

In the News Since the Last Issue**Check your state or region News Feed for more stories**

OK: Tulsa condos open Wi-Fi Web umbrella downtown
Now, the owner of Morelaw.com has acted on his ideas with the Tulsa's Central Park Homeowners' Association, providing free wireless Web to condominium owners in the two towers....

FL: Unpaid fees trouble condos At the Fountains of Tamarac, the condo association has no insurance, a couple of unit owners are cutting the community's grass themselves, and 90 percent of the unit owners aren't paying their maintenance fees....

TX: Realtors say strict signage rules sinking sales
The board decided to model the sign restrictions of the Woodbridge Village Association in California. The board controls the appearance, location, and number of signs....

CA: Condo debate on smoking ban smolders
A smoldering controversy regarding smoking in a San Carlos condominium complex has reignited, months after one resident took the homeowners' association to court over the issue and lost....

VA: Dream Living Takes a Nasty Turn
Residents are happy enough with their neighbors (fences make for good ones, after all). But some are not happy with the developer, Jack Merritt, who also happens to be the homeowner association board president....

NY: Heads butting at Buffalo subdivision
The Buffalo Owners Association, the homeowners' association for The Buffalo subdivision southeast of Como, has been a battleground beset with board members accusing each other of wrongdoing and cover-up, controversial water rights, an attempted ouster of two b...

FL: Forced To Give Up Condos
Now, that company wants to terminate the condominium, buy out the individual unit owners - at today's lower market rate - and convert the whole complex back to apartments. And, apparently, the condo owners may have little say...

AZ: Donation gives paralyzed man renewed hope
But money has been tight and their homeowner dues became past due. That's when the Arizona Association of Community Managers stepped in to help and provided the \$1,170. The organization, which represents about 3,000 homeowner associations in Arizona, gives gra...

FL: Mortgage Foreclosure Survey Shows Rising Vacancies, Falling Revenue A new survey of property owners in Florida's condominium, homeowner and other community associations shows rising mortgage foreclosures are causing revenue shortfalls that pose significant threats to operating and maintenance budgets and to the health and secu...

CA: Long Beach officials demand removal of giant tequila sign An 11-story tequila advertisement on the side of the historic Villa Riviera downtown condominiums must be taken down, the city prosecutor's office says....

MD: Condo complex struggling with debt
Property owners in a Temple Hills condominium complex where fees have tripled since 2006 because of a \$500,000 bankruptcy debt said many are struggling to pay the higher fees and could lose their property...

CO: Bill that would limit HOA authority sent to Ritter A bill that seeks to prohibit homeowners' associations

New Articles Found on the Web**One Side: HUD, congressional action needed to stop tide of condo lawsuits**

In the midst of an already depressed Florida residential real estate market, individuals who purchased condo units in good faith in recent years are now facing yet another threat to their property's value in the form of mushrooming litigation by some speculative pre-construction investors.
[Read more](#)

The Other Side: When it comes to interstate land sales, developers shouldn't get a free pass

Lawyers Alan S. Becker and Allen M. Levine have every right to advocate a position favorable to their big developer clients in the pages of your newspaper, Saturday, April 12. They are not, however, entitled to skew the facts in urging Congress to gut the federal Interstate Land Sales Full Disclosure Act, one of the most important sources of protection afforded to buyers of residential real estate, including Florida condominiums. The authors are dead wrong on the following points: [Read more](#)

Credit squeeze could hurt condo sellers, buyers

If you own or plan to buy a condominium, an ominous new phase of the mortgage credit squeeze could be looming on your horizon. As a result of underwriting changes by giant investors Fannie Mae and Freddie Mac, plus severe new restrictions by private mortgage insurers, getting a loan on a condo unit -- or even refinancing one you already own -- could prove tougher than you imagined. [Read more](#)

Maintenance, Repair & Replacement of Physical Assets - A Snapshot of the Essentials

