

Community Associations Network

In the News Since the Last Issue

Check your state or region News Feed for more stories

[FL: Tattered Flag "Liberated" in Cutler Bay](#)

"I tried to find a contact for the homeowners association, but wasn't able to," he lamented. "The story is the fact that a lot of communities and a lot of citizens are ignorant for what the U.S. flag stands for and how it should be flown properly."...

[CA: San Mateo condo complex to vote on smoking ban](#)

One San Mateo condominium complex may soon be turning into a microcosm of Belmont, the neighboring city that made national headlines in 2007 by banning smoking in condos and apartments....

[FL: Like 'the fox guarding the henhouse'](#)

It goes by a few different names: turnover study and transition study are the most prevalent....

[Richard White: Flag etiquette code rules provided on Web site](#)

Question: Our association is experiencing a problem with raising the Canadian flag and the American flag. At a recent board meeting after adjournment, a director asked the question. Then a vote was taken and approved. This is now causing a lot of concern by ma...

[TX: Tree stake nearly takes boy's life](#)

It's a common practice in most North Texas neighborhoods: homeowners and landscapers secure newly-planted trees with wires and stakes....

[IL: Associations need to save money in a bad economy](#)

Saving money should always be the policy for most condo associations, but now it is on people's minds more than ever...

[NV: Condo residents living without hot water for 8th straight day](#)

Some people at a local condo complex are chilling out but they're steaming mad about it. Several buildings at the Marquesa condos don't have hot water....

[AZ: Relief available in HOA claims](#)

Because the Arizona Legislature has made it difficult to collect fines, many homeowners associations are looking for other options when an owner violates the association's documents....

[IL: Quieter generator soothes neighbors](#)

The residents of a condominium building on Sheridan Road in Wilmette were not the only people relieved when the building's electrical system was repaired last week....

[CA: Foreclosures overwhelm condo complex](#)

Just about all the problems wrought by the collapse of the local and national housing markets have converged on Brookhaven Condominiums, a complex in south Escondido....

[NE: Foreclosed For Late Fees](#)

Letting her homeowner's association dues grow too high could cost Susan Owens her town home....

[CO: Lumber company sues more than 50 condo owners](#) The Alpine Lumber Company filed suit this week against a local developer and every single condominium owner at Woodrun Place in Snowmass Village...[Stark County flag flap leads to bill to protect Blue Star, Gold Star displays](#) U.S. Representative John Bocchieri (D-Alliance) has introduced legislation to prevent restrictions on the display of Blue Star and Gold Star flags....

IL: Plenty of 'kickback'

New Articles Found on the Internet

Green Communities

The CAI Research Foundation has issued their latest "Best Practices" report. "As community managers and association leaders, we hold in the back of our minds the question: Can we improve the world for future generations? Sustainability is, in a general sense, the capacity to maintain a certain process or state indefinitely. In recent years, the concept has been applied to humanity, expressed as meeting the needs of the present population without compromising the ability of future generations to meet their own needs. Can we set sustainability goals? Can we measure how well we are achieving them? And can we produce a feedback loop to observe, communicate and celebrate our successes? This report seeks to answer some of those questions. [Read or download the entire report](#) (PDF)

Understanding Board Decisions and Judicial Deference: Two Recent Appellate Cases Illustrate When A Court Will Defer To The "Business Judgment" Of A Board of Directors

California law offers a limited protection to homeowner Boards of Directors: the rule of judicial deference. Arising from the 1999 California Supreme Court case of *Lamden v. La Jolla Shores Clubdominium HOA*, this rule states that when a board acts in good faith and in the best interests of its members in making discretionary decisions concerning its obligations, a court will defer to that judgment and not second-guess the board's decision-making. The Fourth District Court of Appeal confronted the application of judicial deference in two 2008 decisions: *E. Miles Harvey v. The Landing Homeowners Association* (the Harvey case) and *Ekstrom, et al. v. Marquesa at Monarch Beach Homeowners Association*. In the first case, the Court deferred to the Board's decision-making. In the second, it did not. The purpose of this article is to show why these cases arrive at different results concerning judicial deference to a Board's conclusions, and what lessons a Board should take from both. [Read more](#)



