

In the News Since the Last Issue**Check your state or region News Feed for more stories****[IL: AG Madigan Condo Developer Left Disabled Resident No Access to Homes](#)**

The Illinois Attorney General's office has filed a lawsuit against a prominent Chicago-area condo developer, alleging that his Evanston condominium complex, while marketed to people with disabilities, fails to comply with state and federal accessibility laws....

[PA: Residents rescued from high-rise fire](#)

City police and fire officials said they rescued between 10 and 20 tenants from Stevens House Condominiums, including a man taken from the roof and another sick occupant who was trapped in his room with his breathing machine....

[NJ: Condominium association do's, don'ts](#)

Many condominium unit owners are aware of the central role their association's master deed and by-laws play in the association's governance. It is equally important to be familiar with the provisions of the New Jersey Condominium Act,...

[VA: Wintergreen restrictions on residents called unfair](#)

A decision by Wintergreen Resort to restrict access to its facilities has upset some Wintergreen residents who are not resort members but have used its amenities in the past....

[NE: Homeowners Association To Fix Builder's Broken Promises](#)

Angry residents near 144th Street and West Maple Road in Omaha met with their homeowner's association Saturday night. They say Triton Homes isn't making promised repairs in their development....

[NV: Where's the association? Not here](#)

The 58 homeowners who bought into Astoria Homes' Hillside community in northwest Las Vegas watched their pool water turn green and their park grass turn brown when the development entered foreclosure....

[FL: Billing error costs Fort Myers Beach millions](#)

Fort Myers Beach might have lost millions because it has not charged condominium and duplex owners a water utility fee for the past seven years....

[CO: Owners must get involved to make an HOA effective](#)

When you purchase a home in a homeowners association (HOA) you are agreeing to comply with the rules of that association and pay the fees....

[SC: Island to increase fees to pay for drainage projects inside gated communities](#)

Hilton Head Island plans to increase fees to pay for drainage projects inside its gated communities, but officials still are trying to determine how much that increase should be...

[FL: Miami Beach condos struggle to drain water from flooded garages](#)

At least four buildings on West Avenue -- Bayview Terrace and Mirador 1200, along with Mirador 1000 and the Mondraid -- were pumping water out of their garages, where cars were being towed while residents Saturday evening stand outside and watch....

[CA: Little enforcement of law requiring pool upgrades](#)

Six months ago, a new federal law began requiring owners of public and semipublic pools to upgrade their drains in an effort to prevent swimmers, especially young children, from drowning....

[TN: Woman Who Sued Condo Association Gets Year In Prison](#)

Ms. Hethcoat had sued Continental Condominiums Association alleging discrimination. She said the association had refused to sell her a condo because she had a 14-year-old son....

New Articles Found on the Internet**Court Upholds Ban on Exclusive Cable Contracts**

On May 26, 2009, the United States Court of Appeals upheld the FCC's order banning cable companies from entering into exclusive contracts to provide telecommunications services in multi-unit developments such as condominiums. The court also upheld the portion of the FCC order prohibiting the enforcement of such exclusivity provisions in existing cable contracts. [Read more](#)

**Managing Micromanagement Part II: The Development of Constructive Board Stewardship and Executive Awareness and Intervention**

Last month, in Part I of this article (May 2007), we discussed in detail how micromanagement is time-consuming, energy draining, ever maddening, and demoralizing busy-work that accomplishes little. In that article, I listed some reasons I have observed on why Boards or Board members feel the need to micromanage, but I believe the underlying reason is that they truly have no idea what their role is in relationship to each other nor the community as a whole. I believe it is up to us as management professionals to guide Board members to a path of constructive stewardship. Constructive stewardship leads Boards away from destructive micromanagement. This serves not only the Boards and their communities it serves management. To that end there are two courses of action, which should be implemented concurrently involving long term and short term solutions. Like the name implies, long term solutions take a long time to develop and bear fruit, so we have to know how to deal - congruently - with the day to day stuff until the long term "root of the problem" solutions take effect. [Read more](#)

