

# apm NEWS

**A Publication of Associated Property Management - Spring 2004**

## **STAY INVOLVED WITH YOUR COMMUNITY ASSOCIATION**

**BY JOHN R. MATH, LCAM**

Living in a community association can be the most rewarding or the most frustrating experience of your life! But the main reason for Unit Owners being unhappy and frustrated is due to not being involved and informed of the workings and operations of the Community Association.

In any form of community association, you, the owner, must stay involved in the workings of the association. The association always needs owner volunteers for the Board of Directors and Committees. In a diverse group of people, there are many people with many talents who should be willing to participate for the greater good of the community. In addition, the Board of Directors needs unit owner participation at meetings for input and guidance and to help in the overall decision-making process. The association does not operate on its own without the owners' involvement. Even if there is a management company or management staff handling the day-to-day operations and problems, it is the Board of Directors (the owners) who has the ultimate responsibility to manage and operate the association. It does not happen by itself. Otherwise, if there is no participation, involvement or direction from the owners, the association will be aimless

and not forward thinking. Problems will arise that could have been or should have been anticipated by an active community. To fully protect your investment and your lifestyle, an owner needs to be involved in the association and its operations. If this is not possible, you must at least go to Board of Directors, Committee, Workshop and/or Membership Meetings in order to stay informed and be able to benefit from the community association experience and lifestyle. A person's home is usually the single most important and costly investment that they will ever make. To leave major operations and maintenance decisions to others, without your input and participation, just does not make very good business sense.

The major cause of unhappiness and misunderstanding for an owner in a community association is usually the result of a belief that the association takes care of all maintenance, repair and replacement problems. This is a misconception that occurs daily in most communities. This misunderstanding is usually a result of a lack of a working knowledge of the documents and the state statutes that govern your association. In many cases, the owner believes that because they are paying maintenance fees, everything that ever needs maintenance, repairs or replacements should automatically be handled by the association. In most

cases, the documents will provide the guidelines for any repairs and replacements and will define who is responsible. If the documents are silent or are in conflict with state statutes, the state statutes may prevail.

It is the responsibility of the owner of the unit to read and understand the details of the documents and their ultimate ramifications upon the unit owner's lifestyle and budget. It may be assumed that since it is a condominium unit, everything should be maintained by the association, however, it is not uncommon to have doors, frames, garage doors and windows, etc. excluded from documents, as these elements may be the owner's responsibility and not the association's. Therefore, it is incumbent for the buyer to read the documents or have the help of an expert (usually an attorney who specializes in real estate law) to interpret the documents for a buyer.

In addition to being knowledgeable about the documents and the association's maintenance responsibilities, an owner should be able to read and interpret the association's budgets, balance sheets and income statements for the last few years. If there is a problem with any of these categories, there may be possible future increases in maintenance assessments in order to make up for past deficits.

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As an owner, if you are unable to read and understand the association's budgets and balance sheets, have someone who is knowledgeable to assist you in reading and interpreting them. In the long run, it could save you a lot of heartache and money. As a seller, you'll be able to promote the financial well being of your community when marketing your unit.

In a well-managed association you can expect to live in a community where you are respected as an individual, are well informed about the workings and operations of the community and are encouraged to be involved with your association, either actively or as a member participant. A well-run association will have an adequate budget to operate the association. It will have adequate funds for emergencies, long-term projects and funds set aside for reserves for major repairs and replacements. There will be adequate insurance to protect the association from casualty and liability losses. Professionals are used throughout the year by the association to help in the operations and management of the association. The records of the association are well maintained and readily available for unit owner inspections. A well run community association, is not only a place where you want to live but is also a place where you will be able to maximize your initial purchase, in the form of a higher resale value.

Most associations are not perfect but are a work in progress as events, conditions and membership in the association are constantly changing. No matter what is happening, the association should have the wherewithal to deal with most situations and circumstances for the benefit of the association, either in its operations, its talent pool of members or from its professional ranks. Either way, stay actively involved with your association or participate and attend Board of Directors, Members and Committee Meetings.

## Ask The Attorney

By Leigh C. Katzman, Esq.

**Q.** Please explain what an "Adult Community" is and how a community becomes one?

**A.** An Adult Community (Housing for Older Persons) is permitted to, subject to certain limitations, legally 'discriminate' against people under the age of fifty-five (55) as a consequence of a limited exception to the Fair Housing Act. Generally, an Association may be eligible to become and operate as an Adult Community so long as the following circumstances exist: (1) at least eighty percent (80%) of the occupied units are permanently occupied by a least one person over the age of fifty-five (55); (2) the Association's governing documents do not contain language which is inconsistent with the Association's desire to become and maintain an Adult Community; and (3) the Association publishes and adheres to policies and procedures that demonstrate an intent to operate as housing for persons 55 years of age or older. Accurate record keeping must be maintained. Reliable surveys and affidavits must be undertaken at least once every two years to preserve the status as an Adult Community and defend the Association in the event of an age discrimination claim. Any Association interested in becoming an Adult Community should contact their community association attorney for guidance.

**Q.** Our Board bought pool furniture and umbrellas with our pool reserve funds. Is this legal? If not, what should they do to correct this?

