

## 8 Ways That You Can Be the Best Board Member You Can Be

Having just been fired from a new client who was totally uncooperative with our staff, uninterested in setting things up properly between the 2 entities and basically unorganized, in disarray and their Board members existing without any common goals, our staff recently collaborated on the following, in order to help other community associations to avoid enduring what we just had to....

1. Stay involved, engaged and current in all of the issues that affect the association. Do not be interested in just the issues that you, as a Board member/Unit Owner are concerned with.
2. Trust the experience of the management company, but when having a question or an alternative, communicate that concern or question to the staff respectfully.
3. Offer your opinions in a constructive fashion, rather than in the form of a demand or command. Repeatedly demanding instead of acting in a collaborative manner quickly becomes demoralizing to the recipient.
4. Attend to association business promptly, timely and when promised. There is nothing worse to management professionals than to have a Board member promise to do something, not follow through, ignore it and then blame the management company that it did not happen.
5. Listen to your fellow Board members, your neighbors and management company. To not listen to and collaborate with others always demonstrates that there are other psychological factors and motivations for being on the Board, rather than what is good for the association as a whole.

6. Pay attention to the needs of your association. Do not just focus on your pet projects, and when there are concerns being voiced by others, make sure that these are also brought to the other Board members' attention.

7. Don't be afraid to research a question, concern or issue. The world, technology and legal issues are changing more quickly now than ever, no one has all of the answers at their fingertips and management should not be belittled when they do not have the answer. Sometimes what you ask for cannot be fulfilled as quickly as you would like, and sometimes you do not communicate well, or what you are asking for is in conflict with what management is being told to do or how it should be done.

8. Associations that employ property management companies will get the best results if they and their Board members would be open-minded and patient. Management may have different, better, and more efficient/hi-tech ways of getting things accomplished. To totally thwart the management company from doing things in a better, more efficient way is hurting both entities.

Overall, community association property management is a collaborative venture and in order to get the best, quickest and most efficient results, requires the Board of Directors and management working together in harmony. If the following is not the desire for the association, why hire a management company? Why not just have an administrator and a bookkeeper and micro-manage them 8 hours a day?

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## Community Association Collections—Don't Do This!

We have a client that is very mad right now at the declining state of their association, due to the growing list of delinquent unit owners. The association wants us to publish the list of delinquents in the newsletter and post this list on the bulletin board as well. Though we can empathize with the Board of Directors, we suggested to them why we did not think it was a good idea and here are the reasons why:

The Fair Debt Collections Act prohibits anyone from publishing a list of names of people who refuse to pay their debts as this would be considered harassment of these individuals. Since the Fair Debt Collections Act is federal law, the association and the management company could then be held responsible for this unlawful publishing of the names and in violation of federal laws. The association could also be sued by these owners for damages, costs and attorneys fees. As a group, together, they would also have the ability to sue up to \$500,000 for these intentional acts as well!

The state of Florida has similar language in their laws and I am

sure that there could be a second set of damages, legal fees and costs associated with intentionally publishing these names, as they would be violating state laws too.

On the other hand, if there were unit owners who wanted to know who was delinquent and or in foreclosure, they should put in writing a "Records Request" with the association or Management Company in order to inspect the latest association financial statement, delinquency list, along with backup information on these units as well. These records would provide the information that they were looking for and in this manner would not be in violation of state or federal laws.

Yes, these are difficult times for some associations and many of us are frustrated, but let's not make the situation worse by not following the laws of the Fair Debt Collections Act.

Mailing Label

## Florida Legislative Update—Spring 2010

Currently, HB 959 is winding its way through the Florida Legislature and is intended to reform some condominium law and provide associations some relief in other areas of their management and operations. The highlights of the bill contain the following:

- Provides that a condominium building of less than four stories in height, and is constructed with exterior corridors, is exempt from the requirement to install a manual fire alarm system.
- Allows a condominium association to collect assessments from a tenant of a delinquent unit owner.
- Extends the current deadline for retrofitting with sprinklers in high-rise condominiums from 2014 to 2019.
- Provides that condominium associations and homeowners associations may deny use of the common areas to members who are more than 90 days delinquent.
- Repeals the requirement that high rise residential structures provide for emergency power for elevators and alarms.
- Provides that a condominium that has 1-½ hour or higher fire-rated interior walls separating condominium units and is not a high-rise building need not retrofit the inside of units with fire alarm systems.
- Repeals the requirement that a condominium unit owner must obtain insurance coverage on the unit and the requirement that the association be named as an additional insured on an individual unit owner's coverage.

We will try to keep you apprised of ongoing developments in this extremely important legislative issue. In the meantime, there is a “Find Your Representative” Tab on this [MyFlorida House.gov](#) page. When you put your address in this search box, the representatives for the Florida House and Senate will be provided, along with your representatives for U.S. Congress, both the House and the Senate. Contact your legislators and let them know what is happening in our associations and how important it is for them to protect us, rather than the special interest groups in Tallahassee.