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PROGRAM

International Research Forum on Multi-owned Properties

Centre Tarraconense el Seminari
Tarragona, Spain



UNIVERSITAT
ROVIRA i VIRGILI
Housing Chair



15th - 17th May 2024

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<https://housing.urv.cat/es/ifmop2024/>

Day 1: Wednesday, 15th May 2024

Centre Tarraconense el Seminari: c/Sant Pau, 4, Tarragona (Muralles Room)

TIME	NAME OF AUTHORS AND AFFILIATION	PAPER TITLE
0900-0915		Registration
0915-0945	<p>Prof. Dr. Josep Pallarés, Rector of University Rovira i Virgili</p> <p>Rubén Viñuales, Mayor of the City of Tarragona</p> <p>Pablo Abascal, President of the Spanish General Council of condominium managers</p> <p>Alfredo Sanz, President of the Spanish General Council of Technical Architects</p> <p>Vicente J. García Hinojal, Dean of the Catalan section of the College of Spanish Land Registrars</p> <p>Dr. Héctor Simón, Director of the UNESCO Housing Chair URV</p> <p>Prof. Dr. Hazel Easthope, UNSW City Futures Research Centre</p> <p><i>Chair: Prof. Dr. Sergio Nasarre-Aznar</i></p>	Conference welcome
PART 1. New Technologies and the future of condominiums <i>Chair: Prof. Dr. Hazel Easthope</i>		
0945-1030	<p>Prof. Dr. Amnon Lehavi <i>Reichman University</i></p>	<p>Keynote Presentation Governing the Smart Condominium: Prospects and Challenges</p>
1030-1110	<p>Dr. Dorit Garfunkel <i>The Open University of Israel</i></p> <p>Dr. Cristina Argelich-Comelles <i>Autonomous University of Madrid</i></p>	<p>Snapshot: Technological challenges and new directions</p> <p>Navigating the Digital Transformation of Condominium Governance</p> <p>Blockchain Technology and Civil Mediation in Conflicts in Condominiums</p>
1110-1140	Coffee break	
PART 2. New legal directions for multi-owned property <i>Chair: Dr. Laura Crommelin</i>		
1140-1220	<p>Prof. Dr. Susan Bright <i>University of Oxford</i></p> <p>Prof. Dr. Sarah Blandy <i>Sheffield University &</i></p> <p>Dr. Fabiana Bettini <i>University College London</i></p>	<p>Understanding the role of law in shaping the life of high-rise residential buildings</p>

TIME	NAME OF AUTHORS AND AFFILIATION	PAPER TITLE
1220-1300	Prof. Dr. Evan McKenzie <i>University of Illinois at Chicago</i>	The emerging legal paradigm for condo regulation and its implications for the future of home ownership
1300-1400	Lunch	

TIME	NAME OF AUTHORS AND AFFILIATION	PAPER TITLE
PART 3. Condominium in transition <i>Chair: Prof. Dr. Hazel Easthope</i>		
1400-1440	Prof. Dr. Douglas Harris <i>University of British Columbia</i>	Condominium to the Country: The Sprawl of Ownership within Private Local Government
1440-1520	Prof. Dr. Vincent Sagaert <i>University of Leuven</i>	Multi-owned properties: from protection/security to efficiency/flexibility
1520-1620	<p>Michael Teys <i>University of New South Wales</i></p> <p>Prof. Dr. Rachelle Alterman <i>Technion</i></p> <p>David Rouse <i>The Housing Agency</i></p>	<p>Snapshot: Condominium law and regulation</p> <p>Evolution of the Strata Anti-Commons</p> <p>Condominium Law versus Neighbourhood Regeneration - Analysis of conflicts among owner majorities and minorities</p> <p>Dispute Resolution for Multi-unit Developments in Ireland</p>
1620-1700	Break & move to roundtable	
1700-1830	<p>María Cinta Tallada-López <i>Land Registrar</i></p> <p>Juan López-Asiain <i>Director of Technical Bureau of the Spanish General Council of Technical Architects</i></p> <p>Fabián Hugué-Tous <i>Secretary of the Spanish General Council of condominium managers</i></p> <p>Dawn Bauman <i>Executive Director, Foundation for Community Association Research, USA</i></p> <p><i>Chair: Dr. Núria Lambea-Llop, University Rovira i Virgili</i></p>	<p>Round Table 1. Professionals. Legal & technical issues and decision making in multi-unit buildings</p> <p><i>(Translation Spanish-English will be provided)</i></p>
1900-2000	Welcome reception (<i>Casa Canals: c/d'En Granada, 11, Tarragona</i>)	

Day 2: Thursday, 16th May 2024
 Centre Tarraconense el Seminari. (Muralles Room)

