



Condominium Law Q&A

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By Gary A. Poliakoff

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Question – I am a member of the board of directors of the Crystal Pointe Homeowners Association in Palm Beach Gardens. In the past few months, I have chaired a committee that has produced a quarterly newsletter and a website. There is some confusion or misunderstanding regarding our ability to accept money for ads in our newsletter and/or website. Can we accept money to offset the costs of the newsletter and the website? If not, can we accept donations? J.C. Palm Beach Gardens

Answer – There is no law or other regulation which precludes a community association from accepting donations (although they are not tax deductible to the donor) or charging for advertising in the newsletter or on its website (although the monies received might be subject to taxation).

Question – Our secretary stated “sense of the community that a business meeting of homeowners was not proper venue for a Pledge of Allegiance.” I say the Pledge is appropriate anywhere with one person and the Flag. Please advise. Is the secretary correct or not? Thank you so much! G.M. Lake Worth

Answer – A show of patriotism and respect for the Flag is never out of order, be it a civic association, a community association, or a single gathering of citizens at a venue at which the American Flag is being flown.

Question – How does a condominium board go about having a unit owner get rid of a dog that was medically allowed for her husband, who has since died. In our governing documents, dogs are not allowed. The unit owner has been notified and is refusing to comply with the rules. Does the board need a lawyer to obtain a court order to have the dog removed or can we file this complaint ourselves? Thank you very much. J.Z., Boynton Beach

Answer – As a general rule, a “no pet” restriction is enforceable. That said, an association must make reasonable accommodations in its rules and regulations to allow a trained service animal or emotional support animal when required to assist a person with a handicap. Once the need for the accommodation has been abated (death of the handicap individual), the association can proceed with the enforcement of the no pet restriction. A petition for mandatory non-binding arbitration must be filed with the Florida Division of Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation. The association can institute the action without the need for an attorney.

Question - Grievance committee question: does the committee set the amount of a fine or does the board of directors? Thank you. I.G., WPB

Answer - Good Question. Both the Condominium and HOA Act are somewhat ambiguous on the

question as to whether an Association, acting through its board, or the grievance committee itself, levies the fine. One thing is clear, the grievance committee MUST determine that a fine is warranted, otherwise it cannot be assessed. Some suggest that the committee acts as a body which submits

recommendations to the Board, which then either agrees and levies the fine or acting as an appellate court, determines to waive the fine. Perhaps we can get the legislature to clarify this issue during the next legislative session.

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