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MORE ARTICLES

RECENT ARTICLES FROM AROUND THE WEB

Surviving Each Other: the Art of Communication

Communication is a lost art in some HOA's. The majority of people just are lacking in people skills. They might be in a hurry, frustrated, impatient, uneducated, or harried. Volunteer board members tend to get more criticism than praise, and often find themselves spending much more time than anticipated on association business. Then along comes a curious, tenacious and sometimes downright abusive or offensive owner who makes what seem to be unreasonable demands. Sometimes the shoe is on the other foot and an owner suffers at the hands of an overly egotistical, power hungry, or just plain tired board member.

The title says it all, communication is an art form. When you mention "communication", the name has a warm touchy-feely connotation. Seems like there should be a "community" of some kind involved. Some form of fellowship, something in common.

[read more >](#)

Beware of Dogs! Requests for Comfort Animals Could Bite Homeowners Associations

Jayne and Ed Elebiari said their dog "Pooky" helped them cope with the debilitating depression from which they both suffered, and asked the board of their condominium association to waive the community's "no-pet" policy so they could keep their tiny companion. The board said no – a decision that cost the association \$12,500 in damages, awarded by a court that found the association had improperly denied the Elebiaris' request.

Following similar logic, a Michigan court ordered a cooperative community to pay \$14,000 in actual damages and \$300,000 in punitive damages for refusing to allow an owner to keep a dog she said provided her with essential emotional support. In both cases, the courts were interpreting the federal fair housing laws (and parallel laws in many states), which require homeowner associations to offer "reasonable accommodations" to residents suffering from a disability. The federal Fair Housing Act defines a disability as "a physical or mental impairment that substantially limits one or more major life activities."

[read more >](#)

Risk Assessment and Careful Planning Can Identify Problems and Help to Avoid Them

Announce a meeting to discuss ideas for improving security in your community association, and odds are it won't attract many owners, unless that invitation comes after a break-in or assault on your property, in which case you can pretty much count on a standing-room-only crowd. Human nature being human nature and

Board of Directors Duties and Liabilities

Congratulations! You've just been made a member of the board of directors. Your new position, whether of a for-profit corporation or a non-profit entity, is both prestigious and well respected. By the way, did anyone describe your duties or the fact that you may be financially liable for your actions? Boards of directors must have the authority and discretion to manage a business successfully. At the

NEWS FROM CAN

[Best Viewed in HTML]

California Condo Guru Blog hits #1 on Google

It may not last long but at least for a while Beth Grimm's "[California Condo & HOA Law](#)" blog was ranked #1 on Google for the search "HOA Law". (#8 for "Condo Law") CAN has been proud to host her blog and its nice to see her efforts pay off. Beth is a prolific author and also wrote the lead article this month on communications. We can host your blog also at no cost. Contact us.

Home Page Changes

We've made some changes to our Home Page. In our insane effort to pack as much timely information into as little space as possible, we've expanded the News, Industry News and Blogs to keep you posted on the latest happenings around the country. [Check it out.](#)

Pass this along

Do you know someone in your office or association that could use the information that is in this newsletter? Why not forward them a copy? The subscription is free and we don't sell, lease or give out the mailing list.

State Directories and ads

We're still working on the state directories, and have added some more on-line. We've also made some changes in our advertising [rates and policies.](#)

NEWS FROM AROUND THE COUNTRY

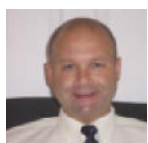
AZ: West Glen: Soil sensors would regulate watering, HOA considers greenbelt upgrade. The West Glen community is trying to head off brown grass through its 19-plus acres of greenbelt. Homeowners Association President Ron Kotch did some research and found a Canadian company, Environmental Sensors, Inc., which produces a computer-regulated system with soil-moisture sensors for commercial grassland.

A conspiracy of signs

To sue someone civilly for conspiring against you, you must allege that the person conspired to commit an actionable tort that was actually committed. There is a single exception to that rule: when the defendant combined with others and thereby possessed a peculiar power of coercion. In that instance alone does Florida label conspiracy an "independent" tort. When does the sort of peculiar power of coercion exist that will support an independent claim for civil conspiracy? In this case, the **Fifth District** examined a claim by condominium owners that they sold their condominium units at a depressed price at an auction because their neighbors conspired and, contrary to applicable rules, posted "for sale by owner" signs in their units' windows during the auction. A divided Fifth District held that the plaintiffs stated a claim not only for civil conspiracy but for tortious interference with prospective business relationships..