TIME	NAME OF AUTHORS AND AFFILIATION	PAPER TITLE
0910-0920	Dr. Laura Crommelin	Welcome Day 2
Part 4: Comparative legal perspectives <i>Chair: Dr. Laura Crommelin</i>		
0920-1000	Dr. Edward Ti <i>Singapore Management University</i> Dr. Fabiana Bettini <i>University College London</i>	Snapshot: Comparative legal perspectives Property rights: English Commonhold, Australian Strata, and the Human Rights Act 1998 Fire Safety in High-Rise Residential Buildings: Comparative Property Law Perspectives
Part 5: Condominium in Spain <i>Chair: Dr. Héctor Simón</i>		
1000-1040	Prof. Dr. María Teresa Alonso-Pérez <i>University of Zaragoza</i>	The recognition of legal personality to communities of owners: Problems that arise in Spanish Law
1040-1120	Dr. Gemma Caballé-Fabra <i>University Rovira i Virgili</i> Dr. Silvana Canales-Gutiérrez <i>University Rovira i Virgili</i>	Snapshot: special issues in condominium law Challenges of condominium hotels in Spain Administration fees in condominium international private law
1120-1150	Coffee break	
Part 6: Condominium in Ethiopia <i>Chair: Prof. Dr. Hazel Easthope</i>		
1150-1230	Hone Mandefro Balaye <i>Concordia University</i> Bantayehu Ayalew Workineh <i>University of Gondar</i>	Snapshot: Condominium in Ethiopia Governance through Condominium Housing: State, Housing and Everyday Life in Addis Ababa Perceptions and key challenges in the development of condominium housing in Central Gondar, Gondar City
Part 7: Accessibility in multi-owned properties <i>Chair: Prof. Dr. Hazel Easthope</i>		
1230-1310	Dr. Marc Roark <i>University of Tulsa</i> Dr. Héctor Simón-Moreno <i>University Rovira i Virgili</i>	Snapshot: Accessibility in multi-owned properties Resilience and Disability in Home Ownership Associations in the U.S. No one left behind: housing as an essential precondition for independent living
1310-1410	Lunch	

TIME	NAME OF AUTHORS AND AFFILIATION	PAPER TITLE
Part 8: Housing cooperatives and collaborative housing <i>Chair: Dr. Laura Crommelin</i>		
1410-1450	Dr. María Paula Rodríguez-Liévano Prof. Dr. Sergio Nasarre-Aznar <i>University Rovira i Virgili</i>	Housing cooperatives in cession of use: an alternative housing tenure in MUB to condominiums?
1450-1530	Dr. Phillipa Hughes <i>University of Liverpool</i>	Multi-owned properties within collaborative housing; understanding institutional forms
Part 9: Redeveloping multi-owned properties <i>Chair: Prof Dr. Sergio Nasarre-Aznar</i>		
1530-1610	<p>Prof. Dr. Bruce Judd Prof. Dr. Hazel Easthope <i>University of New South Wales</i> Prof. Dr. Kenichi Tauone <i>Kyushu University</i></p> <p>Dr. Tuulia Puustinen <i>Aalto University</i> Prof. Dr. Hazel Easthope <i>University of New South Wales &</i> Prof. Dr. Sandra Löschke <i>University of Sydney</i></p>	<p>Snapshot: redeveloping multi-owned properties</p> <p>Renewing Muromi Danchi: A resident-led approach for multi-owned housing in Japan</p> <p>Unlocking Success in multi-owned housing renewal: the significance of livability, milieu, and heritage preservation</p>
1610-1700	Break & move to roundtable	
1700-1830	<p>José Luis Polo-Francisco <i>Real estate conveyancer</i></p> <p>Gemma Feliu-Lucas <i>Director of Social Projects, SOGEVISO</i></p> <p>Francisco Pérez-Caballero <i>Councillor at Spanish Confederation of Housing cooperatives</i></p> <p>Rogelio Loera-González <i>Head of Planning, Housing Promotion Directorate, City of Guadalajara, Mexico</i></p> <p><i>Chair: Dr. Gemma Caballé-Fabra UNESCO Housing Chair, University Rovira i Virgili</i></p>	<p>Round Table 2. Upgrades of multi-unit buildings</p> <p><i>(Translation Spanish-English will be provided)</i></p>
1930-2130	Forum Dinner (Restaurant Mas Rosselló: https://www.masrosello.com)	

Day 3: Friday, 17th May 2024

Please see separate full program for further details

0830	Meeting Point: Avda. Catalunya, 35, Tarragona (Campus Catalunya URV)
0900	Visit to a residential condominium. Cambrils.
1030	Visit to Social Center “El Roser”. Reus.
1200	Visit to a modernist graveyard. Reus.
1330	Lunch (Picnic bag). Venue: Centre Cívic del Barri del Carme (Pl. Patacada, 10, Reus)
1500	Guided visit to modernist Reus. Led by architect Xavier Climent.
1700	Return bus to Tarragona

Contact phones for emergencies

Ambulance/Police/Firemen: 112

Organizer contact person: Dr. Gemma Caballé-Fabra (+34-636703874)

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Paper Abstracts

Keynote

Governing the Smart Condominium: Prospects and Challenges

Prof. Dr. Amnon Lehavi

Reichman University



The “smart city” is probably the most prominent term of art in planning the future of cities and the various dimensions of urban density. The use of digital technology for the aggregation of data about individual and collective modes of city living, as well as other forms of disruptive technology to promote renewable energy and optimal use of urban infrastructure, is expected to have a profound effect on condominiums, and on high-density developments more generally.