Community Associations have certain obligations and responsibilities for the maintenance, repair and replacement of common physical assets. Typically, the obligations of the Association and responsibilities of its Board are contained within its governing documents and state statutes. Boards of Directors are well advised to seek counsel from its attorney regarding these obligations and responsibilities and interpretation of any vague or confusing provisions in the documents. [Read more](#) (PDF)

The latest edition of the newsletter from the Association of Professional Reserve Analysts is now available (PDF)**Association Loans - A Beacon in a Turbulent Economic Climate**

Understandably, few community associations have escaped the impact of the troubled mortgage market. Sub prime interest rates are up and home sales are in decline. With more homeowners' income being used to pay increasing mortgage payments, the risk of assessment delinquencies increase. Further, associations must contend with inflation, and increases in the cost of utilities and vendor service contracts. Budgeting for bad debt in your communities' operating budgets is today's reality. [Read more](#) (PDF)

Catastrophe & Controversy - Who Should Pay the Manager's Fee?

When disaster strikes a community association, the property manager is usually among the first on the scene, playing a pivotal role first in responding to the emergency and then in overseeing the insurance claim and coordinating the repair and reconstruction work that follows. Managers, understandably, expect to be compensated for time, effort, and angst that far exceed the normal scope of their duties. Indeed, most management

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Editor's Notes

One of the major complaints I'm seeing is that mortgage holders, in most cases financial institutions, who have foreclosed on a unit in a condo or a home in an HOA are not paying the assessments. To me this seems simple, start the fines, file the lien start the foreclosure. We need an article from an attorney as to the status of the prior mortgage, but I can't see how it would carry to the association. IMO, you should own the unit free & clear. But you should check with your attorney first. Whatever, don't let them get away with not paying!

Joe

New Audio/Video

No new ones this week

from restricting energy-efficiency measures was sent to Gov. Bill Ritter's desk today...

AZ: Weed complaint took months to resolve

Residents in an upscale neighborhood in Gilbert finally saw a clean-up earlier this week that they've been waiting for since October....

MI: Indian Village condo owners vote not to rebuild

Owners of the destroyed Indian Village condominium complex voted tonight not to rebuild the structure that was ravaged by fire in January....

NV: Las Vegas Foreclosed Homes Becoming Eyesore It may be the house on the corner or maybe it's the one at the end of the block. It has the brown grass, dying plants and thriving weeds. Foreclosures have become ugly messes all across the valley. But who pays to turn it around?...

SC: Bill would govern HOA boards There's no hope this late in the legislative session to get the bill passed, but the intent is to get it rolling, hold some hearings and build a consensus on the wording, Cleary said. "It's to throw things out there and get it started," he said....

IL: Business relationships at board's discretion

Frequently, an association board of directors will be required to address a situation involving a director who may have a business relationship with one of the association's contractors, sometimes even the management company. There is very little statutory or ...

SC: Wild Dunes to pay \$18,000 for littering coast with sandbags The state and property owners along the eroding beach at Wild Dunes have agreed to a fine of \$18,000 for the thousands of sandbags that ended up littering the coast and marshes after storms last spring....

TX: Homeowners association disputes hit home for Rockwall council member Rockwall City Council member Matt Scott is waging war against homeowners associations, both personally and politically....

CA: Proper spending of homeowner association funds

Maintenance fees are collected in every common-interest development, although called by different names such as "regular assessment." Sometimes the fee is referred to as "dues" but that doesn't adequately state what the fee is or what it is used for. The preference...

SC: Condo Lawsuit The Homeowners Association has filed a lawsuit claiming negligence and fraud on the part of Julian LeCraw & Company, the group that converted these apartments to condos. The suit claims not only should the company have known about building problems, including ...

AZ: Watching their dreams go down the drain

When their community association let them down, a group of McCartney Center residents banded together hoping that united, they might form a stronger voice. Upset that storm drains are falling apart, development walls are eroding and weeds are growing unchecked...