[read more >](#) (PDF)

IS GOOD COMMUNICATION THE ULTIMATE MANAGEMENT TOOL?



Managing a property or group of properties is hard work. Today's community managers are expected to juggle several priorities at once. Uninformed association members may think success happens by itself, but failure is the responsibility of those in charge. When all goes well, residents simply enjoy their properties, but when there is a problem, the manager usually takes the heat. Problems take on a communication methodology all their own. Depending on the severity of the issue, you can expect everything from simple rumors to angry homeowner petitions, which can even magnify the problem. (In case you hadn't noticed, nothing spreads faster than bad news.) Also, depending on the severity of the bad news, a manager can lose an otherwise viable client.

[read more >](#) (PDF)

The Association Calendar . . . Your Guide to Important Dates

As board members change from year to year, it can be difficult to keep track of due dates for various association

community associations being community associations, security issues don't always get much attention, if any, until a problem surfaces. A resident is assaulted, a car is stolen, homes are vandalized, and owners demand action – NOW!

[read more >](#)

OH! The Places You Can Go!



Where can I go in this business? What are my options? I get asked these questions

often by managers who want to stay in the industry, but no longer want their "plain old" job. It may sound funny, but the answer to those questions can be found in a children's book, "Oh! The Places You'll Go!" By Dr. Seuss. For young people it is meant to be confidence building for there really are places you can go if you put your mind to it. The story line may be simple, yet to adult ears, its words about growing, changing and dealing with life's hard earned lessons resonate with profound wisdom. So I guess we need to ask ourselves some questions and then make a plan because you really do have "... brains in your head..."

[read more >](#)

Reserve Funds The Accuracy Fallacy

"Don't use a scalpel, when a meat-axe will do". Kind of a grisly expression, right? But its message is right on. It speaks to the quite common confusion between precision and usefulness. Not to mention that

same time, however, wrongdoing by directors must be prevented. As a result, a balance must be made between a board of director's protection and its accountability.

[read more >](#)



Nonprofit D&O Essential For Homeowners', Condo Association Boards

Perhaps nowhere else is the motivation for getting involved so strong as with boards of directors of nonprofit homeowners' and condominium associations, an important and growing segment of the for-profit and nonprofit D&O marketplaces. We place great emotional and financial stakes in our residences. So who wouldn't want to get involved in order to build a better community, help maintain and enhance property values, have a say in how things are managed, or just meet the neighbors? But the directors and officers of these nonprofit association boards could pay a steep price for good citizenship if a lawsuit comes calling and the board does not have the proper insurance coverage in place.

[read more >](#)



The HOA Rule Game



The issue of rules in homeowner associations is one that can trigger a wide range of responses. While most HOAs require little rule enforcement, there are some that seem rule driven or inhabited by I-eat-rules-for-lunch residents. This

Condo-conversion mania cools, investors adopting more patience.

It's time to say so much for unrealistic profits in the Tampa Bay area condo market. Condominium owners are going to have to look at more of a long-term scenario.

CA: Landslide-plagued homes may come down this summer.

The eight Marbella condominiums condemned by the city months ago because of landslide damage will be torn down within the next several months, an attorney for the homeowners' association said Friday.

'Mondos' touted as quality housing at low price.

Mondo is short for modular condominium, and if the term evokes images of trailer park tin, developer Frank Maggio wants to clear up the misconception.

VA: New Money for Aging Amenities.

When Lake Ridge in Prince William County and Reston in Fairfax County were built in the 1960s, they were among the first and largest planned communities in the nation.

Car Enthusiasts Turn to Condos.

David deMartino just bought a 760-square-foot, one-bathroom condo for \$212,900 in the booming market of Fort Lauderdale, Fla. He's already ordered custom flooring and cabinets and a flat-screen TV, but he has no plans to move there.

MI: Woman gets prison for forging checks.

TRAVERSE CITY — A local woman is in a downstate prison after she admitted forging checks from a condominium association for which her son served as treasurer.

MA: Some condo association policies, decisions irk year-round homeowners.

For many in Provincetown, home ownership is about as likely as finding a pot of gold at the end of the rainbow. That's why Maria Marelli was so excited when she closed on a small condominium cottage in the far East End of town. Sure, it was only 400 square feet. But it was hers and she wouldn't have to move every six months like so many in Provincetown do in search of affordable housing.

