

A publication of:

## GLAZER & ASSOCIATES, P.A.

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### WELCOME ABOARD



As our readers know, this firm's practice is devoted to the representation of condominiums and homeowner associations.

We are proud to announce the addition of the following associations to our list of clientele: **Anchor Bay Club Condominium** in Hallandale Beach; **Arboretum HOA** in Davie; **Docks at Loftside Condominium** in Fort Lauderdale; **La Via Condominium** in Pembroke Pines; and the **Pavillion Condominium** in Miami Beach. We can assure you that we appreciate your business and confidence placed in our firm.

### CONDO CRAZE AND HOA'S



The firm's radio show "Condo Craze and HOA's" is off to a smashing success. The show broadcasts live on 610 WIOD every Sunday from

noon until 1:00pm. During Week 2, we had the honor of having House Member Julio Robaina as our guest. He educated our listeners about the numerous changes in Florida condominium law over the past year and the pending legislation that seeks to help associations recover from the current foreclosure crisis. In Week 3 we discussed the highs and lows of professional community association management, and week 4 we focused on the annual election process and the many new laws affecting same. The show is also streamed live on the web and all shows are archived on our website. Thanks for tuning in and keep the on air phone calls coming! For more info, call our office at: **1-877-4CONDOCRAZE.**

### ELECTIONS - THE NEW LAWS



Well.....it's that time of year again, time for the annual condominium election season. Remember that in 2008 a whole host of new legislation was passed

which affected how condominium elections are administered. For example: a unit owner running for a board must execute a form that states they have read his/her governing documents and Florida Statute 718. (if you need the form call our office); two unit owners from the same household can no longer serve on the same board; a unit owner who is delinquent in the payment of assessments is not eligible to serve on a board; and a board member who becomes 90 days delinquent while serving on a board is deemed to have abandoned his/her position, immediately creating a vacancy.

### NOT JUST PRACTING...BUT TEACHING



Eric Glazer recently had the honor and pleasure of teaching the community association managers at KW Property Management and Castle Management Group, their continuing educational licensing requirements for the year 2009. The firm makes this free "Legal Update - 2009" course available to all board members and managers of associations that the firm represents. The course has been approved by the Florida Department of Business and Professional Regulation. It is a great way for managers to brush up on all the new changes to Florida association law and an even better way for boards to get acquainted with them. Call our office for available dates and times.

**CONGRATULATIONS TO OUR OFFICE MANAGER: BRIAN FOGELSON, WHO IS NOW A LICENSED FLORIDA COMMUNITY ASSOCIATION MANAGER!**

## RELIGIOUS DISPLAYS



With the holidays just around the corner, now is the perfect time to remind everyone about the new legislation that was passed in 2008 regarding the rights of unit owners to display religious objects. Florida Statute

718.113(7) states that: An association may not refuse the request of a unit owner for a reasonable accommodation for the attachment on the mantel or frame of a door of a religious object not to exceed 3 inches wide, 6 inches high, and 1.5 inches deep.

## "BLANKET" RECEIVERSHIPS

(Scott R. Shapiro, Esq.)



A developing trend in condominiums here in South Florida is a rise in the number of renters living in the units of owners who are delinquent in paying their monthly assessments to their association. Chapter 718.116(6)(c) of the Florida Statutes gives condominium associations the power to ask the court for an order appointing a receiver to collect rent from the tenants of delinquent unit owners while a foreclosure action is pending, in order to supplement the budgetary shortfall created by the nonpaying owners. To obtain an order appointing a receiver, customarily associations moved for the court's relief in each individual foreclosure case against a delinquent unit owner. Recently, condominium associations have been taking pro-active measures against unit owners who are collecting profits from their tenants, while their neighboring unit owners are bearing the cost of supplementing their delinquencies. This past spring, associations began seeking the appointment of "blanket receivers" to collect rent from the tenants of all delinquent unit owners in one single lawsuit, thus mitigating the additional attorney's fees and costs associated with getting separate appointments in individual foreclosure cases. Recently, our firm obtained orders appointing "blanket receivers" for some of our clients and it appears to be a partial solution to some problems created by the current foreclosure crisis. Associations should know that this is not a "cure all" and that tenants may simply vacate units and/or refuse to pay their rents to an association, thus requiring further judicial intervention.

## HOA'S & CONDOS: HOW THEY DIFFER



In a condominium, unit owners have a right to participate on all agenda items, subject to reasonable rules. If 20 percent of the voting interests petition the board to address an item of business, the board shall at its next regular board meeting or at a special meeting of the board, place the item on the agenda. In an HOA however, unit owners do not have the right to demand that a particular item be placed on the agenda, but a member can speak for at least 3 minutes if he or she submits a written request.

In a condominium a budget must be mailed 14 days in advance of adoption to the unit owners and **MUST** include reserves unless the unit owners have waived them by getting a majority of a quorum to vote in favor of same. In an HOA however, a budget does not have to be mailed to everyone prior to adoption and does not have to include reserve funding, but may. If a budget does not provide for reserves, the financial report must contain bold type language that warns owners that without reserve funding a special assessment may be necessary and that a majority of the voting interests may elect to provide for reserves.

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**The firm is devoted to representation of condominium and homeowner associations in the South Florida area. The firm has represented hundreds of associations since its inception in 1994, regarding all facets of association law. In addition, the firm routinely litigates, mediates and arbitrates association cases in state and federal courts and before the Division of Florida Land Sales, Condominiums and Mobile Homes, Arbitration Section.**