

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 condominium and homeowner associations. We are proud to announce the addition of the following associations to our list of clientele: **The Sterling Condominium** in Miami Beach, **Arapahoe Farms HOA** in Fort Lauderdale, **Golden Surf Condominium** in Hallandale, **Cabana Bay Condominium** in Pompano Beach, **Winston Towers 600** in Sunny Isles Beach, **Cypress Village Condominium** in Miami Lakes, **Sans Souci Condominium** in North Miami, **Pier 43 Condominium** in Hollywood, **Colonial Court Condominium** in North Miami Beach, **Poinsettia Landings Condominium** in Fort Lauderdale, **Americana Village Condominium** in Miami and **The Radius Master Condominium Association** in Hollywood. We can assure you that we appreciate your business and confidence placed in our firm.

## LEGISLATIVE UPDATE

At a time when our state is in the worst financial crisis in decades, and our condominiums have been in a constant downward spiral, your Florida Legislature passed new legislation that **does little or next to nothing** to help protect the millions of condominium residents throughout our state. At a time when we truly needed innovation to help speed foreclosures through the court process, to protect our citizens against developers who renege on their responsibilities, and to force banks to foreclose quicker and pay more in delinquent assessments, this bill ignores these real concerns and instead pretends to offer help through "feel good" but virtually **meaningless** proposals. Regardless, the remainder of this issue will discuss the highlights of the new laws which become effective July 1st, 2010.

## BANKS TO PAY MORE? NOT



Florida Statute 718.116 has been amended to increase the liability of a bank from 6 months to 12 months of unpaid assessments or 1% of the original mortgage whichever is less, when they foreclose and take title to a condominium unit. This is the most disappointing amendment of all. Despite all the hoopla - the bank's liability to the association did not double - because the 1% cap still remains in place. In the overwhelming majority of cases, the bank will still only pay the association 1% of the mortgage and their liability to the association has not changed at all. A true doubling of the bank's liability would have increased their cap to 2% of the mortgage. Next to nothing was gained here and worse yet, the less expensive the condominium unit is, the less likely it is that the bank's liability increased to the association at all.

## CONDO CRAZE AND HOA'S



The firm's radio show "Condo Craze and HOA's" is now number one on the AM Dial in its timeslot and is tied for the number one listened to show on Sundays in all of South Florida, according to Arbitron. The show broadcasts live from South Florida on Newsradio 610 WIOD, and is now also heard in Tampa on 1250 WHNZ every Sunday at noon. The show is also streamed live on the web at [www.wiod.com](http://www.wiod.com) and all previous shows are archived at [www.condocrazeandhoas.com](http://www.condocrazeandhoas.com). On May 16th, House Member Julio Robaina was our guest and on June 27th, House Member Elynn Bogdanoff will be our guest to discuss the pending association legislation. Call in with your questions to 866-610-NEWS! Thanks for listening.

## BOARD ELIGIBILITY



The statute has now been amended to provide that in a condominium, a person who is delinquent in the payment of any fee, any fine, or payment of any special or regular assessment in excess of ninety (90) days is not eligible for board membership. Furthermore, any director or officer more than 90 days delinquent in the payment of **any** monetary obligation due to the association is deemed to have abandoned the office. The association may also suspend the voting rights of a member due to non payment of any monetary obligation due to the association which is more than 90 days delinquent.

## EVICTING TENANTS



For both condominiums and HOAs, the law now allows the association to demand that the tenant pay their rent directly to the association, instead of paying it to their landlord, if their landlord becomes delinquent in paying any monetary obligation to the association. If the tenant fails to comply, the tenant can be evicted by the association.

## FIRE SPRINKLERS ON HOLD



Condominium associations greater than 75 feet in height now have the ability to opt-out of the requirement to install fire sprinklers in their enclosed common elements and/or have an extra five years to install them, until 2019.

## HELPING DEVELOPERS



In condominiums, cash strapped developers can now easier sell their last remaining units to "bulk" buyers or assignees who won't have any of the obligations and responsibilities of the original developer such as providing structural warranties. The thought process here is that this will encourage bulk sales and get an infusion of monthly assessments into the association as a result of the units that are sold. The original developer is not let off the hook from their statutory responsibilities.

## SUSPENSION OF USE RIGHTS



In a condominium, if a unit owner is delinquent for more than 90 days paying a monetary obligation due to the association, the association may now suspend the right of a unit owner or unit's occupant, licensee or invitee to use common elements, common facilities or any other association property until the monetary obligation is paid.

## EDUCATING BOARD MEMBERS

In a condominium, a newly elected Board member can either sign an affidavit attesting that he or she has read the governing documents and Fla. Stat. 718 or take an approved division course. Call or e-mail us if you are interested in our free DBPR approved seminar.

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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.