

Community Associations Network

In the News Since the Last Issue

Check your state or region News Feed for more stories

[GA: Life is solitary in unfinished subdivisions](#)

One of just two residents in what was to be a 105-home development, the 54-year-old information technology manager strolls down lonely streets past silt fences, weedy lots, nearly 20 vacant homes and a sign cheerily announcing that a pool and cabana are "Comin..."

[FL: Foreclosures: 'It's a nightmare across the board'](#)

But this issue is not isolated to one community. Just a few miles away from Riverwalk at Matera, homeowners just got hit with a \$1,500 special assessment....

[OH: Thieves take air conditioner off roof](#)

Installers said it would have taken at least three men to remove the air-conditioning unit from the roof of a condominium on Mastick Road....

[NY: Ritzly Folk Vent as Smoke Invades Tower](#)

Dozens of New Yorkers who coughed up millions for luxury dwellings in a new Manhattan high-rise are choking on their investments. Literally....

[FL: Condo associations face new issues as they get older](#)

The planned communities of Southwest Florida are feeling their age - and the associations that run them sometimes pay the price as past problems come back to haunt them....

[AZ: El Mirage to train officers as HOA liaisons](#)

Once training for the HOA Liaison Program is done, HOA presidents can contact their liaison officers with anything ranging from block-watch concerns to city-code violations. Liaison officers can either address their issues directly or contact other city resour...

[FL: Little boat stirs up a fuss among Margate condo neighbors](#)

John J. Madden, 84, likes to spend an hour or two after lunch sitting in a chair on the grass along the lake behind his condo, playing with his two 22-inch-long remote-controlled powerboats....

[FL: Appeals court: Condo buyers can't cancel for certain cost increases](#)

A Florida appeals court has upheld a ruling in a precedent-setting condo buyer lawsuit against Marina Grande Associates, a development company in Riviera Beach....

[FL: Cory Lake Records Request Heading Back To Court](#)

Developer Gene Thomason turned over the financial records of Cory Lakes Limited, which billed homeowners for management and security services for the gated New Tampa community. But lawyer Mark Basurto, who represents the seven homeowners who are suing over acc...

[VA: Into the Woods, Thanks to High-Rise Residents](#)

For a decade, the folks who live at Marina Towers condominiums in Alexandria have been raising money to send kids to Camp Moss Hollow--nearly \$50,000 over the past 10 years, in fact...

[NJ: State to decide if senior condo complex violated disabled rights](#)

At the couple's request, the Condominium Association of Covered Bridge built a ramp to help residents access the lot in 2006. But that ramp was later removed, because it was too steep and violated township codes, and it was never replaced....

[Canada: Real estate agents may face lawsuits over massive condo repair](#)

The builder of a northwest condo complex whose "systematic failure" in construction led to a \$10-million repair bill likely won't face any lawsuits related to the building. But real estate agents who sold

New Articles Found on the Web

Predicting the Future of Community Associations

Co-operative, private maintenance of commonly owned land and structures in small villages and towns has been around for hundreds, probably thousands, of years. But in California, "common area," and the community associations that maintain it, have only been regulated by statute for a few decades. The first California Condominium Act was enacted in 1963. The Davis-Stirling Act, in use today, was enacted in 1985. We began seeing condominiums massed produced for California consumers in the early Sixties when the McKuen Corporation started building their ubiquitous fourplex buildings throughout California. [1] Consequently, California's experience with this form of housing dates back less than 50 years, and with so little history, predicting the future requires a lot of speculation. We do have some data, however, and from those sources we can piece together a picture of how community associations, and the projects they maintain, might evolve over the next half century. Some of this comes from other writer's accounts, and some from our own experience. We tried to make practical predictions, based on recognized trends, so you won't see anything here about condos on the moon! The following facts are already evident: [Read more](#)

What Financial Matters Should be Included in the Minutes?

Question: I am new to the board of directors and I have been elected secretary. I am in charge of taking the minutes for the board of directors meetings. I have been secretary of several organizations in the past and feel comfortable with taking minutes, but have been told that there are financial matters of the association which need to be recorded. What specifically do you look for when you are reading an association's minutes during the audit process? **Answer:** Here is a brief review of the key financial areas that we look for when reading the minutes during an audit and brief comments as to why it is important to the audit process. [Read more](#)

Management Evaluation

An interesting feature of homeowner associations is that they are either self-managed or managed by a community association management firm under the direction of elected volunteers of various backgrounds. Experience has shown that there are some drawbacks to this concept:

- Many associations are run more as social organizations instead of business enterprises that are comprised of assets often valued into the millions of dollars.
- Continuity in running a community association is often difficult to maintain because board members usually serve for a few years at most and there are turnover issues with professional community association management.
- Board members and managers often lack training and education.

