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Prohibiting business use in a residential condo

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In our present electronic age, it is impossible to prevent business use in residential condominium units. All one can do is to acknowledge that fact in the Master Deed and then to explicitly say that employees, clients, customers, vendors and other exterior evidence of business use are not allowed.

You cannot prevent an owner of a residential unit from conducting business from his iPhone, laptop or desktop computer. Likewise, you cannot prohibit a residential unit owner from getting trade journals or professional newspapers in his condominium unit, from making business phone calls from his condominium unit or, if he is a stock broker, from trading online. The business use of a computer or a phone at home does not spoil the peace and tranquility of the community. Any attempt to limit these activities will upset potential buyers. I would advise a developer client not to go there.

The reason business is not permitted in a residential condominium is the noise and traffic that would be generated from a business use. In the current electronic age, this becomes far less of a problem. It is in the nature of the electronic age that noise and traffic are not generated from someone sitting in front of his computer.

It might be helpful if cities and towns incorporated these realities of the electronic age in their zoning by-laws and ordinances. I would submit that one way to handle this is to expand zoning to liberally allow live/work situations. Then, when we draft our condominium documents, we could merely copy the municipal zoning provisions.

In any event, we have entered a new era of the home/office use of a residential condominium.

Saul Feldman is a real estate attorney with Feldman & Feldman, P.C., Boston, Mass.

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