Creating an HOA Nest Egg

Federal National Mortgage Association (Fannie Mae) and Federal Home Loan Mortgage Corporation (Freddie Mac) purchase most of the residential mortgage loans lenders make and set the standards those loans must meet. New rules were enacted in 2007 that require lenders to verify every condominium loan made that the HOA contributes at least 10% of its annual budget to reserves. In HOAs that don't comply, owners may have trouble refinancing or selling their unit. To ensure that this doesn't happen, boards that have avoided the reserve fund question in the past will now have to address it. The elephant in the room is about to take a seat at the table. Here are some best practices: [Read more](#)

Surviving Each Other: the Art of Communication

Communication is a lost art in some HOAs. 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. [Read more](#)

Landscaping for Less

The current economic climate has associations looking under every rock for cost savings, including their landscaping budgets. Landscaping expenses vary greatly depending on the location, size and terrain of the community property. However, one commonality prevails among all communities:

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[Jenark](#)

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A refreshingly readable and levelheaded 17-chapter book on fun related how-to's and must-do's to keep balances healthy. [Check it Out](#)

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[Community Association Leadership Series DVDs!](#)

Four hot topics on a two-disc DVD set: The Board, Meetings, Insurance, and Reserves. CAI members get 40% off

[NewNew Audio/Video](#)

[Building Boards Hit by Downturn](#)
Video report on NYC coops and condos and how they are dealing with the real estate downturn

[Collection Remedies Available to Condominium and Homeowners Associations](#)

Stephen M. Lasser, a Partner in Stark & Stark's Condominium and Co-op Practice Group, presented materials Board Members on the collection remedies available to condominiums ...

[Stark & Stark Partner Presents Seminar on Internal Collections Remedies and Community Association-Related Federal and New York Laws at the ASSOCIA/River Management Board Member Program](#)[What's New in the Blogs](#)[California Condo & HOA Law](#)[CONDO DIRECTOR ON THE CHAT LII - DOES THAT MEAN TROUBLE??](#)

Lots of people want to know whether owner "chat lines" are a good idea. They can be. It is nice to have a way that homeowners can communicate ideas, questions,...

Do you have a condo "kickback" story? The response I've gotten to a column two weeks ago on the topic suggests that in Chicago high-rises, there's a vast stash of suspicion and anger over the practice, in which condo building managers take payments from contra...

FL: Court ruling could help condos go after investor-owners who don't pay

To beat the bad economy, many South Florida investor-owners of homes and condominiums are collecting rent from tenants but skipping out on their own association fees...

PA: Owners at condo building struggle

At first glance, the midrise glass-and-steel structure at 122 New St. appears to be just another condo building, one of many added to the Center City scene over the last dozen years....

OH: Green Township Man Has Problems With Condo Water Billing

With the near record low mortgage rates these days many people are tempted to buy a house or condo. But before you do, you need to protect yourself. Local 12 TroubleShooter Howard Ain says that's what one man learned after he bought a condominium....

FL: Condo dispute may be to blame for mail containing unknown material

Local, state and federal officials are working to determine who sent an unknown substance through the mail to a local condominium association member....

OH: Flag Flap Brings Death Threats, Accusations

The dispute with Marlene Gano and her 76-year-old husband, Richard, brought the condominium management company dozens of calls and e-mails since the weekend, including some death threats...

NV: Judge's ruling deals blow to national mortgage servicer

A Las Vegas bankruptcy judge has dealt a blow to an obscure but critical piece of the mortgage enforcement machinery that could slow foreclosures...

FL: Should lawmakers take more money from Condominium Trust Fund? To help offset the huge budget deficit, lawmakers may end up tapping the Condominium Trust Fund of another \$7 million....

CA: Distressed property sales hit upscale condos

Auctions of brand-new, often luxurious condos in prime locations increase as developers desperate to unload them try to attract buyers....

OH: Condo association says woman can keep her Blue Star flag

An executive vice president with a condo association says a woman is allowed to keep a Blue Star flag in her window....

FL: Housing discrimination against disabled people may be on the rise

It's a problem that seemed an easy fix. They wanted to build a ramp - at their own expense - around the stairs. But after a year of asking for permission, they still haven't gotten a response from the condominium association or management company. They said th...