LA: State Supreme Court sides with insurance companies

The Louisiana Supreme Court on Tuesday rejected arguments that homeowner insurance policies should have covered damages caused by levee breaches during Hurricane Katrina, saying the disaster clearly involved a "flood" not covered by such policies....

NV: Las Vegas Condo Communities on Bank Blacklist

Remember when a Las Vegas high rise condo was the hottest thing in real estate? When the bottom dropped out of the market, nothing had further to fall. At least one bank has put several Las Vegas condo projects on a so-called blacklist, refusing to finance the...

FL: More details revealed in Hallandale condo kickback case Another contractor has talked with prosecutors

contracts today include the management of insurance claims in the list of "non-routine" items for which additional compensation will be paid. "The question is not whether managers should be paid - everyone agrees that's reasonable," David Levy, CMCA, PCAM, owner of Sterling Services, Inc. in Massachusetts, observes. "The question is who should pay the manager's fee." That question defines a long-simmering dispute between managers, who say the insurance the association receives from the settlement of its claim should include coverage for the manager's fee, and insurers, who argue that this cost is not appropriately part of the damage claim and should not be paid from the insurance proceeds. [Read more](#)



Consumer Alert: Property Tax Reduction Offers

Larry Stone, Silicon Valley's tax assessor, is warning homeowners to beware of companies seeking cash to help homeowners lower their property tax. He says a local company, asking for \$99 to perform a property tax reduction services, is "disgraceful" because the assessor's office performs the service for free. The sales pitch also arrives with official-looking letterhead. "There's simply no reason at all for a property owner to pay a fee to a private company for a service taxpayers receive from the Assessor's Office without charge," Stone said. This consumer alert comes from Silicon Valley's Santa Clara County, but it's good advice for any homeowner anywhere facing lower property values. Here's why. [Read more](#)

The Coveted Onsite Manager Position -- or is it?

While portfolio management (managers managing numerous associations) is prevalent in most areas, there are a large number of large scale associations that require an on-site manager, dedicated solely to that site. For many years those positions have been considered the premier positions, largely because:

- The associations are usually considered to be upscale, coveted communities.
- There is only one board and one set of contractors and service providers with whom to work.
- There is a greater sense of being part of the association's "family" and workforce team.
- There are fewer meetings to attend. The salary is usually comparable to or better than that of a medium-sized portfolio.
- The manager can learn the property's quirks, needs and operational issues easily because there is just one property on which to focus, shortening the learning curve to becoming an expert on the community.

It sounds wonderful doesn't it? An ideal life, if there is such a thing in the association management industry. However there are pitfalls that a manager should be well aware of before making such a career move. And there are steps one can take to avoid the shortcomings. [Read more](#)

How to Turn Around a Troubled Building: A Case Study

Lido Hall Condominium looks innocent enough. It rises nine majestic stories above the intersection of Adam Clayton Powell Boulevard and West 110th Street, with sweeping southerly views of Central Park. California transplants Monica (at right) and Alex Mindt — she a clinical neuropsychologist, he a writer working toward a Master of Fine Arts degree at Columbia University — loved the neighborhood and found a one-bedroom apartment on the top floor for \$260,000. Everything looked good. For about a minute. [Read more](#)

New Blood: Where Will It Come From?

I've often joked that if you are an experienced community manager, you can always find employment in our industry unless you are a convicted felon, and probably even then. Of course, management company executives and Association Boards know that really it's no joke. Despite the recent market turnaround, experienced community managers are in short supply and that supply is getting shorter everyday. As a national industry recruiter, I can give you some facts to ponder: [Read more](#) (PDF)

To Prevent Fires, Focus on Occupants

What's New in the Blogs

New Management Blog

[Are we "recession proof"?](#)

[The Revolving Door Syndrome](#)

Working Constructively with Your I

Are there times where you just don't understand what your HOA is doing? You just are frustrated as they just don't seem to be accomplishing...

What Can You Do If Your HOA Board is Out of Control?

My Board is Out of Control - Is it time for action? What Can I do? If the board is not responsive to your "ideas", you may want to try and enlist the support...

