

»» We Asked Community Association Attorneys

snap survey

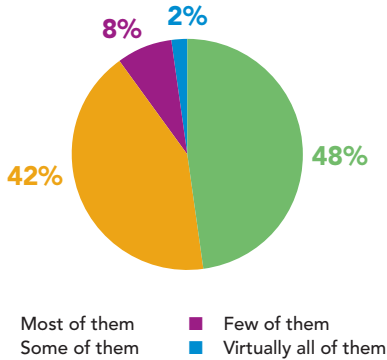
OCTOBER 2014

WHAT ISSUES CREATE POTENTIAL LEGAL LIABILITY FOR CLIENT ASSOCIATIONS?

	Frequently or Always	Occasionally	Rarely or virtually never
Rules/covenant enforcement	45%	42%	13%
Association vs. homeowner responsibilities	44%	40%	17%
Assessment collection and delinquency	35%	38%	28%
Association governance, such as elections and board meetings	26%	51%	23%
Special needs residents, e.g., service animals	22%	37%	41%
Board negligence/violations of law	12%	32%	56%
Manager or management company malfeasance	1%	34%	65%
Freedom of speech and religious issues	1%	20%	78%

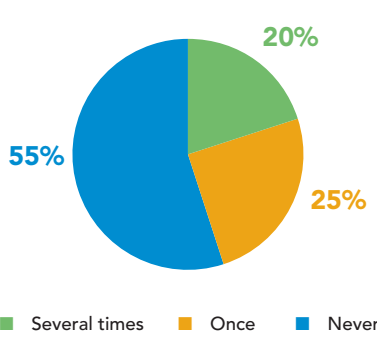
DO THEY GET IT?

Do you believe the directors of your client associations fully understand and accept their basic legal responsibilities?



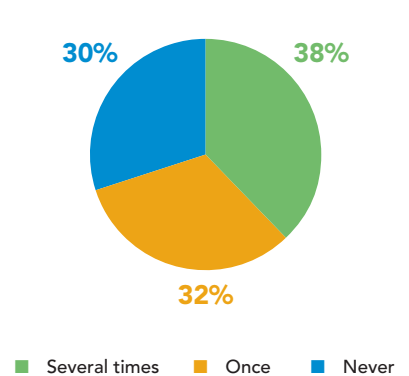
WE SHOULD HAVE LISTENED

Has an association client of yours ever been successfully sued because the board rejected or ignored your advice?



TIME TO FIRE THE CLIENT

Have you ever "fired" an association client for unacceptable board actions—or inaction?



ONE PIECE OF ADVICE

Attorneys were asked to offer one piece of advice to a homeowner who is about to join an association board. There were many references to reading and understanding the association's governing documents, ensuring the association has adequate directors and officers insurance and seeking the advice of legal and association management experts. Said one attorney: "Accept that you have no authority as a single board member, but that only the board as a whole has the authority to act on behalf of and to bind the association."