FL: Banks leery of lending in some communities

For the construction industry, the timing couldn't have been worse: new, expensive subdivisions opened for sale just as the housing bubble was bursting, leaving entire developments with a huge inventory of unsold units....

FL: More on SB 714, which affects condominium laws

Today's column continues our review of Senate Bill 714, the only significant piece of legislation affecting condominium associations which passed out of the 2009 session of the Florida Legislature...

MI: Association puts up roadblock to man's effort at going green

However, it appears that going "green" is not the right color for the Pheasant View Homeowners' Association, which last month turned down Hall's request to add the solar panels to the roof of his home....

landscaping and property value will always maintain an interconnected balance. "You can easily devalue your property by letting the landscaping go," states Gary Chase, maintenance operations manager for Valley Crest Landscape Development in Brighton, Massachusetts. "It is important to keep that balance in check." Are there strategies that communities can put in place that work to lower their overall landscaping budget without lowering the value of property? The quick answer: Yes! There are a number of strategies that associations can adopt and successfully maintain a professional landscaping "look" while cutting costs. [Read more](#)

Retaining Your Good Community Association Manager

I'm sometimes asked why there is so much turnover in the community association management field. Why do so many managers quit, leave the industry and change careers? Why is it so difficult to retain good, quality individuals as managers? My management company has been in this business for over 38 years; to improve our service and retain employees, we conduct exit surveys with every individual who decides to leave our company. Over and over, the reasons are hauntingly the same; it's not the workload, or their co-workers, but it's the difficulty found in not being able to please certain board members. As community association management professionals, we've all encountered community association board members who were difficult to work with. Fortunately, they represent a small percentage of all community association board members. Overall, I have the utmost respect for community association board members and applaud them for their willingness to volunteer their time to run their association. The vast majority of board members with whom we work are demanding yet reasonable, dedicated in their service and talented, amiable people. [Read more](#)



The Butterfly Effect

"Small variations of the initial condition of a dynamical system may produce large variations in the long term behavior of the system." Have you ever seen the movie, "It's a Wonderful Life"? It's the story of George Bailey, played by Jimmy Stewart, a man who always wanted to see the world yet for various reasons gets "stuck" in his small

hometown of Bedford Falls, where he owns the Building and Loan, a local bank. One day, George's Uncle Billy loses \$8,000 that belongs to George's company. The money is found by the evil Mr. Potter, who would like to see George in jail and out of the way so he and his business interests can take over Bedford Falls. Mr. Potter hides the money, and when a bank examiner finds George's Building and Loan short the \$8,000, George realizes that he will go to jail and his company collapse. [Read more](#)

Saving Mother Earth One Website At a Time

Nowadays, due to the volatile market and economy, business owners are looking for ways to save energy, materials and, most importantly, money by reducing their companies' impact on the earth's resources. With more and more companies using technology to "go green", businesses are looking for alternative ways to communicate with their customers while cutting costs. Community associations, along with their boards, managers and homeowners, are no exceptions. Going paperless and using a community association web site is great way to green up your community. It is not only a way to provide information 24/7 to homeowners, it is also a way to help the board save time and money. With a community web site, residents who cannot attend a meeting or fail to read their newsletters don't have to miss out. [Read more](#)

Rain Gardens

From damp basements to flooded walkways and backed-up storm drains, too much water without a place to go can be a huge problem for condominiums. In recent years, rain gardens have come to the fore as a make-ready solution to those problems. First created in the early 1990s by stormwater specialists in Maryland, rain gardens are shallow depressions in the soil that serve as planting beds for hardy plants and flowers. These depressions are designed to catch runoff water from impervious sources such as driveways, roofs and parking lots. The water is then filtered through a specially-formulated soil back into the groundwater system below. "The (finished) depression is usually six inches to a foot deep," says Michael F. Clark, P.E., New England regional manager of Weston & Sampson, Inc., and an expert in the creation and design of rain gardens. "The runoff enters the garden, filters through the soil mix which interacts with the rain water to remove sediments, trash and litter but also reduces pollutants, specifically

Earthquake Retrofit Information - A Great Resource

Many associations and owners read t articles on my website that relate to earthquake insurance and can see th I believe the insurance is very important and...