While current literature about smart cities focuses on the effect of such innovation on local public governance, on the one hand, and individual residents (e.g., their privacy) on the other, little attention is paid to the institutional and legal roles that the condominium may play in the operation and governance of smart cities. What does it mean for a condominium to be “smart” and how would the introduction of such technology affect its governance system both among the unit owners/holders and as a collective entity vis-à-vis the neighborhood and the city? Can the condominium serve as a conduit for streamlining a process of optimizing the use of urban assets?

This presentation examines the prospects and challenges that smart technology in the urban context poses for the collective governance of condominiums. It addresses the decision-making process (including the threshold of majority vote) required to introduce smart technology into the condominium, from smart meters to location tracking; how the interests of individual residents should be weighed against collective ones, and if “smart condominium law” is likely to emerge in the near future.

Navigating the Digital Transformation of Condominium Governance: Digitalization, Market Dynamics, and socio-political implications

Dorit Garfunkel

The Open University of Israel

In its initial stages, condominium law and governance held the opportunity to foster participation, social inclusion, and small-scale democracies. This promise aligned with broader ideals of autonomy and control associated with private ownership, as well as with ideas of citizenship. However, recent years have witnessed a challenge to these principles due to the increased involvement of market-driven stakeholders and interests in condominium governance.

In today's era of rapid technological advancement, condominium governance is undergoing additional profound transformation through digitalization and the involvement of new players including those from the prop-tech and condo-tech industries.

This research seeks to uncover the multifaceted socio-political context, practices, and power dynamics that shape the digital transformation of condominium governance, encompassing aspects such as data production, data flows, data ownership, and data governance.

The research employs qualitative methods, including interviews with key figures in the tech ecosystem, condominium owners, and property management professionals in Israel. Additionally, it involves the analysis of written materials, social media content and legal frameworks. The findings are analyzed through a research framework I constructed to assess the impact of the digitalization of condominium governance, focusing on (1) owners' and tenants' participation, (2) data accessibility, (3) transparency, (4) privacy, (5) freedom of choice, (6) inclusion and (7) efficiency.

The research not only enhances the understanding of the intersection between technology and governance, but also prompts a re-evaluation of condominium governance, especially when compared to the concept of a 'smart city', within the context of private housing and private property ownership.

Blockchain Technology and Civil Mediation in Conflicts in Condominiums

Cristina Argelich-Comelles

Autonomous University of Madrid

This paper proposes a critical analysis and development of a legislative proposal for the effective implementation of blockchain technology in civil mediation in conflicts in condominiums. The novelty of this research lies in the fact that, based on the experience of civil mediation in conflicts in condominiums, foreseen in US states and in other states such as Canada and Spain, the regulation is adapted for the correct application of blockchain technology for mediation in conflicts in condominiums. Considering the Spanish case of conflicts in condominiums, the paper examines personal and neighbourhood conflicts from the comparative law perspective, regarding co-ownership division, housing leases, housing foreclosure and neighbourhood conflicts. Blockchain technology for the self-execution of mediation agreements and property remote control will be addressed, as well as condominium statutes in blockchain, telematic attendance and voting systems, and tokenization and Internet of Things for housing management in condominiums.

Understanding the role of law in shaping the life of high-rise residential buildings

Susan Bright, Sarah Blandy & Fabiana Bettini

University of Oxford, University of Sheffield & University College London

'Vertical urbanisation' is a new form of housing densification that has accelerated rapidly in the 21st century and now dominates the skylines of many global cities. These tall buildings are technically, legally, and socially complex and yet there has been relatively little research, particularly in England, into the role of law in shaping the physical and social spaces. Given the urgent need for policy makers to address important contemporary challenges (including building safety, sustainable cities, and achieving net zero) this dearth of empirical data is troubling. This paper proposes a novel socio-legal theoretical frame focused on two deeply interconnected formative processes operating at various scales from the global to the home: the financialisation of housing and the role of law.

The formative process of law takes different forms (planning law, facilitative laws, regulatory law), together with private law-making through 'technologies of law', and 'organisational practices'. Each English development will have a different legal matrix, and the properties created, both physical and legal, are embedded within wider networks of social and commercial norms. We show how these formative processes together shape the production and materialisation of buildings, long-term safety and maintenance, spatial and neighbourhood impacts, and residents' lived experiences. Empirical research will be needed to flesh out our theoretical frame.

