

# Sun-Sentinel

COMMENTARY

## Living with Rules: Homeowner association boards want more power

By Daniel Vasquez

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Should it be easier for your association board to use liens and foreclosure proceedings against you to collect assessments?

Sounds harsh — but the answer is a resounding *yes*, according to results of a new survey released by the Community Advocacy Network, a lobbying group for associations.

Two key revelations of the survey are that homeowners want greater ability to pursue those who are not paying their assessments and greater legal tools to go after violators of association rules.

"Today, people who are still paying their assessments in this economy are fed up with those who are not paying," said Donna Berger, the network's executive director. "And they are demanding their associations do something about it."

Next year, lawmakers are expected to try again to craft legislation that offers HOAs protections similar to those already in place for condo associations. Those could include an HOA ombudsman and state oversight of owner complaints against HOA boards.

Nearly three out of four survey respondents said it was important that associations use liens and foreclosures to collect money from homeowners in arrears (74 percent).

Nearly 300 homeowners and association board members across the state participated in the survey conducted throughout August. Most were from Broward (50 percent) and Palm Beach counties (13 percent).

The survey also suggested:

*Regulate us:* Most homeowners want boards to be regulated (63 percent).

*We'll pay for it:* Most are willing to pay a \$4 annual fee — about the cost of a burger and fries — to cover state costs (52 percent).

*No compensation:* Very few homeowners want their board members to be paid (20 percent). It's strictly volunteers-ville.

*Listen to us:* Some results revealed that homeowners want more voice. The majority want the right to speak on any item agenda (rules enforcement, assessments, budget issues) whether they personally petitioned the item (68 percent). That's how it goes down in City Hall, right? The public has a right to speak.

*Investigate:* Most homeowners said it was important that the state set up an office to investigate owner complaints (66 percent).

Berger said lawmakers should heed key messages from the survey.

"Some state lawmakers have actually tried to make it more difficult for associations to collect from delinquent homeowners, as well as make it harder for associations to go after rule breakers," Berger said. "I hope our Legislature will take this feedback to heart and act upon it."

The majority of respondents suggested it was important for lawmakers to provide more enforcement power against owners who violate governing documents (77 percent). A similar number reflected a desire to put more weapons in the arsenal of boards — namely the ability to file liens and foreclosure proceedings to recoup fines.

Money is on the mind of many. A vast majority of respondents cited association budget shortfalls as grave concern faced by HOAs today (73 percent).

It will be interesting to see how state leaders handle this issue at a time when consumers across the state and nation face record foreclosure rates.

And expect the advocacy network's get-tough-on-delinquents message to arrive in Tallahassee alongside a very different one.

The results of the survey are questionable because it accepted anonymous responses, said Jan Bergemann, president of Cyber Citizens for Justice, a statewide group that represents homeowners.

"It's only an opinion poll," he said. "Besides, anonymous submissions allow cheating."

Between July and August, Bergemann said his group has conducted a similar online survey, which garnered more than 1,000 responses with verified names. The results should be ready in a couple of weeks. Without providing detail, Bergemann said he believes they will challenge those of the Community Advocacy Network.

Daniel Vasquez can be reached at [condocolumn@sunsentinel.com](mailto:condocolumn@sunsentinel.com) or at 954-356-4219 ([http://www.sun-sentinel.com/news/local/broward/Broward County](http://www.sun-sentinel.com/news/local/broward/Broward_County)) or 561-243-6686 ([Palm Beach County](http://www.sun-sentinel.com/news/local/palm-beach/Palm_Beach_County)). His condo column runs every Wednesday in the Local section and online at [www.sunsentinel.com/vasquez](http://www.sunsentinel.com/vasquez). You can also read his consumer column every Monday in Your Money and online at [www.sunsentinel.com/vasquez](http://www.sunsentinel.com/vasquez).