Ohio Condo Law

Don't Fret Over Moratorium Bill

Our office has been getting numerou calls from board members and managers concerned with the propo...

Florida Condo & HOA Law

Taxation of Golf Courses and Association Property

Florida Attorney General Issues Advisory Legal Opinion Indicating th Golf Courses located within platted residential subdivisions are not...

Elevator Upgrades May be Costly & Complicated

State of Florida's Division of Administrative Hearings finds that Industry Bulletins and Technical Advisories issued by Bureau of Elevator Safet...

Michigan Condo & HOA Law

Your association can go green

With everyone making reference to a "green environment", I have had many individuals ask what their association can do to go green. Community associations can do a number of th...

The hardwood floors above are too noisy!

I recently heard from a co-owner whose neighbor above her installed hardwood flooring, and the noise lev has increased dramatically. She has suggested that the condo association ...

Community Association Management

Management Contracting - The 5 "W's"

After my blog on "Choosing a Vendor I had a request to focus just on the HOA community association management contracting process. Th "5 W's" came to mind as a way to organize my thoughts...

HOA Legis-slate

UCIOA Updated

The Colorado Common Interest Ownership Act (CCIOA) is based upo the Uniform Common Interest Ownership Act (UCIOA). UCIOA was recently adopted by the American B Assoc...

How To Comply With New Reserve Requirements

HB 1359 was signed by Governor Ritter on May 15. It becomes effecti on August 5, 2009 and applies to all common interest communities. So what does your associatio...

New Jersey Law

New Jersey Council: Assessments ar

[FL: Condo associations dying as fees dry up](#)

Homeowner associations, the de facto local government in much of Florida, are getting desperate....

[FL: Should law trump homeowners associations on lawn rules?](#)

During Tampa Bay's drought, you may have considered converting your lawn to something friendlier to the environment, possibly using native plants that don't need as much water. But that's been forbidden by some homeowners associations...

[TX: Condo Owners Still Fighting Billboard](#)

For more than a month, residents at the Bridges on the Park Condos have been waking up to the giant face of Pinocchio....

[FL: Headaches mount in Southwest Florida over tainted drywall](#)

As the number of new homes and condominium communities affected by tainted drywall continues to rise, fear and uncertainty among residents, owners and potential buyers in Southwest Florida are growing....

[IL: Wilmette condo building's electrical woes rile neighbors](#)

The condominium building at 1616 Sheridan Road lost power April 29 when its electrical system failed. By the next day, the condominium association had a generator on site to provide electricity...

[OR: Portland woman injured during arrest settles lawsuit](#)

Lyudmila Trivol had sued the Portland Police Bureau, the Multnomah County Sheriff's Office and the Cherry Park Condominium Association after the association's president at the time allegedly directed that the family's minivan be towed from its assigned parking...

[CO: The case of the leaky neighbor](#)

Perhaps, like good fences, good bathroom fixtures make good neighbors. That seemed to be the case when a feud between a trio of condo owners from Snowmass Village spilled over into small claims court....

[IL: Weak controls leave associations vulnerable](#)

Every year, it seems, we hear about a management company owner who makes off with his client's accounts or an employee who embezzles a condominium association's funds....

[NC: Residents fight for equity](#)

To comply with homeowner association rules, KB has been building larger homes with no frills, but Mealer said they don't match the existing neighborhood. "It's a box with windows," he said....

[IL: Possible Supreme Court pick dominates hearing](#)

Chicago's federal appeals court waded into a bitter dispute over alleged housing bias Wednesday and much of the questioning came from a judge who has been in the national political spotlight herself over the last two weeks....

[CA: Homeowners association threatening foreclosures](#)

Lincoln Crossing residents have recently begun receiving notices of intent to foreclose - but from the homeowners association, not the banks....

[FL: Questions surround elevator death](#)

Jason was working in an elevator shaft in West Palm Beach's Century Village. Rescuers say the elevator came crashing down killing him. They also say there was no safety device in place to protect Moyer....

