

Community Associations Network

News

ID: [Woman wants neighborhood groups to make decisions in public](#)

Sparks, who lived through a bitter dispute over landscaping in her own Foothills subdivision, is pushing for the state to require open meetings between homeowners associations and residents....

TN: [Light Years Apart - HOA's and holiday lighting problems](#)

Dr. And Mrs. Sheng Tchou and neighbor Timothy Vandersommen have chosen to go it alone against the Hunter's Lake Homeowner Association, which voted in November to enforce a policy forbidding the use of any Christmas lights on the exterior of homes except for w...

AZ: [Neighborhood votes needed for boy to bring horse home](#)

But a miniature horse is still a horse, of course, according to Skyline Bel Air Estates Community Association regulations, and is prohibited from being kept in the neighborhood. And Alexander's mother, Mercedes Gonzalez, ought to know - she's its president....

TX: [Police don't know how killers foiled security](#)

Police have not determined how two men got into a gated Fort Bend County community where they bluffed their way into a house and fatally stabbed a retired schoolteacher in a robbery attempt....

CO: [Porch predicament](#)

The homeowners association has ordered the Sicklers to remove the screen from their front porch because the couple did not receive approval from the association...

OR: [Woman sues for false arrest, battery](#)

According to the suit filed this week in Multnomah County Circuit Court, Lyudmila Trivol arrived home at her Southeast Portland condo on May 27, 2006, to find a tow truck hooked up to the family minivan. The minivan was parked in its proper spot, but its wheel...

CO: [If home association has rules, read them](#)

If you live in a community that's governed by a homeowners association and you want to screen your front porch, you had better ask before you act....

CA: [Condo dispute keeps residents out \(plus video\)](#)

Some Emeryville residents will be forced to spend the holidays in a hotel, instead of their town homes, because of water damage that happened five months ago....

CT: [Condo Living Is Not Meant To Be Hassle-Free](#)

Shocked by the prospects of having to pay as much as \$11,000 each in a special assessment, owners of units in a Farmington condominium complex have banded together to find a solution to their million-dollar problem....

Canada: [Emboldened by a surging loonie, Canadians snap up U.S. homes](#)

For moderate-income Canadians like Farley, the race is on to take advantage of the loonie, which in September reached parity with the U.S. dollar for the first time since 1976. Many are combing the Internet for anxious American home sellers and looking with an...

NC: [Pink beach house owner vs. neighbors](#)

Jean Morrison, the owner of the well-known pink house along the Intracoastal Waterway in Little River, is suing her property owner's association. Morrison says the association does not legally exist and therefore cannot conduct business as such because of the Ol...

AZ: [No Food for You](#)

A resident raises a fuss after a HOA says yes to \$3,500 to light three trees, and no to a food drive...

MD: [State law affects homeowners' boards](#)

Apathetic homeowners' associations could soon find themselves paying court-appointed receivers to manage their affairs. A Maryland law that took effect Oct. 1 states that a group of three or more owners can ask the courts to appoint a receiver if their homeow...

FL: [Police target thieves in condo, homeowner associations](#)

Attitudes are changing. In Broward County alone, three court cases against former association

Articles

2007 - An Interesting Year

There have been a lot of interesting issues in the news, blogs and articles this past year. The one that kept appearing throughout the year, was one that in the past, had only periodically raised its ugly head - embezzlement! From rarely reading or hearing of this, we went to almost a dozen separate instances involving board members, managers and management companies. And in a couple of the cases the numbers were in the millions. Associations were warned in numerous articles about the precautions necessary to protect their funds.

The real estate industry meltdown and increases in foreclosures were the national stories of the year. The loss of revenue to associations when homes went into foreclosure placed burdens on the rest of the owners. Most states don't have super-lines that protect some of the association's interest when a foreclosure occurs and they have felt the results of that oversight.