**A.** In condominium associations the only statutorily mandated reserves are for paving, roofing, painting and items of deferred maintenance in excess of \$10,000.00. With respect to homeowners associations there

are no statutorily mandated reserves. If the governing documents so provide, an association may establish permissive or additional reserves. In the event that a pool reserve fund has been established, those funds are typically utilized for "pool" related issues. Assuming the governing documents are silent as to how the reserves are to be spent, and the money was not collected from the owners to be used only for pool resurfacing or other specific pool purposes, I believe pool furniture and umbrellas may reasonably be deemed appropriate items to be purchased using pool reserves.

**Leigh C. Katzman, Esq., is an attorney with the law firm of Katzman & Korr, P.A., a practice which represents over four hundred (400) community associations throughout South Florida. You may contact Mr. Katzman at lkatzman@katzkorr.com or telephone (954) 486-7774.**

## REMINDERS!

1. Be sure to update your files to include a new buyer disclosure statements as of January 1, 2004.
2. Fees to the Division are coming due and are late if not paid by March 1, 2004. The amount is \$4.00 per unit, for all condominiums and cooperatives.
3. Corporate Annual Reports will soon be mailed and must be filled out and received by the Secretary of State by May 1, 2004. The Fee is \$61.25 for Not-For-Profit Corporations.

## HELPFUL HINTS TO PROTECT & MAINTAIN YOUR NEW HOME

BY JOHN R. MATH, LCAM

From the time a new home is completed, there are many simple and inexpensive things that a homeowner can do to prevent costly repairs and maintenance in the future.

We have extremes in weather that are quite different than in most areas of the country. Our high humidity, hot temperatures and semi-tropical atmosphere are punishing to most materials and mechanical systems if they are not maintained on an ongoing basis.

Some helpful hints to follow are:

### Foundation

All concrete slabs and block are subject to moisture. Make sure that all ground water, rain runoff from roofs and downspouts are kept away from the foundation.

Tree roots should be kept away from slabs in order to prevent cracking and damage. Shrubs should be trimmed back from foundations, since they contain moisture that will seep into the slab.

### Roofing

Constant exposure, moisture and extreme heat make roofs deteriorate much faster than any other part of the home. Keep all tree limbs away from roofs, as they will help to loosen and break shingles and/or roof tiles.

Shade from trees also produces staining and mildew buildup. The resultant moisture helps to shorten the life of a roof. Keep all drip edges, fascia boards and overhangs clean, caulked and well painted to promote a longer life.

### Wood siding and block walls

Make sure that all vertical and horizontal joints

are caulked. This will help to eliminate moisture, mildew and damage to the structure of the home.

Stucco walls that crack also should be caulked. Watch for more serious settlement cracks that will allow moisture to weaken surrounding wall areas. In both cases, keep all walls well painted for protection from the elements.

### Windows and screens

All window tracks and frames should be cleaned; weep holes also should be kept clean to prevent water buildup. Spray tracks with a silicone spray, not only for protection, but also for ease of operation. Remove and wash all screens with a mild soap and water at least twice a year.

### Doors

Exterior doors are subject to extremes of temperature (hot and humid on the outside and cool on the inside). From time to time, spray graphite into the locksets, hinges and keepers to maintain the operation of the door. Also, keep doors well painted for protection against rain and moisture.

Interior door hinges and keepers should be checked and tightened. All bi-fold door tracks, pivots and guides should be free of dirt. Clean them with a vacuum-hose attachment and spray them with silicone in order to help protect and operate the doors smoothly.

Sliding-glass and sliding-screen doors should be maintained in the same manner as above.

Caulk all door and window openings at least once a year, since shrinkage occurs due to expansion and contraction.

### Ceramic tile

Maintain all grout that is cracked. Remove the

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old grout and fill the seams with new grout compound. If the seams are not maintained, moisture will penetrate areas under the surrounding tiles, causing damage and loosening other tiles.

For bath tile grout that has lost its whiteness, use a light household bleach with a toothbrush to bring the color back.

### Exterminating services

Consider having a professional exterminating company provide a termite bond on your home. This service will provide regular annual checks of your foundation baseboards and attic space, protecting you from possible future damage.

Living in South Florida is a joy for all of us. While we enjoy the sun and the warm weather, these same elements are not as kind to our homes. Learn to protect your home and its components on a regular basis.

**Associated Property Management of the Palm Beaches, Inc. is a sixteen-year-old full service association management firm. APM serves more than 125 associations in Palm Beach County. If you have any questions or comments you may contact us at 1928 Lake Worth Road, Lake Worth, Florida 33461. Please call us at 561-588-7210 or you may email us at [assocpropmgt@bellsouth.net](mailto:assocpropmgt@bellsouth.net) at any time.**

### **USEFUL WEBSITES FOR YOUR ASSOCIATION**

Associated Property Management  
561-588-7210 or [www.assocpropmgt.com](http://www.assocpropmgt.com)

Florida Department of State  
904-487-6000 or [www.sunbiz.org](http://www.sunbiz.org)

South Florida Water Management District  
561-686-8800 or [www.sfwmd.gov/index](http://www.sfwmd.gov/index)

Palm Beach County Property Appraiser  
561-355-3230 or [www.co.palm-beach.fl.us/papa/main/default](http://www.co.palm-beach.fl.us/papa/main/default)

Florida Division of Emergency Management  
850-413-9900 or [www.floridadisaster.org](http://www.floridadisaster.org)

Palm Beach County Div. of Emergency Mgt.  
561-712-6400 or [www.co.palm-beach.fl.us/eoc](http://www.co.palm-beach.fl.us/eoc)