In other jurisdictions, relevant laws and processes will differ and will produce different results which can be analysed using the same framework, enabling comparisons to be made and furthering research into this important contemporary development in urban housing.

The emerging legal paradigm for condo regulation and its implications for the future of home ownership

Evan McKenzie

University of Illinois at Chicago

After the deadly June 24, 2021 collapse of a Florida condominium building, consensus formed that many condo boards and owners were failing to have their buildings inspected and were not setting aside sufficient funds in advance of inevitable critical repairs. Several US state legislatures passed or are considering legislation mandating structural inspections and compelling associations to pay for major repairs. The paper analyzes these laws, finds their common threads, and explores their implications for the institution of condominium housing and other forms of common ownership. These laws represent the most dramatic rethinking of state-level condominium association regulation since this form of housing came to the US in 1961. Condominium housing has always been based on the assumption that condominium private governments did not require public oversight, especially regarding maintenance of their buildings, which after all is the *raison d'être* of condo boards. And, because these new laws impose increased financial burdens on associations without making new revenue sources available to them, there is widespread concern in the industry that many associations will be unable to afford what the laws require of them. This may increase an already-existing trend toward buyouts of entire condo buildings by investors, which is part of larger trends in neoliberal housing policy in which "affordable" owner-occupied housing is disappearing from the market in favor of rental property, housing is a financialized commodity, and the nature and forms of multi-owned properties ownership will need to be reconsidered.

Condominium to the Country: The Sprawl of Ownership within Private Local Government

Douglas C. Harris

University of British Columbia

As a form of land ownership, condominium enables subdivision and produces local government. Designed to facilitate the production of apartments as distinct parcels of land, ownership within condominium now dominates many urban housing markets. In some jurisdictions, including British Columbia, condominium (labelled strata property) may also be deployed to subdivide land for single-house lots within a structure of private local government. The principal effect is not to enable subdivision, something that was already possible and common, but, rather, to endow groups of single-house lot owners with fiscal capacity and governing authority to assume important aspects of local government. Through an analysis of bare land strata property in British Columbia, this paper reveals how the condominium form, which brought an architecture of ownership and government from the homeowners association of the American suburbs to the North American city, has spread back from the city into the suburban, exurban, and rural, producing a sprawl of ownership within private local government. It then considers the impact of this development in a conflict over the proposed eradication of deer on an island in southern British Columbia.

Multi-owned properties: from protection/security to efficiency/flexibility

Vincent Sagaert

University of Leuven

Multi-owned properties are often structured along the legal framework of condominium law (often called 'apartment law' in civil European jurisdictions). National condominium laws can differ, but generally have a common feature: they leave little room for contractual freedom. Owners and users of private units are often compelled into mandatory legal rules, which should protect them against real estate actors.

Such mandatory framework offers protection and legal security in the process of decision-making. However, several European jurisdictions are currently developing towards a more flexible system, which would have the advantage to create enhanced efficiency in the decision-making process. Especially in this decade, this could be of importance. As a lot of MOP's have been built in the aftermath of the first and the second World War, the building become obsolete and the costs for renovation are increasing. This urges sometimes to more radical kinds of decisions, such as the destruction and reconstruction of a building. The fundamental tension then arises between protection on the one hand and efficiency on the other hand.

The ultimate form of flexibility is to allow parties – and more specifically real estate developers – to opt out of condominium law and opt in of a more flexible legal framework, for instance the use of "property of volumes" outside the borders of condominium law. Both in Belgium (new Civil Code since 2021) and in France, we see that national legislators have opened the door to building rights (superficies) as means to structure MOP's, which allows for much more party autonomy. This paper aims to analyse these developments in a comparative perspective from French, Belgian and Dutch law.

The evolution of strata anticommons and a shift towards state intervention in multi-owned private property decision making - are we witnessing the end of a property ownership regime?

Michael Teys

University of New South Wales

A confluence of events and conditions worldwide herald a troubling time for decision makers in multi-owned properties and those that regulate them. Ageing buildings, underfunded reserves, unremedied building defects, unreliable building products and information, cost of living pressures and sustainability policies, are taking a toll on buildings and their owners with special duties to repair and maintain property not visited upon single dwelling house owners. Grenfell Towers, England, Champlain Towers South, USA, and Mascot Towers, Australia are cases in point where sub optimal management decisions and processes by owners and managers have led to the tragic loss of life, deteriorating mental health and financial ruin.

The paper is based on the author's recent work exploring anticommons in mixed-use developments (MUDs) and how they impede collective sales for urban renewal. Hellers' (1998) anticommons theory holds that too many owners of a limited resource can lead to its underuse and market inefficiency. The author's research analyses the content of strata management statements for the governance of MUDs and interviews with lawyers, developers, and managers involved in structuring these projects. Specific anticommons risks in MUDs are identified as risking the effective use of these properties. The MUD anticommons are contextualised as risks that have evolved as the form and structure of single strata and multi strata developments have become more complex to meet market and planning policy demands.