Grounds Managers Reduce Chemical Use on Landscaped Areas

Before the movement toward sustainable grounds care operations took hold in commercial and institutional facilities, managers typically had one objective: make the turf and landscaped areas as aesthetically pleasing as possible. Because landscaped areas often are the first things occupants and visitors notice when they arrive on a college campus or visit a hospital, managers still must focus on maintaining the landscapes' aesthetic appeal. But now, more than ever, organizations are concerned about the impact landscapes and grounds maintenance practices have on the environment. [Read more](#)

Shoestring Socials

Americans today are working harder and spending more time on the job these days. And when they finally arrive home at night, they tend to turn on their computers, iPods or televisions as their primary source of entertainment. In fact, a study by the Entertainment Software Association found that 67 percent of American heads of households now play computer and video games. That type of "recreation," however, doesn't exactly build a sense of community among neighbors. Faced with that reality, homeowner associations must be more innovative and persuasive than ever if they hope to get residents off the couch, out the front door and participating in association events. [Read more](#)

Paperless Board Meetings

Many homeowners are looking for ways to make small changes in their lives that lead to fewer negative impacts on the environment. Some choose to bring their own reusable bags to grocery stores; some choose to purchase a hybrid vehicle; some choose to install solar panels to reduce their energy consumption. Likewise, homeowner association board members may be searching for ways to make their homeowner association slightly more environmentally friendly. One simple change that can be made in homeowner associations is paperless board meetings. [Read more](#)

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[New Audio/Video](#)

No new audio/video this week

**What's New in the Blogs
[California Condo & HOA Law](#)****[HOA and CONDO Association Fines - How Many Hearings Are Required!](#)**

In case you missed it, there has been discussion on the website of a colleague about what is required with regard to fine hearings. Question: is there a hear...

[Does an HOA or Condo Owner Have Pay Assessments Even If Their Home is Foreclosed?](#)

I get this question at least two or three times a week. Question: I'm not sure if I need an

[CA: State investigates discrimination claim against homeowners association](#) The state Department of Fair Employment and Housing is investigating a complaint alleging that the Hidden Valley Lake Association has discriminatory rules and practices that especially affect children and families....

[VT: Free to Hang Out the Laundry](#)
It may be difficult but not against the rules anymore. You can air all the clean laundry you want because it's your right to dry so says the Vermont Legislature....

[CA: Cat search at Fresno condo goes awry](#)
Police responding to what they thought was a report of cat burglars at a north Fresno condominium complex instead found cat searchers....

[FL: Porch dispute pits Boynton Beach couple against property owners association](#)
Like so many other homeowner disputes in South Florida, the Glasses' troubles began with a home improvement project. They wanted to put a screened porch on their home in Aberdeen Golf & Country Club so their cat could go outside without being eaten by an allig...

[FL: Former Coventry Cove treasurer faces embezzlement charges](#) A former secretary and treasurer of the Coventry Cove Homeowner's Association is accused of embezzling more than \$10,000 from the association's treasury....

[FL: Condo advocates decry banking lobbyists' influence](#) Despite pleadings from unit owners, state legislators failed to produce any relief for condo associations in the form of new foreclosure reform during the most recent legislative session....

[FL: On some condo boards, time is money](#)
Serving on a condominium board is unpaid volunteer work and can be time-consuming given the need to learn about association laws and regulations while tending to issues of importance to unit owners. But when board members begin asking for forms of compensation...

[NY: Luxury condos for homeless: Neighbors say vagrants 'living better than we](#) When Nik-ki Coles first saw a luxury condo building going up near her Crown Heights home, she took it as a sign the neighborhood had finally turned a corner....

[TX: Welder's torch blamed for Galveston fire that destroys 60 condos](#) Investigators blame welders for a fire that destroyed at least 60 units of a Hurricane Ike-damaged waterfront condo development on Galveston's Seawall Boulevard...