The Community Association Institute offers professional training for managers and board members. Listed below are some pointers taken from its' M-! 00 course material. (A highly recommended course for new board members and managers.) What are some of the signs of a weak or ineffective management situation at a community association? [Read more](#)

Mortgage scam snagged scores

More than half of River Ridge's 45 units were auctioned off in sheriff's sales between last October and March, Dakota County foreclosure records show. Nearly all the foreclosed units were owned by investor-buyers arranged through Blackstone, according to people who bought there and a list of dozens of investor-buyers that one buyer created. The directory at River Ridge's front door shows about 19 units are occupied, some of them rentals. The condo's homeowners association declined to comment. Some residents are furious about what happened to their homes. It's bad enough living in a ghost complex, one said, but the rash of foreclosures means just a handful of legitimate owners are paying monthly association fees to maintain the entire building. [Read more](#)

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Editor's Notes

It's amazing in this day and age th association boards, and their mana and attorneys, somehow don't noti how various issues are popping up around the country, and then they right into the same problem - and screw up the solution the same wa Start looking at the problems in th news and try and prevent the same thing happening to you. Write abo talk about it, do something to help other board members or workmate get a jump on coming issues. With internet, there is no excuse for not knowing what to do when a new is: arises or for getting it wrong. Crea "Warning List" of items in the news pass it around.

units in the northwest complex could be sued as condo o...

AZ: Sonora: Effort afoot to recall Town Councilman Gemmill from HOA presidency

Town Councilman Bob Gemmill is facing a recall from his leadership position in the Carefree Foothills Homeowner's Association over the non-disclosure of a lawsuit judgment, which resulted in \$103,000 liens being placed on all properties in the subdivision....

NJ: Next real estate headache: The grandma condo?

With many longtime residents sitting on gold mines in the form of old three-family brownstones or other valuable pieces of real estate, there is often a mint to be made in going condo....

CA: Condo owners likely to appeal fine

Condominium owners at Ocean Harbor House on Monterey Beach may appeal a \$2.15 million judgment against them regarding the impact of their seawall....

MO: Condo rental clause stirs controversy

One of the developers, Larry Schulz of Byrnes Mill, said one reason for the delay is the slumping housing market, but he also indicated that investors in the development are concerned about a clause banning condo owners from ever renting their units, a clause ...

CA: A Lake Forest woman gets injured, then stuck with the bill

A recently concluded civil trial stemming from the accident has members of a homeowner's association board breathing easier and a big-name law firm scratching its head....

FL: Renaissance condo to assess owners

Condominium owners at the Renaissance had better get out their checkbooks. The condo association has been involved in an enormously complex lawsuit since 2006 to compel the developer, designers and contractors that originally built the Renaissance to fix what...

FL: Copper Thieves Making It Hot For Orlando Condo Complex Owners

The summer heat is going to be especially difficult for some Orlando homeowners who lost their air conditioning. Copper thieves struck an Orlando condominium complex, damaging units for at least a dozen homes...

NV: Who dropped the ball?

Banks and other mortgage lenders are turning out to be lousy neighbors. Foreclosed homes featuring brown lawns and fetid swimming pools litter the Las Vegas Valley because the lenders that hold title have failed to keep the properties up....

NY: Homeowners association sues Staten Island couple for \$250,000

The Westport/Richmond Hill Homeowners Association is suing the Shearons in state Supreme Court for the right to go onto the couple's property to fix a broken electrical box that supplies lights along the street and the common areas of the townhouse development...

AL: Bankruptcy filings show deep debt of coastal investors

Three of Bon Secour Village's five developers have filed for bankruptcy, putting the already imperiled Gulf Shores development at further risk and illustrating how south Baldwin County's burst real estate bubble has hit even the most moneyed investors....

TX: Frisco Fairways homeowners association moves on after coup

Less than four months after the Frisco Fairways homeowners association sued Mr. Doumani and two other residents for libeling the HOA board in online postings, Mr. Doumani has been elected president of that same board - and all the former members who brought t...

CA: Take part in elections of your association's board of directors

Every year there is an opportunity for change with the election of board members. This is the one change homeowners in the community have control over. The homeowners elect the board members who serve as directors....



