

Community Associations Network

News

VA: Vote on Home Day-care Goes Forward
A Loudon County Circuit Court judge denied a request Friday for an injunction to block a community-wide referendum on a proposal to restrict the operations of home day-care providers in Landsdowne on the Potomac....

VT: As An Energy-Saver, the Clothesline Makes a Comeback In fact, Vermont is the latest state to introduce a bill that would override clothesline bans, which are often instituted by community associations loath to air laundry even when it's clean. Now, clothesline restrictions may be headed the way of bans on parkin...

CO: Cottonwood Creek residents want HOA
Terrence Moore wanted to live in a neighborhood where covenants governing parking, the appearance of homes and things such as trash-can storage are strictly enforced....

AZ: Private subdivision road upkeep bedevils Gilbert
The problem comes after several years of wear and tear start to show and residents start wondering when the town's government is going to get around to fixing their streets. But in developments with private streets, residents or their homeowners associations ...

TN: Homeowners may face liens from city
The codes department has placed a lien on the North Park homeowners association, but since it effectively dissolved last year - after years of diminishing efficiency, residents say - it has no way to collect. In a letter to the neighborhood's 250-plus residen...

OH: Problem ponds But what happens when the retention pond doesn't function properly? Who's to blame when the ponds leak or sediment builds up? And who fixes the problem when algae blooms begin to stink? Homeowners in several local communities have learned the hard way that get...

OH: Dog owners countersue Columbiana condo group
The Columbiana couple being sued by their condominium association over where they let their dog go to the bathroom has filed a counterclaim....

FL: Habitat sues condo group over play area
Habitat of Humanity of Sarasota is suing the Rosemary Park Condominium Association over the rights to a three-quarter-acre playground....

FL: Mold problems can be aggravated by slow-moving condo associations Ron McDonald, owner of a townhouse in Tamarac's Woodglen community, said he filed a lawsuit two years ago to force his association to fix a mold problem. Unit owners sometimes find themselves in conflict with homeowner associations over dealing with mold....

FL: Condo chief stole \$50,000 in fees
Miami-Dade detectives with the economic crimes unit have arrested a condominium association president who is accused of stealing the association's money for personal use, officials announced Friday....

AZ: Mesa HOA vote to build \$8.5M luxury center tossed out by judge A Superior Court judge has ruled against a homeowners association in east Mesa, halting its plans to force residents to pay for the construction of an \$8.5 million luxury community center....

VA: Growing Associations, Growing Controversy
As the investigation of Koger Management Group, Inc. continues, there is a growing question among home and condominium owners if there isn't a better way to get action on problems with homeowners and condominium associations or real estate management companies...

NJ: Three charged with thefts from Aberdeen condo association A Monmouth County grand jury returned a 21-count indictment Aug. 13 charging a woman, her husband and mother with multiple offenses stemming from an investigation of thefts and mismanagement of an Aberdeen condo association's money....

IL: Building something? Covenants, conditions and restrictions may apply ... I often have discussions with clients who want to build, remodel, tear down and rebuild or are concerned with neighboring construction projects. Typically, in the case of their

Articles

HOA Should Be Sure Workers are Insured

California homeowner associations (HOAs) and HOA management companies will want to pay attention to a recent ruling coming out of the state's Second Appellate District. The case, Heimen et al. v Worker's Compensation Appeals Board, involved the claim of a worker injured on association property for worker's compensation benefits. [Read more](#)

9 smart tips on how to handle nasty neighbors

Even the most beautiful home, in the most serene town can become a nightmare if you live next door to the wrong kind of people. And dealing with nasty neighbors can be enough to drive even the most peaceable person to distraction. If you find yourself in this situation or would like to do your very best to avoid it, take some of real estate expert Barbara Corcoran's practical advice — here are the five big offenders in the world of nasty neighbors and tips on how to deal with them: [Read more](#)

**New Jersey's Twin Rivers Decision Affirms Power of Community Associations to "Reasonably" Restrict Rights of Individual Owners**

Are homeowner associations governmental or quasi-governmental entities? Until last year, most attorneys who practice community association law would have said the answer was clearly, and appropriately, no. But a New Jersey appeals court called that long-standing assumption into question when it decided that a community association, in fact, plays the role of a municipal government, and its rules and regulations must, therefore, pass constitutional muster. [Read More](#)

