

Behind on Your HOA Fees? Forget the Pool and Pizza Delivery.

Many struggling homeowners have to make tough choices about which bills to pay. If you live in a community with a homeowners association or own an apartment in a building with a condo association in Florida, you'd better pay those monthly fees — or you could lose your house.

Florida law puts a homeowners association on par with the bank. Don't pay association fees or special assessments and the association could foreclose on your house. Across the state, HOAs are cracking down on delinquent members, barring them from common areas and even from getting their pizza delivered. With HOA delinquency rates as high as 50 percent in some communities, several bills up for consideration in Tallahassee would give associations even more power to deal with in arrears members.

Melissa Solis discovered this firsthand. Her situation, reported recently in the Orlando Sentinel, could be seen as a new low for beleaguered homeowners.

When her husband lost his job, Solis's family fell behind on paying her homeowners association fees. She understands why she can't use the facilities such as the pool and the clubhouse at the Stoneybrook West community where she lives near Orlando. But now, security guards at the gatehouse won't let in family and friends. She must come to the guard house and escort them in herself. The guards have even barred a pizza delivery man and her mother-in-law.

"If you haven't paid your association fees in months, should you be able to use the pool or book at a party in the clubhouse?" asks Donna Berger, the executive director of the Community Advocacy Network (CAN), a lobbying group for homeowners and condo associations boards and residents. "Clearly, she's not paying for the guardhouse either."



Berger acknowledges that not letting in the pizza guy might be a bit much, but homeowners and condo associations are taking big hits as many owners — still in their homes or units — are past due on paying association fees. Some associations are seeing delinquency rates as high as 50 percent. Once foreclosure proceedings start, or a bank takes title, associations are even worse off. They're often left with empty, unkept and uninsured units and a mounting pile of unpaid fees.

But Solis' plight could become the norm in Florida.

Several bills up for consideration in Tallahassee would give associations more power to deal with delinquent home and unit owners, allowing HOAs to bar delinquent members from common areas, strip them of voting rights, and collect rents directly from tenants in delinquent units and put the money toward the unpaid fees.

The bills would also put more onus on banks, requiring banks to maintain units while they are working through a foreclosure, and then pay all past-due fees when they take title to the property. Right now, if a bank takes over a unit, state law requires the bank to pay only 1 percent of the original mortgage payment or pay only six months of the past-due fees — whichever is less.

State Rep. Julio Robaina from Miami had offered a bill that would have required banks to pay higher amounts to home or condo associations when they foreclose on a property. But it didn't get far. It was shot down in a committee.

Another bill would shield investors buying a group of units from having to take on any outstanding liabilities from a developer. But bulk buyers would still have to pay all common expenses owed to a community association.

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