Professionalism and Customer Service First Contact to Last

You are at a local department store. You can't seem to find the type of pants you want. You look for a sales associate. You look high and you look low. You look over in the next department. And the next. Finally you find that lone sales person. As you walk up, you just know this 19 year-old with a ring in her nose madly texting behind the counter is not going to be able to help you. And you're right. In fact, she doesn't even look up and see you for a full 30 seconds. You say to yourself: "%**\$%#@!" This experience leaves you, the customer/client, angry and disgusted and vowing never to purchase from that retailer again. This scenario speaks of poor communication skills, which result in poor customer service. Why talk about customer service? Customers, or clients, are our life blood. No clients = no business. Happy clients mean continued business and can be more understanding and forgiving when we make inevitable mistakes. So in light of the above situations, have you ever thought about how you are communicating and providing customer (client) service? [Read more](#)

Law Review: Riverwalk Bridge Obscured Neighbors' View

Landowners claim that structure interferes with their 'right to a view.' Generally, a property owner whose property abuts a lake, river, or stream possesses certain riparian rights, a bundle of rights that turns on the physical relationship of a body of water to the land abutting it. These rights pertain to the use of water in a waterway adjoining the owner's property. Riparian rights of the owners of lands fronting navigable waters are derived from common law as modified by statute. In the case of Center Townhouse Corporation v. City of Mishawaka (Ind. App. 2/20/2008), Center Townhouse Corp. ("CTC") and individual townhome owners ("Landowners") brought an action against the city of Mishawaka, Ind., and its park and recreation board in response to planned construction of a pedestrian bridge connecting Lincoln Park and Kamm Island. [Read more](#)

CA Appellate Court rules Rossmoor Leisure World is a CID

Leisure World/Seal Beach seniors bagged yet another victory on last week, when the California Court of Appeal Fourth Appellate District in Santa Ana ruled in their favor and against the Golden Rain Foundation (GRF). In an 8-1 page decision, the Appeals Court reaffirmed a lower court ruling that Leisure World is indeed a common interest development and, therefore, subject to the state laws governing associations. The battle began in January 2004 when seven seniors filed 16 suits in small claims court, because the Golden Rain Foundation, which operates Leisure World, refused to turn over financial records. Civil Code 1365.02 lets homeowners > sue in small claims court if an association refuses to grant access to records. Since 2004, both Orange County small claims and superior courts have repeatedly ruled in favor of Carol Franz, Edmund Loritz, David Lyon, Jacklyn Shaw, and several other residents. The Foundation then tried another legal tack: countersuing the seniors and arguing that Leisure World wasn't a common interest development to begin with and that the Foundation "wasn't a homeowner association." It concluded, therefore, that neither entity was subject to the state statutes governing California's 45,000 common interest communities. > Golden Rain has been battling the seniors in Orange County courts for four-and-a-half years -- and losing every round. [Read the opinion](#) (PDF)

6 Ways to Silence the Barking Dog

Summer night breezes, a cool walk in the park and a barking dog...These are the ingredients for a great evening. If dog barking has become a problem in your community, here are six easy solutions to silence the barking. [Read more](#)



HOA Management: A Breed Apart

Homeowner association management is one of the most challenging forms of property management there is. In residential, commercial and industrial rental management, there is a revocable agreement that allows the property owner a fair amount of control over the tenant. If the tenant doesn't live up to the agreement, the owner can terminate the agreement (and vice

Joe

New Audio/Video

Collecting Unpaid Fees and Assessments David J. Byrne, Shareholder and Co-Chair of Stark Stark's Community Associations group, presented a seminar at the [Pennsylvania and Delaware Valley Chapter of the Community Associations Institute's Annual Conference and Expo on June 3, 21](#) entitled Collecting Unpaid Fees and Assessments. Mr. Byrne's presentation included a discussion on liens, foreclosures, limited divestiture, mortgage foreclosures, surplus fund and rent receivership.

FL: Honeybees Invade Jacksonville Condo (video)

Thousands of bees move into the y of a Southside condo, leaving one homeowner's head buzzing with questions of how to get the unwelcome guests out....

Talk With the CAM: News Articles

Today I decided to talk about new articles that come across my desk concerning condominiums and homeowner association. Each week receive well over 50 different newspaper articles and these are a few of the ones that I feel are important.

What's New in the Blogs

DO BOARD MEMBERS HAVE TO P/ FOR COPIES OF RECORDS?

A reader asks: "Is there a provision in the civil code that a 'Board Member may have access to HOA records, invoices etc. as a 'board member' management ...

