

# BCAB

Building Code Advisory Board of Palm Beach County

## TECHNICAL ADVISORY

Issued on July 17, 2024  
by Building Code Advisory Board

**Subject:** AHJ and Florida Building Code prevails over HOA Bylaws

**Purpose:** This advisory aims to ensure that home owners associations and condominium associations enforce consistent and safe installation practices following building codes and regulations.

Any requirements crucial for the stability, strength, or proper functioning of existing or proposed structures, electrical, gas, mechanical, or plumbing systems, as well as those critical for public safety, health, and general welfare, which are not explicitly addressed in technical codes, will be determined by the building official.

Florida laws take precedence over Homeowner Association (HOA) rules in the state. This means that if there is a conflict between the two, the state laws will prevail. The Florida Building Code has been put in place to ensure consistent standards for construction, safety, and maintenance. These regulations are aimed at promoting uniformity and safeguarding residents from inadequate living conditions.

The building codes serve the public interest by ensuring that structures are safe, energy-efficient, and resilient. While HOA bylaws are important for managing communities, they cannot compromise public safety or undermine the building codes.

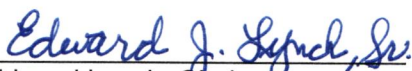
104.1 General. The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

104.12 Requirements not covered by code. Any requirements necessary for strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health, and general welfare, not specifically covered by this or other technical codes, shall be determined by the building official.

In conclusion, while HOA bylaws have a role in governing communities, Florida's building code takes precedence to ensure the well-being of residents and to maintain consistent standards.

Therefore, the Board strongly advises all those concerned to carefully review, the requirements of the Florida Building Code and all other local applicable codes or standards that may be acceptable to the AHJ.

For the Building Code Advisory Board

  
Edward Lynch, Chair