In an extension of this research for the purpose of this paper, the author consolidates the literature on anticommons theory as it applies to all forms of strata for both single use and MUDs and observes the way in which sweeping building industry law reform in New South Wales is trending to state intervention in the decision-making processes of strata schemes generally and on a building specific basis. It asks the question – have we reached the end of the line for self-determining collective decision making? The paper provides a framework for further research internationally comparing multi-owned property regimes grappling with big issues of our time.

Condominium Law versus Neighborhood Regeneration: Analysis of conflicts among owner majorities and minorities

Rachelle Alterman

Technion

Condominium (strata) housing is a dominant form of tenure in many parts of the world. Like any type of housing tenure, condominiums too will be candidates for urban regeneration, yet research on neighborhood regeneration focuses mostly on owner-occupied or social-rental housing. Part of the reason may be that most legislation globally requires unanimous agreement by co-owners to carry out major alterations or demolish and rebuild. This is often difficult to achieve.

To enable housing regeneration, condominium laws must offer alternative decision mechanisms. A reduced majority is essential, but many questions remain: what level of reduced majority; what are the rights of minority owners, modes for conflict resolution, and role of the courts? In this research project, we surveyed condominium legislation among advanced-economy countries. Only a few enabled voluntary demolition or major works without a unanimous decision of all unit owners.

The comparative survey showed that Israel has what may be the broadest and longest experience with special legislation for condominium regeneration through market forces. In Israel, most urban housing is in condominium tenure and due to the country's tiny geographic area and high natural fertility rate, national planning policy encourages densification of existing neighborhoods. Land-use planning encourages either construction of additional floors on existing, structurally reinforced buildings and demolition and rebuilding of taller buildings. Local planning authorities estimate

market forces and calculate the estimated additional building rights to incentivize unit developers to work with condominium associations. All original owners are entitled to a new apartments. The developers usually sell the extra units 'on paper' to finance the project, plus interim rental costs. With the accumulation of experience, the original condominium legislation has been revised. First, an amendment allowed for reduced majority of 80% instead of unanimity, a majority that was subsequently reduced to 67%. Another amendment guarantees subsidies to former lower-income owners who may be faced with higher maintenance and tax costs in their new condominiums. Owners more than 70 years old who don't wish to await construction may receive the value of the future apartment to buy a housing unit in another location or move into a seniors' home. But even these improvements in the law do not eliminate conflicts among majority and minority owners. With the help of a conceptual framework, we analyse the body of tribunal procedures and decisions. The findings, analysed both legally and statistically, reveal inherent issues that have not been addressed before, either in Israel or elsewhere.

Dispute Resolution for Multi-Unit Developments in Ireland: As Clear as MUD?

David Rouse

The Housing Agency

Multi-unit developments (MUDs) are an increasingly common feature of Ireland's housing stock. Shared spaces and shared services in MUDs mean that the rights and responsibilities of interested parties are highly interdependent. The profile of stakeholders in MUDs is ever more complex and varied. Realising and maintaining successful and sustainable communities in these high-density developments requires the striking of an appropriate balance of rights, through workable ways of resolving disagreements and complaints. This paper briefly considers the types of disputes arising in MUDs in Ireland. It provides an overview of the existing framework and channels for the resolution of such disputes: contractual, regulatory, statutory, and judicial bases are noted. Drawing on the limited body of research in Ireland, and the author's experiences, the paper reflects on the extent to which current methods of dispute resolution may be efficient, effective, and proportionate. It concludes by outlining proposals for reform put forward by stakeholders including Government, and new research underway.

A case of distant cousins - English commonhold and Australian strata

Edward Ti

Singapore Management University

This paper considers how English commonhold has developed as a new estate in land in response to the problems of ownership of a long leasehold. Ironically, the varied and significant reforms to leasehold over the decades may be one reason why the typology has generally been eschewed, as leasehold's transition from contract to status appears to have blunted many of the intended benefits of commonhold. While often compared as being akin to Australian strata, the 'corporatised' form of ownership created by commonhold mean that the nature of property rights created under the Commonhold and Leasehold Reform Act 2002 (CLRA) are distinct, and when contrasted with strata, are at once more 'property-like' in some ways yet less 'property-like' in others. In examining voluntary winding-ups of a commonhold association by an 80 per cent majority of owners under the yet untested CLRA, s. 45, safeguards under the HRA 1998, as well as comparative lessons from strata terminations, are examined.

