

Selective Enforcement ~ #1

<https://www.orsattilaw.com/selective-enforcement-defense-against-condo-and-homeowner-associations.html>

Selective Enforcement Defense Against Condo and Homeowner Associations in Florida

What does selective enforcement mean? Selective enforcement is an action taken by the homeowner or condo association in order to enforce a covenant or restriction against a particular homeowner **and not against the other violators**. Additionally, **selective enforcement is prohibited by Florida law**.

The homeowner or condo association while responsible for collecting assessments revenue, is additionally required to uphold the legal standards in the community. The association enforces the covenants and restriction by filing enforcement actions against individual owners for the violations. In turn, the owner responds against the action by asserting certain defenses including the defense of selective enforcement.

Homeowner or condo association boards have a duty to enforce the community covenants and restrictions in a fair and reasonable manner. When a homeowner or condo association board breaches this duty, the homeowner is entitled to the defense of selective enforcement against the board.

Selective enforcement is a valid defense for two types of board actions. The first is when the homeowner or condo association board acts in an indiscriminate and capricious** manner and enforces some covenants and not others. The second is when the homeowner or condo association board acts in an indiscriminate and capricious manner in the enforcement of a particular covenant contrarily from one homeowner to another.