AZ: Solera newsletter becomes prime information source.

The newsletter started by Del Webb, meant as a marketing tool for new residents, has become the community's prime source of neighborhood news since a committee of volunteer homeowners took over its publication from the developer last summer. The Dreamcatcher now is a 46-page product

responsibilities . . . such as when the association audit should be completed, when the sprinklers were last checked, when the annual meeting should be held according to the governing documents, or when legal notices should be sent out. A great deal of time and money can be wasted by searching for this information each year and some of these items may be delayed or forgotten in the process. An association can avoid this by creating an association calendar that lists important tasks and due dates. Providing this to the management company, new managers, new board members and retaining a copy with the association documents keeps everyone up to date and better informed.

[read more >](#)

Should Condo Owner's Easement Rights be Subject to Community Gloss

Easement to conduct "repairs" on appliances within units gives to unit owner the right to push venting system for clothes dryer (originally installed unlawfully by developer) through common element wall to vent to outside, as required by building code, without compliance with Declaration provision that association consent must be sought for any modification of exterior.

Garfunk v. The Cloisters at Charles, Inc., Md. Ct App. No. 79 (4/13/06)

[read more >](#)

The Insurance Mystery Where Does the Association's Responsibility End and the Homeowner's Begin?



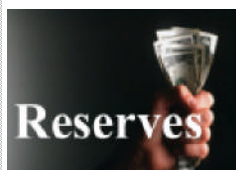
Do you remember that large pile of documents and papers you read when you closed on your condominium? Do you remember how clearly you understood what insurance responsibilities the

association would assume and what you as a homeowner would assume? Do you recall thanking all those professionals for clarifying all the issues so you could sleep well at night? If your answer to these questions is yes, I congratulate you as one of the fortunate few who truly know what he or she is required to have when they move into a condominium or other community association where certain homeownership rights are held in common with others.

unnecessary precision can consume a lot more time, effort and money for no improvement in results.

This article is all about the fairly common belief that exact-looking numbers are somehow "better" than round numbers. Or that being "out" a little bit from the exact answer will somehow lead to all kinds of unwanted consequences.

[read more >](#)



DOES YOUR ASSOCIATION NEED A LEGAL CHECK-UP?

Every one knows that a medical check-up can identify and prevent a problem from developing into a major illness.

But, did you know that a legal "check-up" can also be a good idea in order to prevent a small matter from developing into a major and expensive legal problem?

Condominium and homeowners' associations suffer from common legal problems. If your association has any of the following 12 common "symptoms" it might be a good idea to get a check-up:

[read more >](#)

References, resumes and interviews useless at predicting success

A poll by Cranfield School of Management found that a whopping 86 per cent of HR managers who take up written references do not find them useful predictors.

combination is a formula for trouble. That said, there are some recommended approaches to effective rules compliance that every HOA should consider. Jim Comin of CDC Management in Seattle has come up with some examples of Good vs. Bad when it comes to rules compliance:

[read more >](#)

Minutes - A Few Practical Pointers

When preparing the minutes for your Association board meetings it is important to remember a few key points.

Minutes are to reflect the motions made at the meetings. You need good note taking skills and you need to be organized when preparing the minutes. The following indicates items that are to be included in the minutes, along with action items and motions that may be helpful:

[read more >](#)

Watch Out! -Your Association's Suspension Of Corporate Status May Bite You!



I have been asked on many occasions in recent weeks to provide an attorney opinion letter

so that homeowners' associations can get a loan for reconstruction costs of various natures. As part of this process, my checklist includes checking with the Secretary of State to make sure that the association's corporate status is "active" as opposed to "suspended". If the association's corporate status is "suspended", this needs to be taking care of right away. The Corporation is not entitled to enter into a contract if it is not a valid, active (meaning state status) Corporation. (Although written for California, this is important for every incorporated association.)

with color ads from doctors, real estate firms and restaurants. Stories range from HOA matters to upcoming events. It also has a social page consisting of photos from in-house pageants, dinners and plays.

PA: Marine flag allowed to fly in development. The U.S. flag emblazoned with a Marine Corps emblem that has pit a Montgomery Township community association against two of its residents will continue to fly.

FL: Unwanted guest in HOA pond. Homeowners in a DeLand subdivision say a four-foot alligator has taken up residence in their retention pond and they want it gone.

