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Condominiums: Individualism and Community in a Mixed Property Form

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CONDOMINIUMS: INDIVIDUALISM AND COMMUNITY  
IN A MIXED PROPERTY FORM

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Condominium apartments combine individual and shared ownership of property. This creates a tension between the values of individual privacy and private property usually associated with homeownership and the interdependence and community responsibility required by shared ownership. The difficulties of condominiums thus reflect general tensions between individualism and community in American society.

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## PREFACE

Condominiums are rapidly becoming a major third alternative to Americans' traditional choice between renting an apartment or buying a detached house. Yet, we know relatively little about how people come to select, live in, and deal with condominiums. Silverman and Barton, in this working paper, review what we know and what we need to learn in future studies.

The topic's importance goes beyond its contemporary practicality to touch basic concerns in the sociology of housing and community. For one, the condominium mixes both real and symbolic elements that had heretofore largely been segregated: ownership and coresidence. The owner of a detached dwelling can exercise the freedom ownership entails with relatively little consequence for his or her neighbor: decorating, rebuilding, furnishing, use of open space, and so on. The renter is basically restrained both by the absence of rights to the property and by the close interdependence that shared walls, stairwells, entries, and facilities entail. The condominium includes ownership and, yet, also many of the constraints of the apartment renter. How are these kinds of "contradictions" understood by Americans; how are they dealt with?

At a wider level, condominiums challenge our taken-for-granted understandings of the public and private realms. The home, so much the bastion of privatism in American culture, becomes ensnared in public life. To exercise and protect one's rights to the condominium home, one must engage in the civic activity of governing the entire condominium development. The issues for the condominium owner are far more immediate and personal than are the dealings of a house owner with the local property-owners' association. How are

Americans learning to deal with this unusual intertwining of private rights and public duties?

Silverman and Barton are beginning a needed consideration of the deep issues emerging from the rise of the condominium.

Claude S. Fischer

CONDOMINIUMS: INDIVIDUALISM AND COMMUNITY  
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Condominium housing is an attempt to preserve the American tradition of private homeownership in a changing economic and demographic environment. Although home ownership is one of the most widely held values in American life, the tremendous inflation in housing prices and interest rates during the past ten years has made it increasingly difficult for people to purchase single-family dwellings (Dowall, 1984; Phares, 1977; Stone, 1983). At the same time, the increase in households composed of single individuals and couples who have decided not to have children or to delay childbirth has increased the demand for smaller units. Condominiums allow individual ownership of apartments and are generally smaller and less expensive than single-family detached dwellings (Mahoney, 1983). Thus, despite fluctuations in the housing market, condominiums have accounted for over 10 percent of all housing starts during the the seventies and have gradually increased to what is estimated to be 23% of all starts in 1983 (Maloney, 1983; Wade, 1983).<sup>1</sup>

The realities of ownership which is partially private and partially shared, and the physical structure of an apartment building with its shared walls and public spaces, fit uneasily into the highly individualized notions about private property rights and personal privacy most Americans attach to homeownership. There is evidence that the uneasy fit is expressed in conflict among residents and between residents and developers. HUD, for example, reports that 10 percent of condominium residents have had at least one incidence of overt conflict

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<sup>1</sup> Statistics are usually given for condominiums and cooperatives together. There is little real difference between a condominium and a co-operative. Members of a co-operative own a share of the building which entitles them to occupy one unit while condominium owners purchase the interior air-space of their unit and a share of the building as a whole. But most of the growth in owner-occupied apartments has been in condominiums rather than apartments, a likely result of the fact that condominiums are sold as equivalent to traditional single-family homeownership while co-operatives clearly indicate in their name that ownership is shared. Too, until recently purchasers of shares in co-operatives had difficulty in obtaining mortgages (Wade, 1983:60). Because of the similarities between the two forms and the relative predominance of condominium ownership, we focus on them in our discussion but the same issues are relevant to co-operatives.

with a renter (HUD, 1975). This says nothing about covert conflict or conflict between owners or owners and developers. Other sources suggest there is a high incidence of dissatisfaction with condominium developers, a dissatisfaction that may say as much about unhappiness with the building type as it does about the practices of any particular developer (Kuten, Krantz and Blinderman, 1981; Rhoten, 1982; Von Colditz and Daniels, 1982). Finally there is a growing volume of court cases involving conflict between condominium residents (Gripado, 1982; Harvard Law Review, 1981).