The big legal story was the "Twin Rivers" decision by the New Jersey Supreme Court that essentially said that the central argument in the plaintiffs' suit - that in establishing and enforcing rules for the community, the association was "acting as a municipality." Equally significant, the court recognized that while individual constitutional rights are fundamental, "they are not absolute." There are circumstances, the court noted, "where citizens may waive or otherwise curtail their rights." Those circumstances exist in a common interest ownership community, where, the court said, owners enter into a contractual relationship with the association in which they agree voluntarily to abide by its rules. "The mutual benefit and reciprocal nature of those rules and regulations and their enforcement is essential to the fundamental nature of the communal arrangement that Twin Rivers residents enjoy," Boards breathed easier and owners claimed a partial victory.

Smoking was an issue that came up. The banning of smoking in common areas was one thing, but lawsuits against owners smoking in their units, because of second hand smoke wafting into other units showed up. Their was mixed results, but the issue will continue.

Flags, signs and holiday displays continue to be problems year after year. It doesn't seem to matter if the association has a reasonable policy regarding these items or not, there always seems to be owners that want to push beyond the limits, and they find a way to get their story told.....which brings us to the last item --

The media. When I first started doing the news feeds a few years ago, it was always a struggle to find stories about associations. That's no longer the problem, in fact, there are a large number of stories to choose from just about every day. Newspapers and local TV news stations have discovered that condo and homeowner associations are great soap opera and so they are covering them. Some stations have whole web pages dedicated to these stories with a form to send yours in. Most of these stories have no comment from the association, leaving only one side of the issue publicized, and community associations looking ridiculous. This will be a continuing theme.

How About 2008

Energy conservation will probably continue to be an issue that associations will have to deal with - whether or not to allow clotheslines, solar panels, wind turbines, and other devices that owners will want to use. And they are going to have to look at alternative landscaping to the traditional green, water hungry lawn, as well as how they irrigate common areas, how they get rid of yard waste and a lot of other "green" areas. I enjoyed reading about the mid- and high-rise condos that turned their roofs into mini-parks that helped with energy conservation.

As the era of personal media comes into reality, associations are going to find themselves showing up on the evening news as well as web sites. This will be another bad year for the image of community associations, which will also probably result in additional legislation that will add more regulatory oversight and additional costs for all owners.

Thanks

I would like to thank all of you who wrote articles last year and allowed us to link to them. I hope you received some traffic and recognition for your efforts. Also, a thanks to those who sent us links to articles. Although we scour the web constantly, we still miss a few things.

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Editor's Notes

The next issue of the E-news is due to be sent on New Year's Day. Since I'll be watching football most of the day, I don't think its going to make it out. Look for it on Thursday and Friday of that week.

Happy New Year everyone!

Joe

New Audio/Video

There was one new video this week, but it was so anti- everything that I'll skip it. To get an idea of how associations are faring in the media, check the two stories from the news:

directors, managers and employees charging fraud or misuse of owners' money are scheduled to be heard between Dec. 20 and Jan. 24....

GA: Vandals Smash Gwinnett Holiday Decorations
Vandals went on a weekend spree in a Gwinnett County neighborhood, smashing Christmas decorations, spray-painting cars, egging houses and painting obscene messages on garage doors....

AZ: Winterhaven goes 'green'
True, many Winterhaven residents still cherish their grassy lawns, but perhaps even Al Gore would be pleased with the eco-friendly evolution taking place in Tucson's traditional holiday festival....

Canada: Peril lurks deep
It's widely believed that many more of the 4,000 (mostly residential) condo corporations in the GTA should be taken over, but the victims lack the financial resources to go to court. Unit owners suffer in obscurity as their buildings deteriorate around them....

MS: Madison man cleared in covenant case
A judge has found resident Richard Atkinson not guilty of violating a provision of the city's zoning ordinance that makes a violation of one's homeowners association covenants is a crime....

Legal Web Sites Shake Up Condo Market
South Florida lawyers are increasingly tapping into the cyber world to capture a share of the growing business of helping buyers recover deposits from pre-construction and condo conversion projects....

TX: Safety sign spurs parent, HOA battle (plus video report)
Some El Dorado Estates residents say all they want to do is protect their kids when they play in front of their houses, but the homeowner association says their warning signs for drivers to slow down have got to go....