Fire Safety in High-Rise Residential Buildings: Comparative Property Law Perspectives

Fabiana Bettini

University College London

The Grenfell Tower fire that shocked London and the world in 2017 has not been an isolated event. Although less tragic in terms of victims, devastating fire accidents in high-rise buildings occurred in France and in Italy in the past decade or so (Tour Mermoz, Roubaix, in 2012, and Torre dei Moro, Milan, 2021), and all seem to have been caused by the presence of flammable cladding on the external walls of the buildings. These events, and the Grenfell Tower disaster in particular, have put fire safety at the forefront of the public and policy debate, and led to the implementation of new, stricter regulatory measures for high-rise buildings. However, the role of private law in responding to fire safety issues has appeared to be less central. This paper argues instead that private law can perform a key role in fire safety issues, and compares three legal systems—England, Italy and France—from the perspective of property law. In particular, the paper considers and compares the property arrangements used in high-rise residential buildings in the three systems (freehold/leasehold in English block of flats, condominium in Italy and copropriété in France), and assesses how these arrangements impact on the availability of remedial actions and on the allocation of remedial costs and after-the-accident losses among the parties involved. Ultimately, the paper reflects on the extent to which different property arrangements, and their underlying property conceptions, can affect the protection and remedies available to residents of high-rise buildings presenting fire safety problems.

The recognition of legal personality to communities of owners (Problems that arises in Spanish Law)

María Teresa Alonso-Pérez

University of Zaragoza

Spanish Law does not recognize legal personality to communities of owners. The disadvantages that such regulation can generate have been resolved by the law, and there are no legal difficulties for the management of these communities, so that said recognition is not strictly required.

However, the possibility of adopting such a measure is being considered.

I consider that the recognition of legal personality to communities of owners carries a risk of erosion of the individual property rights of the co-owners. On the one hand, it is because it would be accompanied by a simplification of the decision-making procedure and this would cause the co-owner to lose their relevance. On the other hand, such recognition would probably be accompanied by a separate asset of which the legal entity would be the owner, which may cause the communities of owners to become economic operators that pursue objectives other than those that are characteristic of them; even the private assets of the co-owners are at risk if the liability regime for co-ownership debts does not change.

If this measure is adopted, there are two aspects that must be taken care of: ensuring that all co-owners are represented by the decision-making procedure and altering the liability regime so that the assets of each co-owner cannot be affected by the debts of the co-ownership.

Challenges of condominium hotels in Spain

Gemma Caballé-Fabra

University Rovira i Virgili

The term 'condohotel' is based on the words 'condominium and hotel'. It is a type of condominium, which is most used in tourist buildings such as hotels, where investors can buy a private room/unit and offer it to a hotel company, which manages the condohotel and offers the units to guests through an accommodation contract. Room owners are also permitted to use their units for a specific period. However, residential use is prohibited. In exchange, the hotel company pays a part of its profit to the owners.

In Spain, some regions provide a special legal framework for condohotels. However, these frameworks are not sufficient to address all of the legal loopholes of this regime. In fact, the UNESCO Housing Chair last year made a report regarding a specific condohotel located in Comillas (Cantabria, Spain) which was commended by its property manager.

This paper will explain the features of condohotel and present the conclusions of our report. The report shows that despite the fact that this regime has a lot of advantages, especially for those hotels that need rehabilitation or that do not have much tourist activity, it presents incoherences and abusive practices from hotel companies to owners. The property right is also very limited and there are questions about whether this condohotel of Comillas was operated according to law.

Administration fees in condominium international private law

Silvana Canales-Gutiérrez

University Rovira i Virgili

Generally, the obligation to pay administration fees in condominiums is a legal obligation derived from the law rather than the will of the parties, falling within the scope of rights in rem. However, in Private International Law, the criteria for determining jurisdiction and applicable law in contractual obligations when there is an international element can differ significantly from domestic laws. The connecting factors establish highly limited categories, wherein legal classifications that might have few points of intersection in domestic law are merged or encompass legal relationships in unconventional ways in PIL.

Management fees in the framework of condominiums find themselves in this conundrum, as has been detected by the European Union Court of Justice in different judgments, especially in the Kerr case, because their natural categorization would have been within rights in rem but in terms of international jurisdiction and conflict of laws, they have been derived from the service contract that has entirely dissonant characteristics. Removing the rights in rem category and involving it in another type of legal relationship has consequences in Private International Law, potentially impacting the rights scenario for the parties.

Governance through Condominium Housing: State, Housing and Everyday Life in Addis Ababa

Hone Mandefro Balaye

Concordia University

The Integrated Development Housing Program (IHDP) in Ethiopia, commonly known as condominium housing, ranks among Africa's most extensive housing initiatives. Commencing as a pilot project in 2005, its expenditure exceeded 100 billion birrs in Addis Ababa alone, representing the Ethiopian government's second-largest financial commitment following the Grand Ethiopian Renaissance Dam. The IHDP has successfully constructed approximately 300,000 housing units, including numerous entirely newly established condominium neighborhoods, with a significant majority situated in Addis Ababa.