[Additional article on Twin Rivers](#)**Elections: Paper to Online - Get with the Program!**

The last few years have seen more and more organizations jump on the Internet bandwagon to provide services in a self-serve format. This article discusses this trend with respect to private elections, examines the benefits of using online election systems and makes suggestions on transitioning to an online environment. [Read More](#)

Having Adequate Disaster Insurance Is Essential, but Figuring Out What Kind and How Much Isn't Easy

Fires rage, winds howl, water surges, and the earth trembles periodically beneath our feet. Making sure community associations have the insurance they need to cover all the risks they face is the responsibility and challenge of their governing boards, who must determine how much insurance is needed for these various risks, and whether any insurance at all is needed for some of them. [Read more](#)

Good Question: What's the Right Way to Run an Association Election?

Q. I just received an e-mail from a new owner in our condominium association who had attended his first annual election meeting. He complained about the loose way the election appeared to have been run. I'm also new here and am not quite sure how to respond to his series of questions:

- Isn't there a set procedure for association elections?
- How can I be sure that the candidates who were elected actually received the most votes?
- I thought my ballot was supposed to be secret. How can that be when you require me to sign it?

Do you have any suggestions on what to tell him?

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Community Controversies and the Media

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Editor's Notes

Don't forget that we now have to
divide our mailings over two days in
order to get around our mail server's
(RoadRunner) arbitrary limit on
outbound e-mail. You'll receive your
copy either Tuesday or Wednesday.

Joe

What's New in the Blogs

New Blog hosted by CAN:

**"Planning & Strategies for
Community Associations"**

Two New entries:

[Organizational Health -The Road
to Recovery](#)

own projects, the clients have already spoken to the city and feel that once they h...

OH: Sentencing won't stop investigation

Kathleen DeSalvo's sentencing may have ended her criminal case, but it did not end the investigation of how she bilked 43 condominium associations in Northeast Ohio of about \$3.45 million the last seven years....

AZ: Surprise homeowner battles HOA over backyard Tiki hut

But the Surprise resident says his experience with the Greer Ranch South Homeowners Association, which has sued him to remove the hut, have been just the opposite. Harman built the 8-foot-tall hut on a raised platform in January 2006. He concedes he made a mis...

NJ: Mediation can help residents live under condominium rules

There are more than 10,000 people living in that East Windsor complex. Even if they are restricted in some of the rights they would otherwise have if they lived outside of the community, they are still likely to have neighborhood spats, encounter problems with...

FL: Condo, insurer duel over storm costs

Nearly two years after Hurricane Wilma blew out windows and buckled walls at the Chalfonte Condominium in Boca Raton, residents of the 21-story twin towers are still waiting for their insurance company to pay them for the roughly \$13 million they spent on repa...

NJ: Court backs fence ruling

A higher court has upheld a ruling that prevents a township man from putting up a fence on "common" property behind his home....

CA: Lakers radio broadcaster sues homeowner's association over plumbing problems

A Lakers radio broadcaster is suing the homeowners' association at his West Hollywood condominium complex for allegedly failing to detect and correct plumbing problems that caused water damage in his unit....

FL: Mold Problems Plague Town Center Condo

Karen Donges, a 35-year old communications instructor at UNF, moved into the Esplanade at Town Center earlier this year. While the renter liked the granite counter tops and stainless steel appliances, she didnt like the black mold spores climbing up her bedro...

CA: Foreclosures hitting all communities

The HOA's board of directors instructed staff to try to get the bank or real estate agent to pay for the upkeep, and has budgeted about \$15,000 for the program, which involves paying for a court order allowing them to enter the grounds. The association has ...

AZ:Springs stands by decision HOA rules in dispute over common-area improvements

Leaders of the homeowners' association at The Springs are trying to maintain a low profile in a dispute over unapproved plantings and landscaping made by some homeowners to a common area near their dwellings....

TX: Condo residents told to move out of seedy complex

The city on Wednesday moved to close a northwest Houston condominium complex, declaring the buildings uninhabitable and forcing residents to move....

