

# **Condominium Apartments as a Challenge to Urban Regeneration: A comparative view of laws and practices**

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## **SUMMARY**

The extensive knowledge on urban regeneration to date focuses mainly either on owner-occupied or on rental housing. Research has largely ignored situations where the existing housing is in condominiums (strata) ownership. Yet, such tenure format is a major part of the global housing stock. In many countries, condominium tenure serves not only the upper middle and rich households, but lower income households as well. Since condominium laws are not as old as private or rental tenure, the need to consider regeneration of such housing has emerged only in recent years, but is now on a steep curve in many regions in the world.

The structure of condominium law makes decision making by the owners more difficult than where renter or owner-occupants are concerned. What is the decision-making mode in the growing number of cities where regeneration policies encourage condominium buildings to be demolished and rebuilt with a higher number of units? In this case, must the condominium be legally terminated and another one created? The owners are usually offered a better apartment, and in theory, but not all condominium owners may be interested in such an initiative, for various reasons.

The situations described do not entail the use of expropriation, but do have some kinship to this sensitive area of law. There are major issues of rights and fairness, rules of appraisal, possible displacement (though short-term), new unanticipated costs for maintaining the upgraded housing, and the possibility of “holdouts” who do not want to participate.

The basic rule in most countries is (probably) that all owners must agree to such drastic decisions because they affect the very essence of ownership. However, in response to growing need to regenerate condominium housing, there are recent examples of countries where some forms of special majority short of full consensus have been adopted. The research reported seeks to analyze

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and evaluate the emerging laws and practices of regarding condominiums in urban regeneration.

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