This paper explores the IHDP's impact on the social-spatial dynamics of Addis Ababa, investigating its influence on the state-society relationship and governance practices at the neighborhood level. By emphasizing the emergence of para-state institutions, particularly condominium committees, and their pivotal role in disrupting and complicating the traditional state-community relationship in Ethiopia, the paper offers a nuanced understanding of the Ethiopian state, its ambition to shape everyday life, and resistance from residents. Moreover, the paper delves into the historical and contemporary conditions that facilitated the IHDP's emergence and sustainability in a resource-constrained nation. It scrutinizes the events leading to the program's conceptualization, the involvement of diverse actors, including Western donors, and traces the program's evolution from a pro-poor initiative to one tailored to the evolving needs of residents identifying as middle-class. This analysis contributes to a comprehensive understanding of the IHDP's multifaceted impact on Addis Ababa's urban landscape, shedding light on the intricate dynamics shaping housing policies, state-society relations, and the evolving social fabric in Ethiopia's capital city.

Perceptions and key challenges in the development of condominium housing in Central Gondar, Gondar City

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Condominium houses are one of the housing types that differ in administration, shared resources, and activity delivered in the houses. This study focused on the perception of residents and the challenges of operating a condominium in a sustainable manner. Primary data was collected from condominium residents, officials, condominium committees, and fields via questionnaires, interviews, and observations. Secondary data was gathered from various reports via document reviews. A mixed research method was used, and samples were collected using systematic random and snowball sampling methods. These datasets were analyzed using descriptive statistics, binomial logistic regression, and content analysis. The result shows that the residents have a negative perception of the quality, management, and cost of owning and renting. The quality of the condominium house was related to the service, environmental quality, and space. The sample respondents reflected their perception of the poor quality of the houses related to their poor service, poor environmental quality and poor space. Similarly, poor sewerage, community participation, recreation, administration, and noise contribute to the negative perception of residents about the condominium management system. The challenges to sustaining the condominium housing development were affordability, quality of the house and neighborhood, and small loan return. The paper shows how perceptions of residents are shaped by these factors and how this becomes a challenge in sustaining housing development. Policy makers and different stakeholders can learn from the findings and design sustainable strategies. However, further scholarly investigation is also needed in this area.

Resilience and Disability in Home Ownership Associations in the U.S.

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In 2022, 84% of all new home builds in the U.S. were in home ownership associations. The number of Americans who own property in Home Ownership associations has risen every decade since the 1970s, despite conflicting values around their utility in the housing eco-system. On the one hand, HOAs are often seen as promoting the economic value of owner's property, subjecting ownership to uniform rules around aesthetics, use, traffic, access and the like. On the other hand, HOAs often find themselves at odds with owners, whose intended use of property is contrary to lengthy and sometimes opaque rules and that give license to HOA boards to enforce through harsh tactics, including placing charges on individual properties and even foreclosure for long-periods of non-compliance. This tension is particularly dire in the context of disabled persons' needs for property to serve their specific needs.

This article considers the role of HOA's and the way resilience is allocated through them to owners and to the association itself in the context of disability. Using RPT's scale analysis the article argues that HOAs have become "public" associations that should be limited by public policy constraints for the enforceability of rules. In doing so, this article highlights three different types of disability cases and how courts draw on material resilience, hierarchical resilience and rhetorical resilience emphasize outcomes that generate a "publicness" value in co-owned properties.

No one left behind: housing as an essential precondition for independent living

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The UN Convention on the Rights of Persons with Disabilities 2006 (CRPD) contains accessibility obligations regarding the identification and elimination of obstacles and barriers to housing accessibility (Art. 9), which is a precondition for the persons with disabilities to be able to live independently and be included in the community (Art. 19). In addition, the coronavirus pandemic has emphasized the importance of having a safe place to live. The report "The accessibility of housing in Spain, Sweden and Germany" (2018, UNESCO Housing Chair URV) analyzed the universal accessibility of single-family homes and multi-storey buildings in these countries and showed that only 0.6% were universally accessible in Spain, not far away from Germany, 1.5%; and Sweden, 2.6%. Based on this report, it seems to be a feasible hypothesis that the challenge of achieving true universal accessibility has a European dimension. Indeed, more than 30% of the European population has experienced problems when entering a building (Eurobarometer, 2015; however, Directive 2019/882 does not lay down rules concerning accessibility of the built environment). This is also a problem to deal with in the U.S. (cfr. "Accessibility of America's Housing Stock: 2011). The paper will address how the accessibility in the built environment is regulated from a comparative perspective, thus identifying the best practices to develop more inclusive housing policies in this field.

Housing cooperatives in cession of use: an alternative housing tenure in MUB to condominiums?

