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## Guest Column: No more community associations?

November 22, 2009



### What if community associations ceased to exist?

We hear a lot from people unhappy with the concept of common interest ownership communities that we would all be better off if they ceased to exist.

Not building any more mandatory associations is one thing but what would really happen if the 55,000+ mandatory associations that are already in existence simply ceased to exist?

The answer depends in large part on the type of community that was built. A small homeowners' association with only some green areas would be much easier to handle following the demise of the association than a large community with tons of shared recreational amenities. If you bought in a community with a large clubhouse, pool, guard gate, tennis courts, etc. you have to wonder what would happen to all those structures were a functioning mandatory association not in place to (i) collect dues to pay for their upkeep as well as insure them (ii) hire and fire vendors and employees as needed to actually maintain, repair and replace those amenities and oversee the services they provide and (iii) provide corporate protection should someone be injured or killed while in or using those amenities.

In a condominium association, each owner owns a pro-rata share of the common elements; in an HOA, the association owns the common areas. If any of the recreational facilities are on leased land you have even more of a problem in the absence of a functioning association since the lessor can take back that property and perhaps use it for a purpose that would not be beneficial to your community or its values.

Does anyone really believe that the cities in which these communities are located would be rushing to step in to fill the void left by a former association? How many citizens are entirely happy with the job local City Code Enforcement is

doing right now? Add another 55,000+ associations in to that mix and ask yourselves the same question.

The fact is that most cities would vehemently oppose having to step in to perform the functions and services currently provided by private residential community associations. These communities already function as quasi-cities by providing services such as utilities and security, disaster planning and recovery, recreation, community outreach programs and more.

The next time you hear someone say we would be better off without functioning private residential community associations ask them to map out a realistic plan that addresses the practical realities and challenges that would surface were their wish to come true!

**Donna DiMaggio Berger, Esq.**

*Donna DiMaggio Berger is a managing partner with the statewide law firm of Katzman Garfinkel Rosenbaum(KGR), whose practice is devoted primarily to the representation of community associations. Berger also serves as the Executive Director of the Firm's Community Advocacy Network (CAN) which provides education, outreach and advocacy programs to the Firm's more than 1,500 community association clients.*