

INTRODUCTION

Thomas Hobbes (1588-1679) and John Locke (1632-1704), two English Philosophers of the 17th century disagreed on many things, not the least of which was whether people were naturally good (Locke) or naturally bad (Hobbes). But they did agree on the concept upon which our Founders based many of the principles of the Declaration of Independence and the Constitution - The Social Compact.

Essentially, the Social Compact is the unspoken and unwritten principle that the power to govern comes from the people and that we choose to live in societies where we willingly give up some of our individual freedoms to the ruling authority in exchange for certain protections, such as establishing fair rules that apply to all and protecting us from others who can harm us. Locke and Hobbes could have been speaking of condominium associations.

Both Locke and Hobbes, though they shared a difference in belief regarding how much control should be given to government, a discussion evident even today in our country regarding how much control should be given to the federal government and how much should be left to the states, agreed that the concept of government revolves around the belief that to live in a community which they called society and is here called a condominium association, inherently requires each individual to give up some of their natural rights to the controlling government in exchange for certain help and protections.

In other words, everyone who enters into life in a condominium association needs to understand they are giving up some of the rights they would have as single-family home owner, such as playing music as loudly as they want, in exchange for other help and protections, such as repairing the roof and removing snow.

Once this concept is understood and absorbed by the unit owners, most of the problems disappear.

This website book endeavors to guide Associations through the process of properly operating their Association in such a way as to balance the interests of the individual unit owner against the rights of the association as a whole. Locke and Hobbes would be pleased.

In order to help understand how this works, it is necessary to give a brief overview of how the condominium laws in New Hampshire work.

All of condominium law in New Hampshire now flows from the New Hampshire Condominium Act. This is written or codified in the statutory law of New Hampshire. The laws are all numbered and broken down into sections.

The New Hampshire Condominium Act is codified at RSA 356-B.^[1] It is currently divided into 69 sections. Many of them have to do with the approval process. Those sections are irrelevant here as this book deals with what happens after approval has been granted and the condominium association has been created, i.e. how it should run, not how it should be created.

^[1] "R.S.A. is an abbreviation for "Revised Statutes Annotated." This means the individual statutory laws have been amended over time, usually to reflect changes in society and the development of the law; "annotated" means there can be explanatory notes at the bottom of each statutory entry. Here, the annotations are not listed, unless there has been an important change in the law that could affect how a condominium association should act.

Citations to the Condominium Act appear throughout this web-book, to give you both some guidance on where to find the law and to show you the actual language, where appropriate. I have found that too many problems in “condo world” have been created by the use of opinion rather than facts. As such, I have attempted to use direct quotes from the Condominium Act.

For example, Chapter 356-B of the New Hampshire RSAs details New Hampshire law for condominiums. The Chapter itself, “shall be known and may be cited as the ‘Condominium Act.’” RSA 356-B: 1. This means the quote is found in Chapter 356-B, Section 1.

Penultimately, this manual is not meant to cover every aspect of condominium law. Some are so arcane as to not be worthy of taking up space in a report that is meant to cover the issues most likely to face condominium associations in New Hampshire. It is meant to be a helpful resource, not a tome. Therefore, such important but relatively rare matters as eminent domain are not covered here but are left for another day, another book, or a late night when sleep does not come easily.

Finally, the beauty of the Internet is information can be added quickly. As such, as things change in Condo World, so too will these pages be updated and re-posted.