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Over the last 10 years there has been a growing visibility of collaborative housing in Spain as a possible solution to the classic dichotomy between private ownership and renting, and thanks to the diffusion coming from both the private and public sectors. Besides, collaborative housing in Spain has mainly taken the modality of cohousing (which responds to the desire for a more practical and social domestic environment, and whose organisation, planning and management is carried out by people who live in the community) under the legal form of housing cooperatives in cession of use.

However, there are few studies that analyse the problems these housing schemes can cause in practice, among these, the potential risk of violating the human rights which is the result from the sum of elements such as the less established legal framework of housing cooperatives (compared to condominium and rental legal frameworks) and the specific dynamics of the cohousing model, especially those related to high social interaction and collective life.

This paper analyses the operability of human rights in the access, during the stay and post stay in cohousing communities under the form of housing cooperatives and a comparative to the situation of condominiums. This helps to detect problems and propose measures for prevention and treatment of situations that injure human rights, as well as to offer some guidelines for the development of a future and necessary legal framework for minimum protection in housing cooperatives.

Multi-owned properties within collaborative housing; understanding institutional forms

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In in a context of varied and compounding housing crises worldwide, increased attention has been paid to the opportunities presented for achieving housing justice aims through multi-owned properties which operate as collaborative housing (Moore and Mullins, 2018). These collaborative housing models attempt to respond to the failure of the existing housing market to provide safe, secure, affordable housing. The initiatives approach this through mechanisms of co-ownership, or co-stewardship, intended to promote and protect affordability (Archer, 2020) and/or promote more socially integrated lifestyles (Tummers, 2016). These models have the potential to produce innovation within the current housing market through the provision intermediate tenure types, that is tenure which fall between full ownership and standard rental tenancy types (Nasarre-Aznar & Simón-Moreno, 2022).

These complex forms of collaborative tenure involve a mix of rights and responsibilities between state, civil society and private actors, organised in an atypical form of ownership which may be arranged differently in different national contexts (Griffith, Jepma, and Savini, 2022). This paper presents a summary of the models utilised for collaborative multi-owned properties in England and an early assessment of the evidence of their operation. It is based on a preliminary institutional analysis of the regulatory, planning and legal frameworks in place which impact the realisation of collaborative housing (Bossuyt, 2022), established through qualitative research interview and document analysis. In doing so, it creates a template for articulation of a framework for understanding collaborative housing from the perspective of its multi-ownership.

Renewing Muromi Danchi: A resident-led approach for multi-owned housing in Japan

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The postwar Japanese danchi (large housing estate on a single site) with their typical repetitive, linear, four to five-storey, stair-access buildings are a characteristic feature of Japanese cities. They were built for both public rental and private ownership by national, prefectural and city governments in the reconstruction effort and rapid industrialisation of Japan following WWII. Many, now being close to half a century old, are dated in design and equipment with deteriorating building fabric and services. Residents are generally older than the national super-ageing rate of Japan. Built in 1971, Muromi Danchi is a multi-owned danchi comprising 896 apartments in 34 five-storey buildings on a 13.6 hectare site six kilometres west of central Fukuoka with over three-quarters of residents aged 60 and over. Given its age, deterioration and unsuitability for its older population, and following a failed bid by developers in 2015, the owners' association has been exploring the possibility of resident-led reconstruction of the estate supported by Kyushu University and two local corporations. While reconstruction of public rental danchi is more common and straightforward due their single public ownership, for multi-owned danchi it is substantially more challenging despite the introduction of facilitating national legislation. Consequently, few multi-owned Danchi have been successfully renewed. This presentation reports on an ongoing participant action research project on the collective decision-making process and how it negotiates the Japanese planning and housing legislation systems, community politics, and the impact of the Covid-19 pandemic.

Unlocking Success in multi-owned housing renewal: the significance of livability, milieu, and heritage preservation

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Ageing multi-owned apartment buildings are confronted with the imperative for renewal in urban areas globally. Conventionally, such renewal refers to demolition and rebuilding. In this paper, instead, we focus on an alternative approach for the renewal of multi-owned housing developments: infill development on collectively owned sites as a means to finance major repairs in the existing buildings. Literature suggests that such renewal faces multiple challenges and risks, complicating or hindering the renewal process.

Some multi-owned housing developments have, however, managed to pioneer such projects. This paper explores factors contributing to a successful renewal by a conducting a case study in Helsinki, Finland. The case study consists of a completed project involving two adjacent housing companies (Finnish version of multi-owned housing developments) built in the 1950's. These developments jointly initiated an infill scheme and subsequently sold parts of their sites for infill development to finance major repairs. We address perspectives of different stakeholders involved to form a comprehensive overview of the process.

The findings demonstrate that a tailored planning and design of the infill development is a critical success factor for such renewal, emphasizing sensitivity to the context. Livability, milieu, and heritage are highlighted. Furthermore, the city has essential role in supporting the renewal process in its different stages. Expertise of both the professionals involved and the people managing the project is also underscored.

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