DC: Beware Of Condo Association Bylaws

Realtors are warning people interested in buying condos to be careful of condo association bylaws. (Video)...

GA: Condos Add Pet-Friendly Amenities

A lot of empty-nesters are moving from single family homes, where their pets have been a key member in their family life, Reese explained. While they're ready to park the lawn mower and live in a more manageable space, they remain devoted to their furry friend...

IL: Koehler tries to referee dispute over sliced line

Usually, a mechanical waterfall feeds and helps clean the pond, but for the past year that scenic feature has lacked water. The waterfall is out of order because the electrical wiring for the lake's pump was sliced last summer during a widening and reconstruc...

CO: HOA suing homeowners for living in driveway

Three years ago, he Brandaw's moved out of their house in Willow Park when they discovered a mold problem. Eric and Tracy Brandaw and their 5-year-old son all have health problems as a result....

Like that guy said to "my friend" on Friday morning, early Friday morning, "you have the right to remain silent." The same is true for board and committee members in a community association when requested to individually take action outside of the board room.

[Read More](#) (PDF)

Beware of Red Flags

Stealing "is more common than people would like to admit," says Victor Rich, a partner with RSM McGladrey, a Manhattan-based financial consulting company. "And when it's discovered, they just want to push it under the rug and make it go away—if it's discovered at all." Indeed, if the level of the larceny in question is not too grand, human nature is to let it slide. "It makes the board look bad, it makes the managing agent look bad, it makes the co-op look bad," says Rich. [Read More](#)

DHS to begin Clamping Down on Employers who Knowingly Retain Employees Who are Unauthorized Aliens

Did you know that your community association, management company or business may need to take extra precautions to ensure that you do not continue to employ an unauthorized alien? On September 14, 2007, the Department of Homeland Security's (DHS) [Final Rule](#) entitled Safe-Harbor Procedures for Employers Who Receive a No-Match Letter ("Rule") will go into effect. Here are the basics you need to know about the Rule: [Read More](#)

Insurance Recovery Advice

To help navigate the insurance recovery process, the Insurance Information Network of California offers the following advice to those whose property has been damaged or destroyed: [To download a copy of the PDF borchure](#)

When the Bloom is Off the Management Rose

Over the past five or so years, I have had the unique opportunity to see several sides of the association management issue while working with both boards and management companies. At most education seminars put on by the state's CAI chapter the topic of problematic management issues usually comes up in the Q&A sessions and based on my experience, there are more than a few situations where the board/association is not happy with the management company and similarly, the management company is not a fan of the board/association as a client. [Read More](#)

Bulk Source for Energy Star Products

The U.S. Department of Energy has created an online marketplace to help companies buy ENERGY STAR® qualified products in bulk at competitive prices? The web site connect buyers and suppliers of energy-efficient products, including room air conditioners; clothes washers; dehumidifiers; refrigerators; dishwashers; light fixtures; and light bulbs. [Quantity Quotes Web Site](#)



Perfecting Praise in HOAs

There is a myth hanging around that homeowner association volunteers are scarcer than hen's teeth and those that aren't must be loonier than a toon for stepping up. In reality, volunteerism is at the very core of the HOA concept. The neighbors-governing-neighbors concept will work best when volunteers oversee the hired guns (manager). And why is this? HOAs were conceived to give authority to small private communities. That authority includes being able to customize the community according to the wishes of the members. [Read More](#)

Policy Governance®: How to Implement in Your Community

John Carver's model of Policy Governance can do just that; however, it will take a very conscientious effort on the part of the board and manager. In order for implementation to be successful, the board must take ownership of the transformation, so if your board President or other board members have become clearly frustrated and are losing their enthusiasm, you might share an article about Policy Governance (refer to the [January/February edition](#) for the basics of the model) and begin the "what if" discussions. [Read More](#)

Maintenance, Repair & Replacement of Physical Assets

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[CT: Condo complex in Shelton gives pets eviction notice](#) A once pet-friendly condo complex is now changing its policy and many tenants are peeved....

[FL: Mom in need in middle of condo tiff](#)
Now she is at the center of a legal tug of war. On one side is a man who says he's trying to do his part to help the less fortunate by opening a building to the homeless. On the other is the Marina Club homeowner's association, whose members say the man, Dwayn...

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