

Summary

The legal orders of almost all countries strive to create suitable conditions to ensure basic human need of housing. The aim of this work is to provide analysis and comparison of the protection of rights of members of housing cooperatives and owners in the homeowner association, both in relation to members of those bodies mutually and among members and the entity. At the beginning I briefly deal with the historical development of the legislation of both institutes, which shows the long tradition of co-operatives in the Czech Republic in comparison with modern regulation of homeowner associations. Subsequently I studied their legal status under current law.

The main part of this thesis is contained in Chapter III which provides an overview and analysis of basic rights and their protection. Namely, Section 2 of the same chapter concerns with the rights associated with the creation and termination of membership in the legal entity, where the basic difference is that membership in the housing cooperative is voluntary, while in the homeowner association it is established by law. The issue of transfers of cooperative apartments to private ownership of former cooperative members is outlined.

Section 3 is devoted to the method of forming entities will, therefore, the manner of appointment and decision-making of bodies of cooperatives and owners. Special attention is paid to very different opportunity to defend against the decision of the bodies, whether inside the entity itself or by a court, where legislation of homeowner association gives to owners significantly more power. There is summarized question of liability for damages of members of the elected bodies.

Section 4. contents mutual rights and obligations of members of cooperatives and homeowner associations and manners how these legal entities may enforce the commitment of obligations by its members.

The last part focuses on property issues, namely to mutual claims between shareholder and a housing cooperative - an obligation to deposit membership contribution to the capital of the cooperative and right to receive distribution share after termination of membership, respectively in both entities I concerned with the liability of members of cooperative or owners for obligations of mentioned entities.

I also mentioned key changes implemented by new civil and commercial codes that attempted to respond to numerous complaints about the quality of existing legislation. This new regulatzion can already be considered as more consistent and undoubtedly brings many necessary provisions, even though its quality shall be proven by time.