial compensation
- the owners' association decides

3.6 Membership in the advisory board

- All members must be owners
- The owners' meeting can vote for external members

4. Management

4.1 legal framework for management responsibilities

- The responsibilities of the management are regulated by law.
- Further tasks can be attributed to the management by owners' resolution
- The owners can transfer management responsibilities to themselves or a third party.
- Management core responsibilities cannot be transferred.

4.2. Management activities

- collection of condominium fee
- preparation of the budget
- preparation of the annual statement
- implementation of resolutions taken in owners' meetings
- organization of and presidency in owners' meetings
- keeping the minutes of owners' meetings
- filing all legally and technically relevant documents concerning the owners' association
- organization and supervision of maintenance staff
- external representation of the owners' association

4.3 Access to the profession (licensing)

- Is the access to the profession regulated and/or supervised by the state?
- Is further vocational training publicly supported or a requirement?
- Is a certificate of good character required?
- Does the state set norms for management activities?

4.4. Management contract

- Does the manager present his application for a contract
- to the advisory board
- to the owners' meeting
- to a government office
- Can the manager be installed by written vote?
- Can the manager be installed by a third party (building promoter, committee of owners etc.)
- Can the declaration of condominium exclude the installation of a professional manager?

4.5. Securities for owners and the owners' association

- Are there any publicly or privately organized financial guarantees for the security of trustee funds?
- Is there legal norm according to which trustee funds and financial means of the management company must be kept on separate accounts?
- Can the manager deposit funds of the owners' association in trustee accounts which is kept in the name of the managing company?
- Is the accounting regulated by law?

4.6 Professionalism in management

Is professional practice of condominium management mandatory independent from the size of the owners' association?

5. Professional associations

- Are there professional associations for condominium managers in your country?
- If yes, do these associations include rental property managers?
- Are there chambers under public law that are responsible for condominium managers?
- Is there a regional structure of professional associations for condominium managers in your country?
- What is the function of the chambers of commerce for your profession?
- Is there a department in the central or regional government into the competence of which condominium management falls?
- Is there a department in the Census Bureau that deals with condominiums and their management?
- Is there a statistical yearbook that offers data about condominiums and their management?

6. Statistics

6.1 Number of condominiums

- What is the effective number of condominiums?
- What is the annual increase
- How strong is the trend of conversion of rental property into condominiums?
- How many units are there in the biggest condominium complex?
- What is the average size of a condominium apartment?
- How many parking spaces are allotted to an apartment?

6.2 Number of management companies

- effective numbers and statistics from the past, statistics about the development of this field of business
- average size of management companies (business volume, staff, units managed)