In the following pages, we draw upon the as yet limited research on condominiums as well as our own work to suggest that there is a tension between the values associated with homeownership and the realities of condominium life, a tension that can be manifested in strain and conflict, and that this tension is really one between the ethics of private property and those of community.

### **The Meaning of Homeownership**

Since World War II even the poorest Americans have come to expect that they will own their own home (Heskin, 1983). This home is far more than a shelter -- it serves symbolic and real purposes much greater than simple protection from the elements. The young couple's purchase of a house signifies that they have attained full adulthood. Indeed, there is suspicion of renters. Homeownership is not only a right, it is a certification that one is a respectable citizen (Perrin, 1977). Just as renters are suspect, so too are apartments. America's anti-urban traditions associate multiple unit dwellings with urban danger, immorality, impersonality, and transience (Wright, 1981). An apartment lacking the pastoral imagery and symbolism of a single family house surrounded by grass and trees cannot be a "real home" and for many people condominiums cannot either (Silverman, 1983).

The single family detached house also physically maintains as well as symbolically manifests two of the most important American values -- freedom and individuality (Seeley, Sims and Loosley, 1956). At least within American society the two concepts are related; one has freedom to the extent that one's actions

as an individual (or member of a small group -- usually the family) are not constrained. Thus, American traditions of private property ownership emphasize the rights of the owner to do as he or she wishes with the property rather than the obligations of the owner to use the property in a way which is responsible to the surrounding community (Barton, 1983, 1977, 1984; Horowitz, 1977; Scott, 1977). In general private property is linked to freedom rather than to responsibility, limited by the rights of others rather than a commitment to their well-being. This tendency is reinforced when the private property at issue is a house, because the home is considered the private refuge from worldly obligations. Deeply embedded within American culture is the notion that the true self is best displayed when one is distanced from society and involved in the private world of family and selected friends (Rakoff, 1977; Silverman, 1983). Once the basic unit of an economic system based on household production, with industrialization the home has become a refuge from the competition and impersonality of the work place, the home as haven in a heartless world. The home is now the space where one can best insulate against unwanted intrusions. Hence, the home is the space of greatest individuality and freedom.

## **II. Condominiums: Sources of Conflict**

Even single family detached houses in residential neighborhoods do not entirely fulfill the requirements of the ideal home. The residential neighborhood generally is part of a metropolitan area, not a rural small town, and loud noises, spreading weeds, and wandering pets and children all intrude on people's privacy while sidewalks, curbside parking and public services are shared, and subject to ambiguous control at best by the homeowner. However, so long as behavior does not violate city ordinances, the homeowner has seeming control over his/her property, a control much diluted in condominium apartments. Here, instead of complete ownership of a house and yard, the purchaser buys only the interior air-space. The exterior walls and grounds belong to the condominium as a whole. Here residents purchase a dwelling which more closely resembles an apartment building than a single-family detached house. Here, owners must abrogate some of their supposedly absolute rights over private property in favor of community decisions. Thus condominium



apartments directly violate current assumptions of private ownership, individuality and pastoral imagery which accompany American notions of homeownership. Out of the tension between prior understandings and the realities of condominiums comes the potential for conflict.

Most people in the United States do not have to have much to do with their neighbors (Fischer, 1984; Janowitz, 1951; Keller, 1968). Local community is a residual category; most people interact with neighbors out of choice not necessity. In condominiums, however, if the building is to be managed, owners must work together to do it. Shared walls, shared spaces, and shared ownership mean that community standards for acceptable behavior must be reached, formally or informally, and management policies must be collectively determined. Thus, condominiums frequently regulate such matters as noise, often requiring carpeting or other soundproofing, the presence of children and pets, the color of doors and curtains, the materials and design of porches, patios, and walks, the use of alcoholic beverages in public areas, parking recreational vehicles, use of swimming pools and tennis courts, and the use of apartments by family and friends of the owner (Poliakoff, 1980; Price and Shiner, 1982; Scavo, 1979). They must reach compromises, make decisions which are acceptable to or at least enforceable for all residents. Whenever more than one person is involved in a decision there is the possibility of disagreement. When the decision involves the private space of the home and when residents resent others having a voice in how they may use their property, controlling what they see as their private lives, then disagreement can easily become rancorous conflict.