[TX: Condo owner's dispute over presidential library could put Bush under oath](#)
A Texan is trying to put a former president under oath and find out what he knew and when he knew it. But the issue isn't national security, political skullduggery or a sex scandal....

[IA: Idyllwild residents to celebrate flood progress](#)
It's been a long year for the residents of the Idyllwild subdivision, but on June 13, they'll hold a Flood Reconstruction Celebration to mark the progress they've made in the past year....

[WA: Sudden Valley board rejects residents' petition to recall board members](#) The Sudden Valley board of directors has rejected a petition seeking the recall of five executive board members....

[TX: Vanishing amenities create resident backlash at HOA](#) Homeowners in one North Texas subdivision said they feel abandoned after their homeowner's association suddenly closed their pool and shut down the gym....

[Defective Chinese Drywall Used in Condos](#)
Homeowners in at least 18 states have complained that

Removing a Board Member

It may come as a surprise to you, but occasionally a board member needs to be removed from the board. In some cases, a conflict of interest or unethical behavior may be grounds to remove an individual from the board. In other cases, the behavior of a board member may become so obstructive that the board is prevented from functioning effectively. Strongly felt disagreement and passionate arguments are often elements of the most effective board (and genuine debate). However, arguing for an unpopular viewpoint is not grounds for board dismissal! But if a board member consistently and inappropriately disrupts meetings or prevents the association from working well, removal may be appropriate. The following are a few facts that should be considered: [Read more](#)

Crist Veto of Condo Insurance Bill Disappoints Unit Owners, Agents

Florida Gov. Charlie Crist's veto of a condo insurance bill has disappointed condo unit owners and insurance agents who must comply with what they say is a costly and confusing existing law that would have been modified by the vetoed bill. Crist cited fire safety concerns in his veto but critics say he has overlooked other benefits of Senate Bill 714 in refusing to sign it, including correcting apparent drafting errors in the current law (H.B. 601) that was enacted in 2008. [Read more](#)

Finding The Gold

Collecting assessments from delinquent owners is a little bit like mining for gold. First you have to find the gold. With delinquent owners getting a judgment is usually the easy part. Next comes the hard part, finding the gold. We have to locate attachable assets to satisfy the judgment. Generally attachable assets come in the form of a bank account or an employer. But there can be other attachable and valuable assets. [Read more](#)

The Benefits of Deed Restriction Variances

Associations face an interesting decision when it comes to allowing owners to modify their properties in ways that are out of the norm or in some other way might "open Pandora's Box." As every professional community association manager, board member and architectural committee member knows, the easiest and safest thing to do is simple say "no". The problem with "no" is that it can lead to an unimaginative and stagnant community with owners feeling as though they have little opportunity to establish any level of creative individualism (the "cookie cutter syndrome"). [Read more](#)

More News

[LA: Complex's future uncertain](#)
Helen Underwood moved to Brandywine Condominiums 20 years ago, finding the complex's pool sparkling, the grounds pristine and the clubhouse a place for families to gather and celebrate holidays and birthdays....

[FL: Tarpon Springs man who won't leash dog makes gun threats on 'Inside Edition'](#)
"I'm going to use deadly force against board members, and I have the guns to do it," Wirth, 52, told Inside Edition, according to the show's Web site....

[FL: Pay off \\$355 million, IRS tells The Villages](#)
The Internal Revenue Service wants the governments that run this massive retirement community to pay off \$355 million in loans after an investigator concluded they improperly issued tax-free bonds to buy recreational facilities such as golf courses and swimmin....

[SC: HOA bill gets more time in oven](#)
A bill that would have changed how homeowners associations in South Carolina are governed is one of many that's on hold now that the legislative session is over....

[VA: HOA embezzler gets 66 years for shooting spree](#) A businessman who stole millions of dollars from northern Virginia homeowners associations,

attorney. My condo was recently foreclosed. Now I have received...

Ohio Condo Law

[Pool Safety Reminder](#)
The days are getting longer and school is almost out, which leads to but one conclusion:...

