

Dateline: Dowling

Volume I, Issue 3

January, 2007



Pets and Community Association Rules

Dowling Properties, LLC
400 Lathrop, Suite 202
River Forest, IL 60305
708-771-0880
www.dowlingproperties.com

Owen R. Shurson, ARM®
President

Erin Duffie, CMCA®
Property Manager

Al Ho
Property Manager

People moving into association-governed communities aren't always aware of the rules and restrictions that apply to residents. This is why we encourage homebuyers to read all documents before buying a home in a community association. Real estate agents should know when a home is part of a community association. If it is, the realtor should help the prospective buyer understand what that means in terms of benefits, restrictions and obligations – including those pertaining to pets.

Some people knowingly violate established rules of their community. Regardless of the issue, CAI does not support the willful and flagrant violation of rules. Instead, CAI encourages homeowners with a grievance to ask the governing body of their association to initiate a dialogue with the members of the community to determine whether an existing rule is still appropriate or whether it should be amended or repealed. Rules must be reasonable and appropriate to the community.

Association rules, including those pertaining to pets, need to fit the particular dynamics of each community and should be revised as appropriate to fit the desires, needs and priorities of the residents in that community. Where pets are allowed, restrictions and rules should focus on pet – and owner – behavior, not on the height, weight or breed of the pet. Most pet-related issues involve an owner's inability to control the animal or refusal to cleanup after the pet. In these instances, CAI recommends that the governing documents of the community give the association the authority to intercede in the best interests of the community as a whole.

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Homeowners elected by their neighbors to serve on association boards have an obligation to enforce the established rules of their community. Some people select a community based at least in part on rules pertaining to pets. Their expectations should be considered. In addition, association boards have an obligation not just to individual members of the community, but to the community in general. One of the key challenges of community association governance is balancing the desires of an individual resident with the best interests of the community as a whole. In the often-emotional realm of pets, this can be a delicate balance.

In all cases, fairness and consistency are essential. If the board of a no-pet community allows one resident to have a dog – or two small dogs, or three cats – how can that same board say “no” to another owner who wants a pet? Rules should always be applied consistently and fairly. When one resident flaunts a rule with impunity, others may follow suit. Without the fair enforcement of rules, a community – and the values of the homes in that community – can suffer.

CAI does support access for “service” animals in community associations – seeing-eye dogs, for instance – as stipulated under various federal and state laws.
(Courtesy of the Community Associations Institute (CAI))

Collecting Association Assessments

Procedures for collecting overdue assessments differ from one community association to the next depending on established procedures, bylaws and local and state statutes. In general, CAI recommends the following procedures for collecting delinquencies:

- Be Reasonable! This is our primary recommendation in all matters.
- Begin collection actions early while the outstanding amount is manageable.
- Take an incremental approach. Start with friendly reminders or personal contact, follow up with stronger reminders, and provide as much information as possible.
- Allow owners to negotiate payment plans.
- Follow due-process procedures. Give delinquent owners ample notice and provide an opportunity for them to be heard.
- Comply with the Fair Debt Collection Practices Act throughout the process.

Legal Actions

There is no specific point at which a community association should have its attorney file a lien against the property. It depends on various factors. Generally, these factors concern the individual circumstances of the case.

For example, an association may have little choice but to file a lien if the owner has failed to respond to repeated attempts by the association to collect the debt. If the delinquent amount has become quite large, it may pose a significant liability for the association.

Nobody wants to foreclose on a home, but community associations rely on the lien and foreclosure process to collect unpaid assessments. For associations, it's often the only leverage they have to ensure fairness and shared responsibility. Placing a lien on property, with the ability to foreclose, is typically enough impetus to get delinquent residents to meet their financial obligations – without removing the owner from his or her home.

Foreclosure should always be used as a last resort, applied only after other measures have failed. People occasionally face financial hardship – a lost job, for instance – and in those cases many community associations *do* work with homeowners to develop deferred or special payment plans.

Collection Aids

Importantly, many community associations use “collection aids” prior to legal action. For example, they may suspend privileges (such as parking) or deny access to amenities (such as recreation facilities) for those who are seriously in arrears. Revoking a pool or club membership often gets results when letters are being ignored. We do *not* recommend suspending services (such as utilities).

Fairness Issue

Residents who do not pay their assessments are not cheating some faceless entity, but their neighbors and community. That just isn't fair to those who do meet their responsibilities. When some homeowners are delinquent, either their neighbors must make up the difference or services and amenities must be curtailed. That affects everyone in the community, perhaps even leading to a decline in property values. It can and does happen.