The problem is further compounded by the diversity of types of residents. The condominium community may well include a mixture of resident owners, absentee owners, and renters, (tenants occupy about 20% of condominiums nationally and 40% in the San Francisco Bay Area), and there may be differences in residents' income, stage in the life-cycle, and so on. Not all residents and owners share equal interest in the maintenance of the building or the quality of its facilities.

Some problems will grow out of differences in the amount of money purchasers either have or are willing to commit to the dwelling. Owners often look

on condominiums as temporary housing, just another apartment except perhaps for the chance to build up equity for the purchase of a real home. The need to protect the value of the unit may not be sufficient motivation to support expenditures for major repairs or renovation if the owner expects to sell in a short period of time. Owner investors, absentee owners or residents who hope to move shortly will be most concerned with maintaining the value of their property and securing a sufficient return on their initial outlay. Resident owners will be concerned with the quality of life in the complex as will tenants, but tenants may prefer to keep costs down so their landlords will not raise the rent. Resident owners too may have reasons for trying to keep costs down, even at the expense of adequate maintenance or necessary repairs. This is particularly likely in lower cost condominiums where residents have made great sacrifices and taken financial risks in order to purchase their first home. Under such circumstances, residents who are at the limits of their financial resources will try to delay any additional expenditures. The income problem is exacerbated because do-it-yourself repairs and improvements, a traditional resource for lower income homeowners, are much more difficult to do in an apartment building, and because non-professional work may be illegal or unacceptable to other owners. The burden of management will be particularly great in smaller and lower income complexes where a paid manager is thought to be unnecessary or too expensive<sup>2</sup>.

Other problems will stem from the diversity of commitment to the building. Absentee owners, renters, and those who have bought simply to accumulate sufficient equity to purchase a "real" home may be unwilling to put much energy into the condominium association, into day-to-day maintenance, or upholding the rules of building life. This can result in anger on the part of those who try to run and maintain the building, as well as problems in accomplishing needed tasks. There may be particularly serious problems sustaining a commitment to the condominiums when a large percentage of the residents are renters. The presence of renters in condominiums other than as a short-term

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<sup>2</sup> In larger and more affluent buildings, residents may hire a management specialist. This need not eliminate tensions from developing over issues of lifestyle.

and temporary phenomenon, creates a group of disenfranchised, non-participating residents. The resident owners will see renters as outsiders who use their property yet have no responsibility to it or them; the absentee owners will generally not be active in the association; the renters will feel themselves excluded and relegated to second class citizenship.<sup>3</sup>

The governing capacity of the condominium provides a vehicle for the resolution of interpersonal conflicts caused by lifestyle and behavior which is not available in the ordinary residential neighborhood or rental apartment building. Ordinarily people who have a problem with a neighbor can try to talk with them and settle it voluntarily, call the police or the landlord if it is an extreme case, and if those do not work, live with the problem or move away. Condominium residents have the authority to control behavior much more closely. This provides a stronger incentive for residents to try to work out their differences, but it may also lead to greater intolerance and imposed conformity; "Our condominium -- love it or leave it" (Louv, 1983). The latter tendency may be reinforced by experiences with owners who resent the condominium association's control over "their" property. Denial of the legitimacy of the condominium government threatens it with disintegration and may lead to imposition of authoritarianism in response (Meyer, 1983). Thus condominiums face the twin dangers of inability to regulate and over-regulation.

### **III. Case Studies**

We can see the problems associated with condominiums through the analysis of two case studies. Silverman (1983) interviewed residents in two suburban condominiums located on the same street. Each included 24 units. Both had troubles, although of different magnitudes. In one case, the condominium was able to govern itself and to keep a relatively stable population; its troubles involved those residents who would not conform to the desires of the people who ran the building. In the other case, the best description of the

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<sup>3</sup> One solution might be to partially enfranchise the renters. Absentee owners would vote on issues concerning expenditure and renters would vote of rules of conduct in the building. An enfranchised renter population would then become more a part of the community with attendant rights and responsibilities.

social organization was anarchy. The population turned over rapidly; there was a high percentage of renters, and people quarreled rather than negotiated.