[CO: Man Takes On HOA Over Parking Restrictions](#)

A Lone Tree man is battling his homeowner's association over whether he can park his construction trailer in front of his house. He lives in a subdivision called Carriage Club Estates. It's a covenant-controlled community with an HOA....

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nitrogen and phosphorus." The two to three feet of special soil in a rain garden can also bind up with other contaminants including oil and grease from car engines. "Instead of running off into lakes and ponds, the water filters back into the ground." [Read more](#)

Keeping Projects on Schedule

Nothing can take the fun out of a design project faster than missed deadlines and cost overruns—and naturally, both problems usually go hand in hand. Even if a project is certain to increase a property's value and/or curb appeal, the upheaval and disruption to residents' lives while work is going on can be a big pain. Any number of problems can contribute to a project dragging on and on for months or bursting its budgetary boundaries, but for the most part, there are a few repeat offenders when it comes to figuring out what went wrong and how it can be avoided in future. Quibbling over design elements, budget problems, lack of organization, and poor communication between involved parties can all contribute to the problem—preventing them can help your next design project go more smoothly and successfully. [Read more](#)

Cutting Costs Today: The Right — and Dangerously Wrong — Ways to Do It

Co-op and condo boards are being forced to tighten their belts. Yet in this, as in most things, there are right and wrong ways to do it. You don't want to cut off your circulation by cinching your belt too tightly, nor leave it so loose that you get caught with your pants down. Before you economize, you must prioritize and scrutinize. These tight times demand a soft heart and a hard nose, long-term vision and microscopic scrutiny of expenses, and an ability to be tough and flexible simultaneously. Here's how a handful of boards around the city are striking this essential balance. [Read more](#)

HOA Directors Have Great Authority, But It Is Not Unlimited

There can be a lot of good things about living in a planned unit development that is subject to CC&Rs (Covenants, Conditions, and Restrictions) and that is governed by a Homeowners Association (HOA). But there can be bad things too. One of the bad things occurs when the HOA directors – for whatever reason – fail to enforce the CC&Rs. [Read more](#)

Construction Defects "Expected and Intended" Despite Insured's Claim of Ignorance

Whether the insured had sufficient knowledge of a construction defect to justify the insurer's denial of coverage was the issue in *Far Northwest Dev. Co., LLC v. Cmty. Ass'n of Underwriters of Am., Inc.*, Case No. C-05-2134, 2009 U.S. Dist. LEXIS 34521 (W.D. Wa. April 22, 2009). In the underlying case, the Homeowner's Association claimed Mr. Ghoddoussi, the condominium manager, failed to adequately investigate defects during the development of the complex, resulting in significant damage to the condominiums. [Read more](#)

Collections

Stark & Stark Community Association Group Co-Chair, A. Christopher Florio will present at seminar for the Pennsylvania and Delaware Valley Chapter of the Community ...

Seattle Condominium & Homeowner Attorney

Smoking in Common Areas - Permit Restrict?

As the old saying goes, where there's smoke there's fire. Community association boards are some...

Compliance with the Federal Pool and Spa Safety Act

I took a trip to Houston this week. As was heading to the airport to catch my return flight, I gl...

Condo Issues >

What You See is (Not Necessarily) What You Get!

"Visual and Accessible" is not enough! Let's amend the Davis-Stirling Act to delete Limitations on Reserve Study Inspections. It's the responsib...

Colorado Homeowner Association

UCIOA 2008 and UCIOBORA

For those of you who have an interest in the evolution and development of the Uniform Common Interest Ownership Act, the American Bar Association House of Delegates recently ...

South Carolina Community Association Law

Gated Communities May Need to Remove or Replace Their Gates

An Association Must Be Represented by a Licensed Attorney

Utah Community Law

Major [?] Water Conservation Efforts St. George

New Utah Case Regarding Fiduciary Duties

Washington State Homeowner and Condominium Association Law

Water One Casualty of High Foreclosure Rates

What Makes Homeowner Association Meetings Work

HOA Brief

California HOAs can be notified when bank forecloses on a Property

One of the issues many homeowner associations are dealing with in light of the recent rise in forec...



Contact CAN at: webmaster@communityassociations.net

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