NY: Latest Hot Co-op Topic: Secondhand Smoke
Benjamin Zitomer lived happily with his family in a two-bedroom apartment at 99 Jane St. in the West Village for six years before a new tenant moved in next door and brought an unexpected menace: It wasn't rats or cockroaches or even noise; it was secondhand s...

FL: Entire Neighborhood Faces Foreclosure Over Association Fees (Video)
Unless They Pay, By The End Of The Month, They Could End Up Fighting A Legal Battle... Just To Keep Their Homes. More Than 70 Homeowners... Already Have Liens Against Their Properties, In The Stonebridge Landings Development, Off Goldenrod Road, Near The Airpo...

FL: Boca Raton woman sues condo association to open doors
For more than a year, Fontanez has been trying to break free. But each time she got close, officials at the Casa Del Rio Condominium Association have stood in her way....

MD: Homeowner groups in spotlight
Apathetic homeowners' associations soon could find themselves paying court-appointed receivers to manage their affairs....

FL: Couple asked to take down American flag
The flag, flies from a 16-foot tall pole. But last month the Grants were told their flagpole violated their Homeowners Association guidelines and now the Grants have been told they have 15 days to bring it down...

VA: Water damage repairs cost condo residents \$40-thousand each
A \$40-thousand assessment for water damage repairs make the sweet sounds from Mike Hassell's piano turn sour....

FL: They won again, but it's unlikely to be over
A late switch put Judge Robert Bennett on the case, and after he heard testimony and legal arguments, Bennett found Moore's legal arguments groundless....

MA: Owners can't block costly condominium assessment
Unit owners in a condominium complex could not bar the condo's board of trustees from levying an assessment for a major renovation project, even where the project is expected to cost \$75 million, a Superior Court judge has ruled. The plaintiff owners argued t...

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Editor

Policies & Procedures - If you review a sample of the lawsuits filed against community associations — an educational, albeit depressing, exercise — you will find that many of the underlying complaints target board decisions that were haphazard, arbitrary, or irresponsible, or appeared to be. Dig a little deeper and you'll discover that many, if not most, of the boards involved were well-intentioned and their decisions actually well-founded. They got into trouble not because their decisions were flawed, but because they lacked or failed to follow the procedures and policies that would have supported the decisions they made. [Read more](#)



The Majority Rules, but What if the Minority Won't Stop Fighting?

Majority rules. That is the simple but essential concept on which a democracy rests, and it works reasonably well most of the time in common interest communities, where volunteer board members set policies and make rules for their self-governing communities. But some board members don't understand, or are unwilling to accept, that in order for the majority to rule, the minority must support decisions with which it disagrees. When these board members find themselves on the losing end of a vote on an issue about which they feel strongly, they continue the battle, taking their disappointment into the community and seeking from owners the support they were unable to win from other board members. They rail against the decision, accuse the board's majority of acting irresponsibly and encourage owners to protest the offending policy or ignore it. This behavior undermines the board's decision-making process and breeds dissatisfaction and dissension in the community. Instead of being a unifying force, these dissenters create tensions or exacerbate them, and the damage they do over time can't be overstated. [Read more](#)

Flags, Signs and Associations - A homeowner wants to erect an 80-foot flagpole in his front yard to display the American and Washington state flags in support of our local troops in Iraq. While the board is sympathetic to the owner's patriotism, the association has rules against additional exterior lighting, flags and lawn ornaments. [Read more](#) (PDF)

Board Basics - Association board members are elected by the membership, typically at the association's annual membership meeting. Following the election, an organizational meeting is required to establish the officers of the board. Boards generally have four officer positions: president, vice president, secretary and treasurer. Some governing documents allow for the combination of the secretary and treasurer positions. The officers are tasked with specific duties and responsibilities related to the operation of the association and the board, as detailed in the association's Bylaws. All directors need to maintain an active interest in the operation of the association, as it's the entire board of directors, not just the officers, who have the responsibility for ensuring that the association operates in compliance with the governing documents and the law. [Read more](#)

[TX: Safety sign spurs parent, HOA battle \(plus video report\)](#)

[FL: Entire Neighborhood Faces Foreclosure Over Association Fees \(Video\)](#)

What's New in the Blogs

[A Society That Threatens](#)

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