The difference between the two dwellings was even apparent in their physical appearance. One building was beautifully landscaped and well maintained. On weekends many people could be seen lounging around the interior pool. The other building, although less than two years old, was one of the least physically attractive or well-maintained complexes on the street (most of the other complexes were rental). Landscaping was sparse; the building itself looked physically deteriorated (although the two condominiums probably were of equal quality construction). Here each individual unit had a small enclosed patio in front of the door. Most people padlocked this approach, thereby denying access to non-family members, and then used the area as storage space. Very few put much effort into making the space attractive or gardening in it. The pool for this building was off to one side. It was deserted except for several young adolescents.

There were a high percentage of renters. Three of the 24 units had been kept by the builder and then rented. In addition, many of the original owners had either bought solely for purposes of speculation or had moved and rented their units. The renters in the building did not maintain the property and the absentee owners neither attended the homeowners' meeting nor voted for capital improvements. The renters were often perceived, correctly or not, as real trouble-makers. They were thought to make too much noise and fail to maintain their residences, and their children were considered obnoxious. Adults did not use the pool because it was used by the renters' adolescent children.

This is not to say that those who did attend the meetings were any more successful in running the project:

I could get into why this is a very bad condominium to live in. This is a very small condominium project and there are 24 units, and no rules and regulations were ever established. About what types of things you should do, and not do and we have really just had a lot of problems... Well, I am thinking of unit X who were horrible; they were always screaming and yelling, and literally flying out the window. Technically, they, the homeowners' association are supposed to put pressure on the owners to do something about that. And if you don't do something, then we have the right to take some sort of action. That's the whole thing; a homeowners' association has the power but these people were

really afraid to exert any power in any direction... They can never solve anything, never resolve any issue... It always amazed me, it boggled my mind that out of 24 units, 24 little units, we couldn't get anything together.

There even were difficulties in getting anyone to serve on the board of directors. After all, there was nothing to be gained, other than the dislike of other residents for being the one who collected dues. At one point, the President and Treasurer were accused of using the money for their own purposes.

Because of the inability of the condominium to regulate itself the residents were unhappier than might otherwise have been the case. While the condominium association had the legal power to control behavior, and indeed to screen potential renters before the absentee owner rented the unit, its members failed to exercise their authority and used inadequate governance as an excuse not to be involved in the association.

The other condominium presented a stunning contrast. From the beginning, the unit had been able to effectively regulate itself. Here several of the original owners had taken an active role in governance. Monthly meetings were well attended, both because they were social events and because the residents had interest in maintaining their building. These meetings rotated from one residence to the next; during the summer, they were held around the pool. The percentage of renters was low, in part because none were included in the builder's plans and in part because residents generally were happy with their living situation and did not move. If a renter exceeded the boundaries of acceptable behavior, he or she first was notified just as any other resident would be, and then, if this proved insufficient, the owner was called. There was a small core of people in this building who were close friends -- they went out to movies together, invited each other over to dinner, and so forth. Many of the others were friendly but limited their interactions to the space of the building. They might stop by after work to chat for 10 minutes; during the summer they might laze around the pool together.

The successful building also had its problems. These stemmed from the very factors which made the project work. Because there were a few members who took an extremely active role in the organization and day-to-day running

of the building, their interest became proprietary. They felt they had to know everything that occurred in the building. They monitored the visitors of others, noted their daily behavior and offered advice when it was unwanted.

Why the difference between the two buildings? It is tempting to look to the architectural differences. While the two buildings offered virtually identical interior spaces, there were major differences in exterior design. Approximately two-thirds of the units in the successful condominium faced onto the swimming pool; the remainder of the doors fronted the street. Most residents, then, were visible to the others when they used the pool or came home from work.

In the less successful complex, there were no interior courtyards. Residences edged four faces of several blocks of units. The pool was situated behind the building and off to one side and, hence, was not open to the surveillance of those who lived there. Not only were the residents visually unavailable, they were physically inaccessible as well. The locked front gates prohibited impulse visiting.

But these differences only reinforced the existing social patterns. The main explanation involved the histories and the original occupants of the two buildings. The successful condominium had several residents with both the interest and the ability to impose order upon the building. These people were single and committed to living in a condominium. They did not see their residences as temporary ones. They set up rules from the beginning and dealt with problems as they arose. When, for example, a resident might exceed the bounds of acceptable behavior, they were talked to. Because these original people were able to maintain the condominium as a desirable residence, there was much less turnover of units, thereby helping to maintain its stable residential character. In the other building, such a program never was established. Nothing was decided in the beginning and the living situation deteriorated and people left. This, in turn, further worsened the residential climate.

