

CONDO CRAZE & HOA'S

Legal Advertisement

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A legal publication brought to you by: **GLAZER & ASSOCIATES, P.A.**
www.florida-association-law.com

One Emerald Place
3113 Stirling Road, Second Floor
Hollywood, Florida 33312
(954) 983-1112
(954) 333-3983 (fax)

One Boca Place
2255 Glades Road, Suite 324 A
Boca Raton, Florida 33431
(561) 797-2570
(561) 584-5012 (fax)

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: **Polynesian Gardens Condominium** in Plantation; **Golden Horn Condominium** in Hallandale Beach, **Seacoast 5700 Condominium** in Miami Beach, **Miami Lakes Glenn Ellen HOA** in Miami Lakes, **California Club Homes HOA** in North Miami Beach and **Lago Del Mar Condominium** in Boca Raton. We can assure you that we appreciate your business and confidence placed in our firm.

CONDO CRAZE AND HOA'S

facebook



The firm's radio show "Condo Craze and HOA's" is off to a smashing success. The show broadcasts live on Newsradio 610 WIOD every Sunday from noon until 1:00pm. Callers to

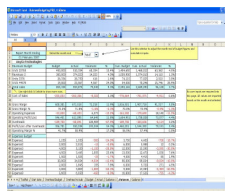
the show at (866-610-NEWS) get to have their questions answered live on the air. If a listener is uncomfortable about speaking on the radio, they can also e-mail their questions directly to the show at condocraze@wiod.com. The show is also streamed live on the web at www.wiod.com and all shows are archived on this firm's website. You can also follow Condo Craze and HOAs on Facebook for updates on the show and our free seminars. Thanks for tuning in and keep the on air phone calls coming! For more info, call our office at: **1-877-4CONDOCRAZE**.

LEGISLATIVE UPDATE



Unfortunately, there is virtually nothing to update on the legislative front. Despite this past year being the worst financial year ever for Florida condominium and homeowner associations, there was not a single new law passed by the legislature to help relieve the financial burdens placed on associations throughout the state. You may want to remember that at election time. There are a few bills pending however that would force the banks to speed up the foreclosure process and make banks responsible for payment of all previously unpaid assessments instead of only six months or a year's worth. It is expected that these bills will face strong opposition by the banking lobby and passage is anything but guaranteed. If and when any new legislation passes we will keep you posted on our website and here in our quarterly newsletter.

RESERVES IN AN HOA



Our readers already know that a condominium budget **must** include the funding of a reserve account, unless a majority of unit owners in attendance by person or proxy at a meeting where a quorum is present, vote against same. In an HOA however, the budget **may** include the funding of a reserve account. First, a majority of all unit owners would have to vote in favor of funding the reserves, and once they do, all budgets for each and every year thereafter must include the funding of reserves. Once reserves are established, the members, upon a majority vote at a meeting where a quorum is present, may provide for no reserves or partial reserves.

CONDOS V. H.O.A.'S



All of our readers generally live in either a condominium or an HOA. While there are certainly similarities between the two types of multi-unit communities, Florida law treats them differently in so many ways. For example:



In a condominium, the association has a statutory right of access to each unit, but in an HOA the association has no such right;

In a condominium, records must be made available for inspection within five (5) working days whereas in a condominium, ten (10) days are allowed;

Many disputes in a HOA must be mediated before a lawsuit is filed. In a condominium however, pre-suit mediation is not required and instead many disputes must first be arbitrated before the Florida Department of Business and Professional Regulation;

In a condominium, if twenty percent (20) of the voting interests petition the Board to address an item of business the Board must do so. There is no similar provision in the HOA statute;

In a condominium, the Board generally has a statutory right to sign a bulk cable TV agreement. In an HOA the Board has no such right;

In a condominium, the association must give the unit owner 30 days notice before filing a lien. In an HOA, the association must give 45 days.

In a condominium, a convicted felon can't serve on a Board unless their civil rights were restored for at least five (5) years. In an HOA, a convicted felon can serve on the Board;

In a condominium, an election occurs if twenty percent (20%) of the eligible voters cast a ballot. In an HOA, there is no election unless a quorum of unit owners appear at the annual meeting either in person or by proxy. Many of you know that this allows the same Board to remain year after year;

In an HOA, if the documents provide, the association may suspend the rights of a delinquent owner to use the common facilities and common areas. There is no such right under Florida condominium law.

In a condominium, owners have a statutory right to display small religious symbols. In an HOA, unit owners have no such right.

There are many people who think that there is simply no need for the various distinctions between condominium and homeowner associations and that there should only be one statute which controls both forms of community living. The Florida Legislature may just tackle this issue in the future.

FIRM UPDATE



Glazer and Associates, P.A. is proud to announce that its founder, Eric Glazer has been admitted to practice law in The District of Columbia and was sworn in by the D.C. Court of Appeals on January 8th, 2010. The firm is also proud to announce the hiring of attorney

Jason Shepelrich who is a graduate of Nova Southeastern School of Law and has been a member of The Florida Bar since 1998. Jason brings eleven years of extensive experience in all aspects of association law to the firm and will be concentrating his efforts in the areas of condominium and homeowner association litigation and foreclosure law.

Eric M. Glazer: born August, 1967, Brooklyn, New York. B.A., New York University, 1989. J.D., University of Miami School of Law, 1992. U.S. District Court, Southern District of Florida, 1992. U.S. District Court, Middle District of Florida, 2004. U.S. District Court, Northern District of Florida, 2004. U.S. Circuit Court of Appeals for the Eleventh Circuit, 1996. U.S. Supreme Court, 1996. Certified Circuit and County Court Mediator, 2007, District of Columbia, 2010

Ralph C. Ruocco: born April, 1974, Brooklyn, New York, B.A. Brooklyn College 1998. J.D., University of Miami School of Law, 2002. U.S. District Court, Southern District of Florida, 2005.

Scott R. Shapiro: born May, 1980, Cleveland, Ohio, B.A. University of Florida 2002. J.D., University of Miami School of Law, 2005.

Jeremy M. Zubkoff: born September, 1976, New York, N.Y., B.A. Univ. of California at Santa Barbara, 1999, J.D. Santa Clara University, 2002, U. S. District Court Southern District of Florida, 2005, U. S. District Court Northern District of Florida, 2005.

Kristy L. Phillips: born August, 1979, Miami Beach, Florida; B.A. Florida International University, 2000; J.D. Nova Southeastern University, 2007.

May Hustey: born July, 1972, Hollywood, Florida; B.A. University of South Florida, 1994, J.D. St. Thomas University School of Law, 1998, U. S. District Court Southern District of Florida, 2002.

Pennie S.A. Mays: born March, 1980, B.A. Florida Agricultural and Mechanical University 2002, J.D. University of Florida, 2004.

Jason Shepelrich: born December, 1973, B.A. Florida Atlantic University, 1995, J.D. Nova Southeastern University, 1998, U. S. District Court Southern District of Florida, 2000, U. S. District Court, Middle District of Florida, 2006.

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.