DO DAY SLEEPERS HAVE RIGHTS?

A reader recently asked me a simple question: "Do Condo-Owner's who work Night Shifts & sleep in the daytime have any right to peace & quiet?" The answer is yes...

Are individual co-owners liable for accidents that occur with in the common elements?

I recently heard of an incident where a section of fence area fell from a roof a condominium injuring two people who were on a public sidewalk in front of the condo unit. The i...

Protecting the Tree Canopy Or Punishment?

In our post on June we discussed the fines some homeowners could face for failing to care for trees located in the public right-of-way. Now the Denver City Council,...

Make Sure to Consider Your Developer's Commercial General Liability Insurance When Negotiating or Litigating Your Community's Transition

Condominiums and HOAs often proceed in transition with the concern that it may not get defects fixed, damages paid and/or funds contributed by developers because developer may be...

Pool Rules and the Fair Housing Act

[ID: Crowd Blocks Driveways to Stop Modular Home Project](#) Residents and a builder clashed in Star Thursday night - with residents complaining that planned modular homes violate neighborhood rules....

[Canada: Condo owners can keep Canadian flag](#) Dean Clark's flag fight is over. The strata council at his Newton townhouse complex has backed away from its demand he remove a Canadian flag that's been flying from his home for the past four years or face a \$50 fine....

[MD: Court Turns Maryland Condo Insurance Upside Down](#) A dispute over \$6,400 in damage to a Maryland townhouse led to an unexpected court decision that has reversed 26 years of standard industry practice, and left insurers, agents, lawmakers and condominium associations unclear as to who pays when individual units...

[AZ: 7 tips to muffle noisy neighbors](#) So, you just moved into a condo, townhouse or apartment with a killer view or simply doesn't cost an arm and a leg. But now you find yourself banging on the walls to get your neighbors to quiet down....

[FL: Silver Beach Condo Owners Win Against Developer in Court](#) A local court says developer Tom Becnel changed the covenants for Silver Beach Towers condominiums to deny owners their rights to the beach there...

[OH: Homeowners' group: Playground must go](#) A homeowners' association is forcing a woman who uses a wheelchair to remove a swing set she put up for her autistic son or face a \$100 per month fine....

[FL: Even with drought, homeowners face fines for brown lawns](#) Little rain can make for brown grass. It's a fact of life. Add to the mix county lawn-watering restrictions, and Mr. and Mrs. Homeowner might feel a bit burned at the sight of scorched earth where there was once a lush carpet of green. But drought aside, rules...

[Canada: Good rules make for good neighbours](#) It is important that by properly drafting the condominium rules, one can avoid debating same before the courts. Typically, problems include (1) a unit holder who fails to pay his/her condominium fees, (2) or who abuses their privileges regarding the exercise eq...

[GA: Hard times pinch homeowner associations](#) Get ready for another ripple of victims from the souring economy and increased home foreclosures: Neighborhood pool parties, flowers at subdivision entrances and lifeguards....

[WA: Lawsuit ends up costing more than just money](#) THERE are no winners in lawsuits like Slayback v. The Estates at Gig Harbor - literally. Neither the plaintiffs nor the defendants won the suit, since it was settled out of court and the terms were not disclosed. None of the parties involved are admitting fault...

[WA: Homeowners Say Wall Built Too High](#) Temouri says the McKays built the wall despite homeowner rules that specifically state that retaining walls can't be higher than three feet....

[VA: Lawsuit on lack of services could bankrupt Lake Holiday](#) If the plaintiffs win their lawsuit, Lake Holiday may go bankrupt - because the gated community in northern Frederick County would no longer be able to collect assessments on its 2,700 residential lots....

[CO: HOAs run out of cash as more people walk away from homes](#) From the outside, Monaco Place looks shiny and new. On the inside it's falling apart and so are its residents....

[IL: State gives condos until 2013 to upgrade elevators](#) Local condo residents won't have to worry about making

versal). This is not the case in HOAs which are controlled by the board, governing documents, HOA statutes and property rights. [Read more](#)

Poor Documents and Insufficient Reserves = A Big Headache

The era of community associations really began to flourish in the late 1970s. The legal documents for those early homeowner associations and condominiums reflected the best thinking and analysis of the time regarding the future financial and operational needs of the individual communities. Actually, it is a tribute to the attorneys who crafted some of those fledgling documents with foresight to include flexibility for future boards with regard to assessment levels. However, in most cases, that flexibility was not included and community associations were limited to a small percentage annual increase - or none at all -- without a high percentage of membership approval. Those communities face a serious economic challenge today. Let me describe an actual situation involving a townhouse community in a suburb of a large metropolitan area that was built in the early 1970s. The community has private streets and parking lots, a clubhouse, and a swimming pool, in addition to wood perimeter fencing, two retaining walls, and some decorative brick walls. Their documents specify that the annual assessments can only be increased by a maximum of three percent per year. [Read more](#)