How To Communicate Concerns in Your HOA

Ranting, Raving, Cussing, Threatening, Yelling ... are these ways to get attention? Yes they are. But they are the way to get the right kind of attention? The ...

Do Association Boards have the Power to Prohibit Garage Sales?

Do condominium or community association board members have the power to prohibit such things as garage sales? This question was put to me by a co-owner of an association who has ...

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...

Undefined terms in covenants

During the recent OBA webcast on Oklahoma homeowner association law, I was asked the following question: Q - If the governing documents do not offer a definition of a particular term...

Power of Attorney Question: The laws in our HOA defines members' eligibility (i.e., must be recorded owner). Can power of attorney be given and that person serve on Board even though by-law...

Lender Backlash? Will New Lender Rules Cut Availability of Condo Loans? Last month we asked the question "Will the sub-prime crisis impact community associations?"...

The Board's Dilemma I had a call the other day from a woman (let's call her Mrs. X) who was very troubled over recent increases in her homeowner association assessment...

about how he helped a handful of men accused of bilking more than \$1.4 million from a South Florida condominium....

[NJ: Dispute about condo being used as synagogue going to court](#) Unable to reach an accord privately, the two sides in a lengthy dispute about an ad hoc synagogue in a senior community are taking the matter to court....

[FL: 'Good people' save disabled vet from eviction in Boca Raton](#) "Good people" persuaded his condo board to let Ryan stay in the unit he has lived in for the past five years,...

[CO: HOA disputes ex-member's claim that it needs her](#) Former HOA board member Marcia Fields agrees that new leadership is needed. She has spent five years and thousands of dollars sending her own newsletters to residents and on lawsuits against the HOA, alleging mismanagement. She says the HOA board is "inept" an...

[IA: Condo owner sues to stop neighbor's smoking](#) A condo owner here is suing her association because she says they won't stop her neighbor from smoking....

[WA: Condo Owners Fuming over Uninvited Guests](#) While Seattle Suites - which owns 6 of 26 short-term rental condos inside the Elektra Condominiums, just east of the Washington State Convention Center at Hubbell Place - is booked solid, it's not so popular with some residents of the Elektra....

[TX: Judge sets trial date for Frisco Fairways libel suit](#) A Frisco homeowners association that is suing three of its residents for libel will get the jury trial it has requested....

[TX: Arlington Man Nearly Loses Home Over \\$250 In HOA Dues](#) Mahone said he now wishes he had been more diligent, but said he still can't believe he almost lost his house over \$250. Texas gives homeowners some protection if an HOA does forecloses. The homeowner has six months to repay the debt and buy the house back....

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2008 Advertising Policies and Rate Sheet
[Word Doc](#) [PDF](#)

The numbers are sobering. More than 3,000 people die and more than 18,000 people are injured in the U.S. every year because of fires, according to the Society of Fire Protection Engineers. Beyond the human toll, fires cause roughly \$10 billion in property damage annually. Those grim statistics explain why commercial and institutional buildings are governed by strict codes and equipped with sophisticated fire and life safety systems. But clearly significant fire risks remain. Understanding the nature and scope of those risks is key to managing them. [Read more](#)

To see how important this is, [check the News](#) about the condo/HOA fires during the past six months

Green Retrofitting: The Old Becomes New

For the owners and management of older co-ops and condos, "going green" may be quite appealing. But is it practical in dollars-and-cents terms? How expensive is it to retrofit an existing building to make it more energy efficient? Every building's needs are different, but upfront you can figure that a 10 percent reduction in energy use is easy, a 20 percent reduction is feasible and a 30 percent reduction is possible — depending on how much you're willing to invest in energy-efficiency technology. With fuel costs increasing, these kinds of savings become ever more attractive. [Read more](#)

Selecting and Working With Contractors

Associations need to protect themselves when selecting and working with contractors. Set forth below is a list of tips for associations to use when selecting and working with contractors: [Read more](#)



Contact CAN at: webmaster@communityassociations.net

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