FL: Don't force board to be too stingy. As reported in last week's column (Storms have implications for condo associations, May 11), the start of another hurricane season in Florida has, with good reason, garnered more attention than in years past. The fallout of the 2004 and 2005 hurricanes is perhaps just beginning to manifest itself. From ever-shrinking availability of coverage to astronomical insurance rate increases, Floridians are becoming increasingly attuned to the economics of Mother Nature's vagaries.

AZ: Neighborhoods conference to address HOA issues. If you are tired of complaints and want to start doing something about those issues with your HOA - you can! The annual Neighborhoods Arizona! Conference will be addressing these issues and more.

AZ: 3 HOA bills become law. The Arizona Legislature passed three homeowners association bills regulating charges for records, flags in communities and vehicles parked on streets.

NY: Spring Valley asks condo builder to set aside units for volunteers. Village officials are asking a developer of a three-story condominium complex on the border with Clarkstown to consider providing housing for firefighters and emergency service workers.

As hurricane season looms, Florida homeowners associations scramble for coverage. Ken Hutcheson is one of the latest Florida homeowner association board members to get the property insurance blues. In November, he got a letter saying his organization's insurance would be canceled, and he had just three months to find new coverage.

Condominiums Using RFID to Keep Access in Check. MacArthur Village, a 612-unit condominium complex in Southern California, is moving from a manual gate entrance system to an

[read more](#) ▶ (PDF)

Condo or not to Condo: the NOISE issue

When considering condos there are several important items to research and consider. One is noise. If you're not on the top floor, can you hear your upstairs neighbor, and if so, how much? Some buildings are built so poorly that normal walking upstairs actually shakes the lower apartment. Other buildings you can't hear anything when the person upstairs is jumping up and down. You might think you're in the clear if you purchase a top floor unit, but if you buy into a building that actually shakes, your downstairs neighbor will be knocking on your door within the first 2 weeks of your purchase suggesting that you buy slippers, extra rugs, and in some cases will be downright belligerent or ignorant of the fact that it's not your fault simple walking is so noisy.

[read more](#) ▶

INDUSTRY NEWS

Popular Management Company CEO Retreat is June 22-24

There's only one place in 2006 where management company executives from across the country will gather to address critical business development issues—CAI's 19th Annual CEO-MC Retreat, June 22-24, at the scenic Fairmont Miramar in Santa Monica, California.

Becker & Poliakoff Posts Online Condo, HOA Hurricane Preparedness Checklist In Advance of 2006 Storm Season

Becker & Poliakoff, a diversified commercial law firm with more than one hundred attorneys in fifteen offices throughout Florida, today announced the posting of its online "2006 Community Association Hurricane Preparedness Checklist" to help condo, homeowner and other community associations statewide prepare to protect their properties and residents during the upcoming 2006 hurricane season.

The Association of Condominium Managers of Ontario new website has arrived

The Association of Condominium

A further 78 per cent who use panel interviews in recruitment and the 67 per cent that use CVs do not find them indicators of future success either.

More advanced selection techniques, traditionally thought to have more validity, do not fair much better, with a high proportion of those polled having similarly negative views on competency-based interviews, assessment centres and psychometric tests.

[read more](#) ▶

Selection and Contracting of Service Providers

A comprehensive written contract between a community association and each of its service providers should include many components. Each of these key provisions are necessary to clarify the agreed upon terms and conditions of the contract, and for the protection of both the Association and the service provider.

[read more](#) ▶

[read more](#) ▶

Erosion Control for Landscape Installation

Landscape contractors need to consider many factors in planning a new landscape installation. Erosion control is important on all landscape jobs, but of particular concern for landscaping on hills, slopes and any uneven ground.

The action of wind and water on our environment has created works of outstanding natural beauty. Standing on the rim of the Grand Canyon, visiting Zion National Park or marveling at the sculptured bluffs of the California coast can be awe inspiring. However, when this same wind and water brings the newly landscaped backyard hillside down into your swimming pool it can hardly be described as emotionally uplifting.

[read more](#) ▶

HOW TO GET ALONG WITH YOUR CONDO NEIGHBORS

A condominium association is in essence and in fact a business. The association receives income from receipt of assessments and expends funds for the maintenance and upkeep of the commonly owned property. While the condominium is not ordinarily a for-profit organization, it is and must operate like a business, run by elected representatives entrusted with making most decisions.

