



1. What a “Condominium” Really Means in Costa Rica

In Costa Rica, a condominium is a legal property regime, not a style of building. Condominiums include apartment towers, townhome clusters, gated communities with detached homes, and large resort-style developments.

If the property is registered under the condominium regime, every owner must follow the bylaws (*Reglamento de Condominio, Reglamento*).

What You Actually Own (Crucial Clarification)

Every owner holds two distinct forms of ownership:

- 1) 100% private ownership of their unit, legally called a *Finca Filial*.
- 2) A co-ownership percentage of the shared property, known as the *Finca Madre*, which includes all common areas such as roads, green zones, façades, structural elements, pools, and recreational areas.

Your *Finca Filial* is private property. You may mortgage it, sell it, lease it, or transfer it without needing approval from other owners unless your *Reglamento* imposes a special condition.

Why this matters

Your unit is entirely yours. Common areas are jointly owned and strictly regulated. Exterior elements, including façades, are legally part of the common property.

2. The Legal Foundation: The Condominium Constitution

Every condominium begins with a public deed called the Condominium Constitution, registered at the *Registro Nacional*. This deed establishes all private units (*Fincas Filiales*), common and exclusive-use areas, co-ownership percentages, voting structure, assembly rules, the system for appointing the Administrator, and the basic rights and obligations of owners.

These core terms cannot be changed through a simple HOA vote; they require a formal legal modification and registration.

3. The Bylaws (Reglamento)

The *Reglamento* governs daily life and has full legal force. It regulates pets, short-term rentals (including Airbnb), noise and behavior rules, parking, architectural standards, renovations, use of common areas, fines and enforcement, assembly procedures, and the Administrator's responsibilities.

Most owner problems occur because buyers do not read the *Reglamento* before purchasing.

4. How Governance Works in a Costa Rican Condominium

Every condominium has four governing components, each with distinct roles.

1. The Owners' Assembly — The Highest Authority for the Condo

The Owners' Assembly (*Asamblea de Condóminos*) is the supreme governing body. It approves annual budgets, monthly HOA fees, special assessments, rule changes, major projects, and the appointment or removal of the Administrator.

Voting is based on co-ownership percentage, not the number of people. If a unit has multiple co-owners, they collectively share one vote equal to that unit's percentage and must designate one representative.

2. The Board — Junta Directiva

Most condominiums elect a Board (*Junta Directiva*) made up of owners. Because the Assembly meets only once per year, the Board oversees the Administrator, reviews spending, approves small projects, and protects the interests of the owners between assemblies. Many expats choose to serve on the Board to have a direct voice in how money is spent and how rules are enforced.

3. The Administrator

The Administrator manages operations, not policy. The Administrator maintains common areas, coordinates repairs, enforces the *Reglamento*, collects monthly fees, prepares financial statements, and executes the decisions of the Assembly and the Board.

For the annual budget, the Administrator drafts the proposal, the Board reviews and adjusts it, and the Assembly approves it. The Administrator cannot unilaterally raise fees or change rules.

4. The Developer

In the early stages of a project, the developer temporarily controls most decisions because they own the majority of unsold units, voting is based on co-ownership percentage, and the starting bylaws typically assign them administrative authority. Most bylaws specify that once roughly 50–66% of the units are sold and transferred, the owners elect their own Administrator and Board and assume full governance.

5. Common Issues Expats Encounter

1. Short-Term Rentals

Many condominiums restrict or prohibit Airbnb-style rentals. Some require minimum rental periods, guest registration, or special insurance. Violating these rules can lead to fines or legal action.

2. Pet Restrictions

Common rules include weight limits, breed restrictions, limits on the number of pets, and requirements for leashes and noise control. It is essential to confirm pet rules before buying.

3. Renovation and Exterior Controls (Real Expat Example)

An expat owner repainted his detached home in a modern color, believing it was his right because the house was not physically attached to other units. However, the *Reglamento* required all façades to follow a fixed color palette. His request for approval was denied, and he had to repaint the home again using one of the approved colors.

