

Sweeping new association law; do you see the glass half full or half empty?

Posted: 04 Jun 2010 06:40 AM PDT

“Dog bites man”, that’s not much of a story; but *“Man bites dog,”* now you’re talking! Along those lines, some folks seem intent on looking for anything and everything to criticize in the large association bill that Governor Crist just passed despite venomous opposition from groups like the fire sprinkler lobby whose industry stands to lose millions of dollars now that high-rise residents in older buildings can decide for themselves whether or not they want to retrofit. The same holds true for elevator companies and fire alarm companies whose pool of mandatory purchasers just got a little smaller for the near future.

I read one recent story where a so-called expert was lamenting the fact that some associations would only see “an additional two months” of assessments from banks foreclosing on condominium units as a result of the doubling of the past-due monthly assessment cap. Have we become so jaded that we now sneer at an additional two months of assessments in this economy? Even more astonishing is the amount of hand-wringing in some quarters regarding the newfound ability for HOA’s and condominiums to collect rent from tenants in delinquent units without having to go to Court to petition for a Receiver to serve this function. Before jumping into a Fox News-style debate on enforcement challenges, can we spend two minutes joyfully contemplating the amount of money this could infuse into some struggling communities, especially the failed conversion projects?

Did the bill go far enough? No single bill will ever go far enough to satisfy everyone’s wants. As it is, SB 1196 wound up being a 103-page bill and survived a gubernatorial veto by only the slightest of margins. Large bills generally mean an equally large probability of being vetoed since there is usually something to hate amongst all those pages. Did the bill go too far? For some folks, any legislative change is unwelcome.

I have to ask myself who benefits most from people being unhappy. Is it the media running a “Man bites dog” type of story? Is it the vendors who stand to lose money now that the Legislature has wisely given associations some breathing room? Or is it just the folks who didn’t help fight the fight who now want to rain on the parade?

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