[read more](#) ▶

BEST OF THE BLOGS

The [California Condo Guru's](#) blog has two good posts on: "Commercial Vehicles in HOAs - Have You Received Your Notice Yet?" and "Elections Immunity and Liability Questions-Where Is California Going?"

The [Community Associations Network](#) blog asks "Why Does Everything Have to Go in the Front Yard?"

The [New Jersey Law Blog](#) deals with the "Electronic Monitoring of Employees" and two posts on Fire Suppression Systems issues.

Both [HOA Legi-Slate](#) and the [Virginia Condo & HOA Law](#) blogs deal with foreclosure issues.

RFID-based automatic vehicle identification system, which it hopes will alleviate abuses of parking privileges and improve security at the facility.

TX: Mixed-use developers create open spaces for community.

Increasingly, consumers and tenants expect more from retail, office and residential properties. They're seeking an experience. Developers of mixed-use space realize that patrons spend a great deal of time working, living and shopping in the areas they create.

AZ: Some HOAs Pay Residents to Spy.

Homeowners Associations want you to spy on your neighbors. They are taking the neighborhood watch to a whole new level. The story begins with the end of the lease. It wasn't there on one walk around a Mesa neighborhood, and the next day the condo owner got a couple hundred dollar fine.

Brockton, Mass. Becomes Home to First 100% Solar Condo Project in New England.

A \$6 million project breaking ground this week in Massachusetts will be the first all-solar new condominium construction project in New England, according to Johnson Square Builders, the developer. Each of the townhouses at Johnson Square Village will have its own designated PV (photovoltaic or solar) systems that will save residents nearly \$600 a year on energy costs.

AZ: Mentors would 'adopt a neighborhood'.

Chandler officials are testing the idea of pairing neighborhoods in a mentor program so they can help each other work through organizational issues. This would entail recruiting successful homeowners association (HOA) boards to meet with struggling HOAs or representatives from non-HOA traditional neighborhoods. The point would be for an established community with a proven operational system in place to mentor a novice board or group of residents trying to organize

TX: Looking for Cheap Dirt.

It ruins your whites. It mucks up your car. You can't eat it. You can't wear it. Around here, you can't even grow much in it, not without being a shameless water hog. But as the old saying goes, they're not making any more of it – and that's why local discussions of affordable housing so quickly turn dirty.

Kentucky Derby winner returns to condo stall.

"We operate under Maryland condominium law," said Sandy Goswell, manager of the Fair Hill training center. "We have bylaws and declarations. Each stall is a condominium unit. It's a little bit strange."

Community Associations Network E-Newsletter

The Association of Condominium Managers of Ontario is very proud to announce the launching of their (ACMO) new website (www.acmo.org) that went live in late April 2006. They had two objectives when they set about to re-design the website. First they wanted to bring the look and feel of their site in line with the new Acmo logo. A quick visit to the site will confirm that they have been able to achieve that objective. Second, they wanted to provide increased functionality for their members and visitors.

blogs deal with foreclosure issues

The [Colorado Homeowners Association Law](#) deals with "The Pool Key: to Withhold or Not to Withhold"

[A View From the Property Line](#) talks about rules for sports courts and facilities

Blogs hosted by the Community Associations Network:

- ▶ [California Condominium & HOA Law](#)
- ▶ [Community Associations Network](#)
- ▶ [Condo & HOA Technology](#)
- ▶ [Condo & HOA Management](#)
- ▶ [Association Issues](#)

[See all of the latest blog postings at CAN](#)

[VA: Leeds dispute reaches biblical proportions](#). "Let My People Go." That's the banner Cliff and Michele Krainik hung above their 214 East Lee Street driveway – well, recant that. The banner is there and it was hung by the Krainiks, but whether access to the driveway can rightly be called "theirs" is still up in the air.

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Community Associations Network E-Newsletter

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For the current Blogs for PDA/Cell enter http://www.communityassociations.net/pda_blogs.htm in your bookmarks.

Welcome to the Community Associations Network E-Newsletter. The newsletter consists of links to news items and articles about community association 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. This newsletter is in HTML format. If you can't read it, all of the article links are on the web site: www.communityassociations.net or to see the newsletter in HTML format on web:

http://www.communityassociations.net/newsletters/eneews_05_23_2006.html

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