(Courtesy of the Community Associations Institute)

The Nature of Community Associations

Delivering Services and Amenities

Homeowner and condominium associations deliver services that were once the exclusive province of local government, including trash pickup, street paving and lighting and snow removal, to name but a few. This transfer, or privatization, of services has become commonplace as the demand for housing has outpaced the ability of many local governments to provide services. Not only has privatization relieved local municipal budgets, but it has proven economically efficient for homeowners.

Many of today's homebuyers are second- and third-time buyers in community associations—people who understand and value the benefits and services provided in planned communities.

- Associations plough the snow, pickup the garbage, operate the pool and maintain the common areas. Reserves are maintained for future repairs and replacement of common property.
- Many communities maintain swimming pools, tennis courts, playgrounds and other amenities that most Americans cannot afford on their own. Many community associations also provide security, social activities, clubhouses, walking trails and more.
- In the best communities, associations offer a real sense of community, an important contribution in an increasingly transient society.

Providing Value and Protecting Property Values

By delivering services at the direction of their members, community associations meet the expectations of residents by working to provide a safe, well-maintained living environment, preserving the nature of the community and protecting property values.

Cooperation and compliance are accomplished through governing documents that typically address architectural guidelines (dealing with items such as additions, decks and paint colors) and rules pertaining to issues such as noise, pets and parking. Enforced fairly and equitably by the members themselves, these documents guide the management and governance of the association and are generally consistent with zoning and other provisions of the larger civil community in which the association is located.

Offering Protection and Oversight

Community association rules and regulations are not really all that much different from their municipal counterparts. In practical terms, HOA regulations are another layer of protection against neighborhood degradation and another means of maintaining community standards and protecting property values.

Associations lessen the need for local government oversight of housing conditions, since design guidelines and covenant inspections are performed by the association—the functional equivalent of building and zoning inspectors. Associations have one big advantage: While most municipalities are not equipped—i.e., do not have the manpower—to monitor housing, community association homeowners have a vested interest in reporting problems, from architectural and building code violations to illegal parking and landscaping issues.

Inspiring Responsibility and Involvement

Community association homeowners like the responsibility that comes with homeowner control of their own neighborhoods. Importantly, community association leaders are elected by their neighbors to serve the best interests of the community as a whole. Because they live in their communities, these leaders better understand the needs of the community, from the delivery of core services and amenities to decisions affecting the future of the community.

Significantly, many associations enjoy a higher level of civic involvement than municipalities in terms of voting, meeting attendance and volunteerism. Voting by proxy helps associations meet quorum requirements, an option that is not available in municipal elections.

Optimizing Land Use and Affordability

Community associations provide one answer to the growing issue of sprawl, which is no longer confined to cities and the inner suburbs. By definition, planned communities offer a more efficient use of land than unplanned areas in which developments leapfrog over each other into any available space.

In addition, these land-use efficiencies can make homes more affordable, a benefit for first-time homebuyers, retirees and low- and moderate-income families.

(Courtesy of the Community Associations Institute)

DOWLING PROPERTIES, LLC

400 Lathrop, Suite 202
River Forest, IL 60305

Phone: 708-771-0880
Fax: 708-771-0894
Email: customerservice@dowlingproperties.com



Dowling Properties, LLC

WE'RE ON THE WEB
WWW.DOWLINGPROPERTIES.COM

Congratulations to Erin Duffie!

Erin has received her Certified Manager of Community Associations designation ®(CMCA®), from the Community Associations Institute (CAI). The CAI awards qualified professionals with designations in order to improve the quality and effectiveness of community management. CMCA® certification signifies that a manager has passed National Board of Certification for the Community Association Manager's national exam and met the requirements for managing condominium, cooperative and homeowner associations. Almost 6,500 professionals have earned CMCA® certification since the program's inception in 1995.

Welcome New Clients

Artist Place Condominium Lathrop Tower Condominium

Multi-Family Municipal Heat Ordinance

Village of Oak Park, IL__708 358 5650

Village Ordinance governs heat policies; 70 degrees during day and 65 degrees at night.

Village of River Forest, IL__708 366 8500

Condominium Association Board governs heat policies.

Village of Forest Park, IL__708 366 2323

Village Ordinance governs heat policies, heat must be on by September 15.

Village of Melrose Park, IL__708 343 4000

Village Ordinance governs heat policies, heat must be on September 11 to May 1.

Village of Berwyn, IL__708 788 2660

Condominium Association Board governs heat policies.

Village of Schiller Park, IL__847 678 2550

Condominium Association Board governs heat policies.

Village of River Grove, IL__847 639 3170

Heat needs to be kept at 65 degrees during the day, 60 degrees at night, Needs to be on October 1.