

# **Evaluation of condominium legislation**

## **Abstract**

This diploma thesis deals with evaluation of current status of condominium legislation, as it is present in Civil code, its implementing government decree, apartment ownership act and other related legislation. The thesis focuses on evaluation whether the current state is usable by general public, that is by people not equipped with legal education and without the knowledge of related case law, as well as on pointing out the application difficulties that result from unclear or impractical settings in some areas. Such application difficulties are documented by discussions and faulty acts of public administration. The first main topic is division of single object of ownership – the house to individual objects – units. This part deals with the two parallel definitions of units, their mutual differences, questions related to ownership of some parts of the house. Following is the part dealing with common parts, including the question if some parts can be owned by only some of the co-owners of the house, and the question of what is the regime of land around the house. The second main topic addressed is the rights and obligations of unit owner and the way common parts are managed. This part discusses the lack of clarity in the possibility to use common parts and whether such usage could be prohibited, the possibility of imposing obligations on unit owners and the question of how the new legislation applies to units defined under the apartment ownership act. The part about management of common parts deals with the role of housing association including whether the concept of legal entity is understood by general public, limited legal capacity of the housing association and resulting issues in contractual obligations, decision making within housing association, requirement of due care of statutory body members as well as the nature of rules of administration and the resulting possibility or impossibility of interfering in the ownership of units by prohibitions or orders. Within the individual parts of the thesis the comparison with foreign legislation is done with focus on German apartment ownership act WEG and changes are proposed to improve the quality of the legislation.