In Costa Rican condominium law, the façade is part of the common property, not private property. Changing the façade is legally considered modifying a common asset, which in many older condos requires unanimous approval from all owners.

4. Parking Confusion

Parking may be titled as a separate unit, designated as an exclusive-use common area, assigned by regulation, or left unassigned. This has a direct impact on convenience, resale value, and even the ability to accommodate a second vehicle.

5. Surprise Assessments

Monthly HOA fees should include contributions to a reserve fund for long-term capital projects such as roofs, pools, drainage systems, roads, and security upgrades. When reserves are too small or poorly managed, the HOA must issue a special assessment to cover major repairs. Reviewing reserve levels, past budgets, and assembly minutes helps you understand whether the condominium has been saving responsibly.

6. Quick Checklist for Expat Buyers

Before purchasing a condominium, always:

- Read the *Reglamento* carefully.
- Request 2–3 years of HOA financials.
- Confirm your co-ownership percentage.
- Review the Administrator's contract.
- Read the latest Assembly minutes.
- Inspect all common areas.
- Verify pet and rental rules.
- Ask whether there are sub-condominiums and how fees are divided.

7. Daily Life for Expats in Condominiums

Decisions are collective, so Assembly participation matters. Unpaid fees accumulate interest and may lead to title liens. Rules are actively enforced under Law 7933, and remote owners should use proxies and email to stay informed and involved.

A title annotation is a legal notice added to your property record at the *Registro Nacional*. It can block the sale or transfer of your property until the underlying debt is resolved.

8. When Condos Are Ideal for Expats

Condos are often an excellent choice when you want predictable maintenance, shared security, lock-and-leave convenience, access to amenities like pools and gardens, and clear rules and structure. For part-time residents, condominium living can offer real peace of mind.

9. Can a Condominium Exist Inside Another? (Sub-Condominiums)

Costa Rican law allows sub-condominiums, meaning a condominium inside a larger master condominium. A sub-condo has its own bylaws, Administrator, and fees, while the master condominium controls access, security, roads, and overarching architectural standards. If rules conflict, the master condominium's rules prevail, and owners may pay two sets of HOA fees.

10. What Can Owners Do If There's a Conflict? (Law 7933 Options)

1. Request an Extraordinary Assembly

Owners can request an extraordinary Assembly, typically with the support of at least 25% of ownership by percentage. The Assembly can reverse prior decisions, issue new instructions to the Administrator or Board, or replace the Administrator altogether.

2. File a Written Complaint with the Administrator

A written complaint creates a clear record and obligates the Administrator to apply the *Reglamento* and, if necessary, bring the issue to the Board or the Assembly.

3. Demand Enforcement of the Bylaws

Owners can insist that the bylaws be applied exactly as written. Selective or arbitrary enforcement can be challenged through the Assembly or the courts.

4. Use Mediation

Mediation is often effective for neighbor disputes, noise issues, and parking conflicts. It is faster and less expensive than court.

5. File Administrative Complaints

Depending on the issue, owners may file complaints with the local Municipality (construction or zoning issues), the Ministry of Health (noise or sanitation problems), or MINAE/SETENA (environmental matters).

6. Civil Court (Last Resort)

Civil court is used when fundamental rights are being violated, rules are ignored, or fines are applied illegally. A judge can order compliance and award damages.

7. For Unpaid HOA Fees — Fast-Track Foreclosure

Under Law 7933, if an owner stops paying HOA fees, the Administrator may hire a CPA to certify the debt. This certification becomes a *Título Ejecutivo Hipotecario*, an executive mortgage-enforcement title that allows the condominium to bypass a full trial and move directly toward a foreclosure auction. It is one of Costa Rica's fastest legal collection mechanisms.

Conclusion: Peace of Mind or Big Headache?

Condominium living in Costa Rica offers structure, security, and predictable maintenance—if you understand how the system works. Most headaches arise when owners do not fully understand the bylaws, the governance structure, the financial health of the HOA, or their rights when conflicts appear. With the right preparation and expectations, a condominium can provide exactly the peace of mind many expats want.