

A publication of:
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WELCOME ABOARD



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

We are proud to announce the addition of the following associations to our list of clientele: Townhouses of Plantation Condominium in **Plantation**, Quadomain, Westbrook and Crystal Towers Condominiums in **Hollywood**, Parker Tower Condominium in **Hallandale**, The Lofts Town Villas Condominium, Three Seasons Condominium and Greynolds Arms Co-op in **North Miami Beach**, Ocean Pines Condominium in **Highland Beach**, Alexandra Village at Plantina Condominium in **West Palm Beach** and Village Del Mar Condominium in **Miami Shores**. We can assure you that we appreciate the business and confidence placed in our firm.



OUR WEBSITE

www.florida-association-law.com

Glazer and Associates' website was recently selected among thousands of other law firm's websites from around the United States to receive acclimation from Findlaw, the designer of websites for lawyers and law firms. Eric Glazer was asked to participate as a featured guest speaker at Findlaw's headquarters in Minneapolis, Minnesota to explain the benefits of having a comprehensive website. For those who have not had the opportunity to view our website, we encourage you to use it as a research tool on association law. While there, you can also learn about the firm's attorneys, see their actual broadcast television interviews, review their qualifications, and read legal articles they have written and/or where they have been interviewed for comment.

CHANGES IN THE LAW - CONDOS



Effective October 1st, 2007 the Florida Legislature enacted several changes to both the condominium and homeowner association laws. Highlights of the changes are listed below:

Finding that it was too difficult a burden for associations to obtain the consent of mortgagees in order to amend the declaration of condominium, the new law precludes mortgagees whose mortgages are recorded after October 1st, 2007 from either consenting or objecting to proposed amendments.

In Mixed-use condominiums, the legislature retroactively applied a law that requires the residential unit owners to elect a majority of the members of the Board where the number of residential units equals or exceeds fifty percent of the total number of units. The legislature also retroactively applied a law that forbids commercial unit owners from having the ability to veto amendments to the declaration, articles or bylaws.



Developers are now required to inform buyers in the real estate contract that figures contained in any budget are estimates only and that actual costs may be higher.

A local government may not adopt an ordinance or regulation that prohibits condominium unit owners or their guests, licensees, or invitees from pedestrian access to a public beach contiguous to a condominium property, except where necessary to protect public health, safety, or natural resources.

CHANGES IN THE LAW – HOA'S



The law that requires meetings of the Board to be open to all members, now applies to meetings of any committee or other similar body when a final decision will be made regarding the expenditure of association funds and to meetings of any body vested with the power to approve or disapprove architectural decisions with respect to a specific parcel of residential property owned by a member of the community. The new statute also now allows HOAs to include reserve funds in their annual budget, upon approval of a majority of the voting interests, and once reserves are included in the budget, they can only be waived by the same majority vote.

For HOAs with a date of incorporation after December 31st, 2007, within 90 days of turnover of an HOA to the unit owners by the developer, the developer is now required to provide the unit owners with financial records that are audited by a certified public accountant.

The DBPR has completely gotten out of the mediation business. Now, if an association or unit owner wants to mediate, they must file a demand for pre-suit mediation and use the services of a private mediator certified by the Florida Supreme Court. To view the pre-suit mediation form, go to:

www.association-mediation.com/Florida_Home.shtml

If private mediation fails, the parties may proceed to court or binding arbitration.



Unlike condominium associations, homeowner associations can no longer place a lien on a unit that has failed to pay assessments, unless the association has first mailed a first class and certified or registered letter to that owner, demanding payment within 45 days. Also unlike condominium foreclosures, unit owners being foreclosed on by an HOA now have the opportunity to file a "qualifying offer" in a court of law which means an offer to pay all amounts secured by the lien, plus interest. The filing automatically stays the foreclosure proceedings for up to 60 days. If the parcel owner breaches the qualifying offer, the stay is lifted and the association may proceed to foreclosure.

The new statute also attempts to ensure that architectural committees do not exceed the very specific authority granted to them in the association's governing documents and provides for damages to adversely effected parcel owners.

FORECLOSURE UPDATE



To say that foreclosures are at an all time high is simply an understatement. The number of first mortgage foreclosures is staggering as a result of risky loans by banks, increases in association assessments due to rising insurance rates and the inability of the Florida Legislature to solve the real estate property tax crisis. All too common is the fact that a unit owner that is not paying their mortgage is also not paying their association assessments. The truth is that there is little an association can do to force the issue, once a unit has gone into first mortgage foreclosure, as the bank's mortgage is superior to the association's lien. Often times, the association is simply forced to wait out the results of the first mortgage foreclosure. In today's market, the lender usually recovers the property at the foreclosure sale and in a condominium is then responsible to the association for the lesser of six months of assessments or one percent of the original amount of the mortgage. In an HOA the lender is usually completely off the hook and owes nothing to the association should it take the property back at sale. Once the bank gets the property back however, they are responsible for payment of assessments from that point forward, just like every other owner.

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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.

The hiring of a lawyer is an important decision that should not be based solely upon advertisements. Before you decide, ask us to send you free written information about our qualifications and experience.