Florida Condo & HOA Law

[Governor Vetoes SB 714; Unit Owners Insurance Coverage & Board Obligations](#)
SB 714 Designed to Clarify Insurance Requirements & Provide Relief to Homeowners by Delaying Fire Sprinkler Retrofit.
Condominium U...

Michigan Condo & HOA Law

[Homeowner Association Assessment](#)
Many homeowner associations may find themselves in a situation where they are unable to perform needed work due to extremely low association dues. I recently heard from a board mem...

HOA Legis-slate

[Business Judgment Rule Only Gets You So Far](#)
Use of the business judgment rule can't protect associations from every type of legal action. Board members who choose not to enforce provisions in the declaration may ...

New Jersey Law

[Appellate Court Validates Condominium Board's Interpretation of "Repairs" & "Maintenance"](#)
Appellate Court Affirms Rockland County Supreme Court's Reliance Upon the Business Judgment Rule to Uphold Board's Decision to Make a Construction Contract without Owner Vote

Condo Issues

[Negligent Conversion?](#)
Is the Condominium Converter Liable for Failing to Properly Assemble the Parts of a New Community? Negligent conversion" is another way of saying

[The Board's Dilemma](#)
Every board faces this dilemma soon or later: how to raise revenue without raising assessments. Since the only revenue the average association can o...

HOA Brief

[When is a family a "family"?](#)
One of the issues that HOAs are facing with increasing frequency in light of the current economic cl...

CT Condo Law

[They're Suing for What?](#)
by Ryan C. McKeen
This morning while making breakfast, I had a local news station on.

Homeowners in at least 10 states have complained that fumes from Chinese-made drywall produce a 'rotten eggs' odor and cause metals, such as air conditioning coils, to corrode....

VA: Working hand-in-hand

In the long run, he expected the Southridge special tax district designation would be a win-win for everyone involved. While the town put up some extra money at first, Thornhill said, once the initial paving is paid for, the extra taxes paid can then be banked...

AZ: Queen Creek HOA says no to gay pride flag

Imagine not being able to put up Halloween decorations or a Hanukah display outside your home. That's what one East Valley man claims his neighborhood has turned into. Zeniff Vanderran said the Cambria Ocotillo Homeowners Association crossed the line when they...

SC: Homeowners strive to become 'firewise'

"I was going to go back and talk to our HOA, cause I'm on our safety committee there, and I think this is tremendous," said Donna Morton, who lives in a condo in the Barefoot community. "I would like to see our community get involved..."

TX: Lake Highlands homeowners group still silent amid outcry

And, incredibly, no one from the Woodlands II on the Creek homeowners association has bothered to contact Larison - or me, for that matter - since I inked a column last Wednesday about Larison's rift with his Lake Highlands HOA....

FL: Condo communities struggle to deal with hoarders

Piles of garbage, dirty pet cages and other debris litter the condominium floor. But it's the putrid smells of unattended excrement, scurrying cockroaches and buzzing flies in the unit that make the situation potentially unbearable and unsafe for neighbors ? a...

FL: Crist vetoes sweeping condo bill

Gov. Crist has killed Senate Bill 714, using his veto power on the sweeping condominium reform bill....

MD: A New Condo Insurance Twist in Maryland

Consider this scenario, Maryland condominium owners: A kitchen fire in your unit damages not only your home, but causes thousands of dollars of damage to the electrical and air conditioning systems outside your unit. Who has to pay for those damages to that co...

Mosquitoes prosper a second summer as foreclosures swell

An unwelcome health hazard of the rising tide of foreclosures has returned. For a second summer, the National Pest Management Association is warning that abandoned homes can become breeding grounds for mosquitoes in the summer months....

MD: Solar power to help cut costs

Forest Reach, a group of 58 single-family homes between Bear Trap and Bethany Beach, is attempting to install a number of solar panels on a community-owner parcel of land to power the neighborhood's lamp posts, fountains and pool equipment....

Florida Condos Still Battling Australian Insurer Four Years Later

The start of hurricane season is a bitter reminder for residents of a number of South Florida condominium towers that they are still battling insurance giant QBE in federal court in what seems like a never-ending effort to get the Australian company to pay for...