Condo Units: The New No-Smoking Frontier

"My home is my castle." Maybe, maybe not, if you're a condominium owner. After pushing through smoking bans in bars and restaurants, anti-smoking advocates have begun to set their sights on another target: condominium units. These advocates have been predicting that it is only a matter of time before condominiums bar smoking entirely, not just in common areas, but inside individual condominium units as well. In fact, in 2006, a Colorado court upheld an amendment to the Declaration of Condominium prohibiting smoking anywhere within the boundaries of the condominium property, including the individual condominium units. [Read more](#)

How Older Buildings Can Go Green by Taking the LEED

Brand-new green buildings with fancy, environmentally friendly features make headlines all the time. But the vast majority of the city's housing stock is not new. How can they catch up, to make their buildings more appealing and help the environment at the same time? That's where the program "LEED for Existing Buildings: Operations and Maintenance" can come in. [Read more](#)



Site To See: Green Condo Life

Just because you live in a homeowner association (HOA) governed community doesn't mean you always need permission to go green at home. Granted, a condo, townhome, loft or other home in an HOA community isn't always your castle when it comes to certain home improvements, but there are many other approaches you can take to help save the planet. Community Associations Institute (CAI) has launched an interactive, Net-based initiative, [Community Green](#) to help HOA communities turn global thinking into local action through environmental awareness and activism by community association leaders and the 60 million people who live in HOA communities. [Read more](#)

Hiring a Great Maintenance Worker

Great community association maintenance workers are a major asset in so many ways. They bring a huge sense of pride to their supervisors and the community they work for and are often referred to as "gems". This comparison to valuable merchandise is accurate and that is exactly what great maintenance workers are: a precious commodity. So how do we increase our chances of finding that "gem" when in the market for a maintenance worker? Patience is the key. It is important to be patient during the search process. All too often, a lesser candidate is "settled for" because of our busy schedules and the immediate need to fill the position. Desperation can cause a lowering of standards that can have long-lasting, negative effects. Dealing with an unqualified worker will cost much more in

The Fair Housing Act (the "FHA") makes it illegal to discriminate against any person in the provision of housing related services and facilities based on familial status....

Does an HOA board have to comply with the Fair Debt Collections Practices Act?

The topic of the Fair Debt Collection Practices Act came up at the recent OBA webcast on Oklahoma homeowner association law. Specifically, the question was: Q - HOA boards have...

[Pool Closings](#) Question: I live in a condo subdivision with 176 units in Virginia Beach. Our board threatens to not open our pool this year citing the pool was too expensive...

[The Scope of a Property Manager's Authority](#) It is often said, that the sole duty of a Board of Directors is to protect, maintain and enhance the value of the project. The vast ...

[Record Keeping and Communication Manager's Reports](#) OK... this topic could cover a huge number of perspectives and I expect to share thoughts from several of them over time. There is a new California Law SB528, effective November 2007, which addresses...

[Effective Roofing Repairs](#) Effective Roofing Repairs The roof of one of the more prone areas of your house and it is vital that you not only have quality roofing installed but that regular checks and repairs are carried out to ...

CAN

The Community Associations Network

Community Associations Network E-newsletter

costly upgrades in their elevators by the end of this year thanks to an amendment to the Elevator Safety and Registration Act that passed the Illinois House just before adjournment last week....

[KY: Troubleshooter investigates mandate for new roofs at local community condo](#) Dozens of residents at the Village of Beckley Woods condos contacted WAVE 3's Troubleshooter Charla Young after getting a letter from the condo's management team and volunteer board....

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valuable time and money than taking the extra time needed to find a good worker. If several interviews do not turn up that "gem", don't settle. Keep looking. If possible, set up more interviews and keep trying. The more interviews conducted, the better chance a great worker will be found. [Read more](#)

Contact CAN at: webmaster@communityassociations.net

Welcome to the Community Associations Network E-Newsletter. The newsletter consists of links to news items and articles about community associations from around the country. The Community Associations Network has been created to bring the vast resources of the internet to one location to make it easier to find information and answers to your questions. CAN is NOT responsible for the content or the articles or news items or for link continuity.
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