



“disclosure” requirements that appear designed to eliminate the authority of the board of directors. The proposed law would also provide developers with immunity for fraud or misrepresentation if verbal statements made by the developer or its agents are contrary to what has been put in writing. At press time, there is no known House companion bill.

So, once again, we are off to the races and the winners and losers remain to be seen. Parties interested in community association legislation can influence the process by contacting their elected representatives. Person-

al letters, personal e-mails, and calls to the legislator’s office are all effective. “Form letters” and “chain e-mails” are largely ineffective.

*Now on to reader mail.*

**QUESTION:** I am the treasurer of our association. Recently, we levied a fine against an owner of \$100.00 per day, for eight days of violation, totaling \$800.00. Can we put a lien on the property for the fine and foreclose on the lien to collect the fine? B.B. (via e-mail)

**ANSWER:** It depends. If your association is a condominium

association, the governing statute specifically provides that a fine cannot be secured by a lien against a unit.

In homeowners’ associations, the prevailing view is that the HOA can file liens to collect fines if the declaration of covenants for the HOA permits the recovery of fines to be secured by a right of lien.

Under either scenario, it is also important to ensure that the association has followed the “due process” requirements of the relevant statute as well as the community’s governing documents. ⚖️

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