NJ: PSE&G Accused of Perjury and Fraud

It began as a simple billing dispute with a small Condominium Association and blossomed into a full blown debacle when the association fought the giant utility in court....

AZ: Rush to obey new law keeps pools temporarily closed

Summer made an early visit to the Valley this year and May's record high temperatures have only added to the frustration of an already irate south Tempe neighborhood....

AZ: Receivership row amid foreclosures

Including residents of the Lakeview subdivision in Cupeper, has been sentenced to 66 years in prison for going on a drunken shooting spree after his thefts were uncovered...

CA: Disabled tenant left high and dry

A 51-year-old disabled woman is living in a condemned West Third Street condominium without water service despite a city order to vacate the building....

Condo Culture: It's a dirty job but someone's got to do it - but who?

Q For the past several months the stairwells and the carpets in our condominium have not been cleaned. The dirt is ground in on the floors and the carpets are filthy. Several of the owners have approached the superintendent who says this is not his job....

WA: Condo residents angered by possible fire-robbery link

Cherie Shook lost all her belongings - including her two beloved cats - in a fire Jan. 17 that destroyed the Fontanelle condominiums. Then to learn that police believe someone started the fire deliberately has left her full of bad feelings....

IN: City To Rip Out Speed Bumps Installed By Neighborhood

A northwest side subdivision and the city have bumped heads over speed bumps installed by the neighborhood, but deemed unlawful by inspectors....

Ask the Lawyer: Condo rules address home-based business

Am I permitted to operate a business out of my condominium unit? A Limitations on how you can use your condominium unit are usually spelled out in the use restrictions section of your condominium declaration...

WA: Sudden Valley residents petition for removal of executive board members

More than 50 Sudden Valley residents have signed a petition seeking the recall of five executive board members of the community association....

CO: Property maintenance takes a hit in tough times

Homeowners association leaders are finding that in tough economic times, the biggest problems they face are homeowners not keeping up with landscaping and home maintenance....

OH: Flooded Lake County condos move one step closer to being demolished

At last condo owners at the Gristmill condominium complex in Lake County can close the door on the massive summer floods of 2006....

Florida lawmakers tap condo fund as owners' complaints rise

In the midst of more and more complaints from condo owners, the Florida Legislature took \$6 million from the trust that funds the state's office that deals with those complaints....

NC: Tulls Bay resident wins \$200 dispute - Judge: Homeowner fees not mandatory

A dispute over a little more than \$200 in homeowner association fees will end up costing the parties to the lawsuit in excess of \$11,000 in legal fees....

TX: HOA's take case by case look at green building

As energy costs escalate on every front, Americans are finally beginning to think about alternatives, either in fuel generation to replace what we are losing or lifestyle changes to reduce...

FL: Federal judge throws out restrictions on electioneering interest groups

The Broward Coalition of Condominiums, Homeowners Associations and Community Organizations brought the lawsuit, after the group ran afoul of the reporting law when it tried to print a newsletter including information on candidates and constitutional amendments...

MA: Are condos being blacklisted?

Lenders are requiring nothing short of 20 percent down from condo buyers. And private mortgage insurance companies, which traditionally filled the gap for buyers unable to put up a big down payment, are also shying away....

CO: The triumph of the Grandview Six should be first step in HOA reform

The triumph of Grand Junction's Grandview Six is a heartwarming affirmation of what a few determined citizens can accomplish with grassroots action. When the political signs they displayed on their lawns during the 2008 election period were forcibly removed b...

Somewhere betw...

The Nanny State Gets Nannier: Pet Chimps Banned

by Ryan C. McKeen
In the midst of a massive budget crisis, our State Legislature spent the final hou...



Community Associations Network E-newsletter

Phoenix-area real-estate brokerages and property managers are gearing up to ride an anticipated wave of business in managing financially struggling apartment, condominium, office and retail projects as court-appointed receivers....

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