But in fact in neither complex were the majority of residents comfortable with sharing the management of their property. In the unsuccessful dwelling, there was no community to make decisions. Government, in their eyes, was coercion not collective self-regulation. It meant paying money and being told

by others what to do. No wonder they were suspicious of those who took on authority positions. In the other building, governance was better shared. But, its strength lay in a small cohort who were friends. The others in the building ceded the day-to-day management to this group but then left themselves vulnerable to policies that they did not support. As yet, no serious conflict has arisen to destroy this uneasy balance. But, the possibility is there.

Our successful case indicates that a condominium which initially establishes an effective community government can then socialize newcomers and remain quite stable. But, it also suggests that apparently successful condominium governments may be quite fragile when their potency depends on only a few residents surrounded by an apathetic majority. Such condominiums are vulnerable when leaders move away or get tired of having all the responsibility, and they are vulnerable to sudden crisis, which activate previously uninterested members who are not experienced in governance, have no understanding of what the leadership has been doing, and are apt to be disruptive rather than cooperative.

#### **IV. Privatism and Community Responsibility**

Understandings of democratic process is surprisingly weak in modern American society. Politics is seen as a corrupt and ineffectual activity, rather than, as Bernard Crick would have it, the means by which civilized people deal with their differences (Crick, 1982). Democracy is often equated with the "American way of life" or affluence and access to consumer goods rather than a sometimes difficult process of collective decision making (Ward, 1981). In form, condominium ownership comes closer than ordinary homeownership to the often-invoked ideal of Jeffersonian democracy. At the time of the founding of the United States property ownership provided both economic independence and membership in a self-governing community. It was presumed to provide the basis for participation in public life, rather than a refuge from it. But joint responsibility for the building as a whole simply creates additional tensions when residents' understandings of private property rights come into conflict with the realities of shared community responsibility.

Recent research on patterns of moral development, finds morality to involve a constant tension between an ethic of rights and an ethic of responsibility (Gilligan, 1982;1983). Mature individuals employ both of these ethical approaches but American institutions have been largely concerned with and supportive of an ethic of rights (see, for example, Holt, 1975 or Stone, 1975). The central concern is autonomy and separateness; the characteristic mode of conflict resolution is a decision for or against one side of a dispute and the solution for an unhappy loser is to move away, maintaining separation and autonomy (Hirschman, 1970; 1981; Fainstein and Fainstein, 1980). In the presence of conflict, the ethics of rights is clearly insufficient for maintaining a condominium as a community rather than a collection of warring individuals. The ethics of care, on the other hand, focuses on "connection and interdependence", and "the moral problem of inclusion that hinges on the capacity to assume responsibility for care". (Gilligan, 1983:35,44; 1982). "Given that conflicts will inevitably arise, since the experiences and perspectives of people diverge, modes of dealing with conflict are sought that strengthen rather than sever connection." (Gilligan, 1983:44). The structure of condominiums, combining individual and collective ownership, both requires and supports use of these two ethical approaches.

In the large literature on individualism and community, *gemeinschaft* and *gesellschaft* a bipolar analytic scheme is typically employed; a relationship is considered to be more *gemeinschaft* or *gesellschaft* like (see Bender, 1978). But, as Bendix and Berger (1957) have noted, relationships actually contain elements of both. The question is one of degree, but when, as in condominiums this is the case, tension and strain can develop from the conflicting expectations of *gemeinschaft* and *gesellschaft* ties. On the one hand, owners are connected through their roles as co-purchasers. Each is concerned with his or her property rights. On the other hand, they are neighbors with a greater need to develop community ties than is the case in most residential neighborhoods. The institutional structure of a condominium requires the merging of the two types of relationships. Troubles arise when residents do not possess the culturally supported experience to do so.



Conflict in condominiums reflects the tension between the ethics of rights embodied in the privatized ideal of homeownership and the ethics of care, embodied in the realities of community interdependence. American culture emphasizes the former at the expense of the latter (Bellah, Masden, Swidler and Tipton, forthcoming). The result is often a degree of privatism which makes common management of a building or set of buildings with common grounds very difficult.

At present there is little research on condominiums. We suggest that such research would be most fruitful if it looked at how people's cultural understandings of property rights and homeownership interacted with the institutional structure of condominiums. Such research could have implications beyond condominiums themselves. It speaks to the longstanding issue of the tension between individualism and community responsibility in a democratic society.

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