



Community Newsletter

The Voice of Condominium, Civic, & Homeowner Associations of Pasco County

Volume 3 - Issue 4

Council of Neighborhood Associations, Inc. since 1985

April 2005



C.O.N.A.

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New Growth

Impact Fees

New Schools

Who Will Pay?

Find out on
Wednesday, April 20
at 9:30 a.m. at the
New Port Richey City Hall
in chambers at 5919 Main Street
New Port Richey

**Our CONA Meeting
will feature:**

**Commissioner Steve Simon
who will speak on growth and
impact fees in Pasco County**

**"Impact fees are the tool that
forces new growth to pay for
itself."**



*CONA member meetings are open
to all who wish to attend. Bring a
friend. We need your support.*

*Cona tries to bring residents
up-to-date on what is going on
around us that affects our every
day lives.*

PLEASE FEEL FREE TO REPRINT
ARTICLES FROM OUR
NEWSLETTERS YOU MUST GIVE
CREDIT THAT IS LISTED FOR THE
ARTICLE.

HOM
Under Siege
ASSOCIATIONS



President's Message

The representatives and senators from Orlando/Oceola and Miami/Dade counties are determined to severely cripple all homeowner associations. Apparently some of their constituents are of the type "my home is my castle and I will do with it what I want."

The latest bill introduced will not allow you to enforce fines or sue for failure to pay dues until the total exceeds \$2,500. Some of our associations will take 25 years until the arrears reach this point. If this bill passes, homeowner associations will no longer be able to collect fines or dues, because as soon as one or two persons fail to pay and ask for protection under this statute, then his neighbors will say why should I pay if he doesn't and the end of homeowner associations will be at hand.

See President - page 2

President - from page 1

First, I believe this bill would be unconstitutional as it voids a contract all of us signed when we purchased our homes in a homeowner associations. We can't wait for a long drawnout court battle, we need to defeat this bill NOW.

This bill is Senate Bill 2632. Please write, e-mail, or call your representative and ask them to vote NO on this bill. We can work wonders with PEOPLE POWER - do it now! Please get this message to your all members.

Mike Fasano - 8217 Massachusetts Ave.
NPR FL 34653 - (727)848-5885
fasano.mike.web@flsenate.gov

Tom Anderson - 2435 U.S. Highway 19,
Suite 106, Holiday FL 34691 (727)943-4760
anderson.tom@myfloridahouse.com

John Legg - 10014 Grove Drive Suite B
Port Richey 34668 (727)869-8600
john.legg@myfloridahouse.com

Victor Crist - 11961 North Florida Ave.
Tampa FL, Suite B 34612 (813)975-6658
crist.victor.web@myfloridahouse.com

Ken Littlefield - 28440 5th Ave. Zephyrhills
FL 33540 (813)779-8915
littlefield.ken@myfloridahouse.com

Julio Robaina -
robaina.julio@myfloridahouse.com

Gary Siplin (sponsor of SB2632)
siplin.gary.web@flsenate.gov ■

Please help fight this bad bill. Thank you!

ATTORNEYS AT LAW

YOUR GUIDE TO
LEGAL SPECIALISTS

#1 "Almost Free Legal Advice"

Thirteen attorney's will be at Tucson's, 13563 Icot Blvd., Clearwater off Ulmerton Road 1/2 mile East of US 19 in Icot Center on the North side of the street - **Thursday, April 14, 2005.** Breakfast meeting at 8:30 a.m., Program at 9:00 a.m. - \$12 for nonmember. **If you need legal advice, be sure to attend this breakfast meeting and ask your questions.** If you are near, take East Lake Road south all the way to Ulmerton and turn right. It's easy to find. It's on the north side of the Ulmerton Rd.

#2 Reserve/Insurance Studies"

Four speakers on insurance, including Bill Stitt who was our speaker at our February meeting. If you missed this meeting you missed very good advice. Now is your chance to hear him again. **Breakfast Meeting, Tuesday, April 26, 2005, 2701 East Fowler in Tampa at the Holiday Inn. \$12 for nonmembers. Sponsored by Community Association Institute. Please RSVP at least 48 hours before event!** For reservations phone (727)345-0165 **Be an informed homeowner association member.** ■

FREE SEMINAR - Sponsored by the

East Chapter of Council of Neighborhood Associations, Inc.

"Coming together is the beginning; staying together is progress; working together is success"

Inquiries: Tom Peters at 973-7312 or conaeast@verizon.net

Saturday April 16, 2005 at 9-2:00 p.m. to be held at The First Baptist Church of New Tampa., 18125 County Line Road East, Wesley Chapel. The Church is East of Bruce B Downs Blvd., on County Line Road in the Meadow Pointe community.

The church is the second building on your left if going East.

8:30-8:55 a.m. - **Registration.** 8:55-9:00 a.m. Greetings by Cass Peters

9-9:20 a.m. - Brian Smith, CEO, Rampart Properties

Evolution of HOA's - • Brief synopsis of HOA governing documents

- Developer managed HOA
- Transition from developer to homeowner controlled board
- Management company's role in preparing new board for their responsibilities.

Q&A

Break

9:50-10:10 a.m. Michael Brudney, President, Brudny, Rabin, PA Attorneys at Law.

Legal Perspective of HOA Transition

- Obligation of developer vs rights of HOA in turnover process
- Timeframe for developer to turnover all pertinent documentation

Q&A

Break

10:40-11:00 a.m. Christopher M. Shulman, P.A., President, Alternative Dispute

The new HOA Mediation/Arbitration Process

- Recent changes to Florida Statute 720, requiring mediation/arbitration
- Dispute resolution process for the HOA board

Q&A

20 minute break for those who bring a snack

11:40 a.m. -12:00 p.m. Brian Lamb, Managing Director, DMS Services LLC

CDD 101

- What is a CDD and how does it function?
- What are A and B bonds and their function?
- How are bonds financed and refinanced?

Q&A

Break

12:30-12:50 p.m. Rhea Law, President and CEO, Fowler, White, Boggs, Banker, PA, Attorneys at Law

Legal Perspectives of CDD Transition

- A CDD attorney's role in transition from a developer controlled CDD board to a resident controlled board.
- Possible future ramifications of this transition
- Sunshine Laws

Q&A

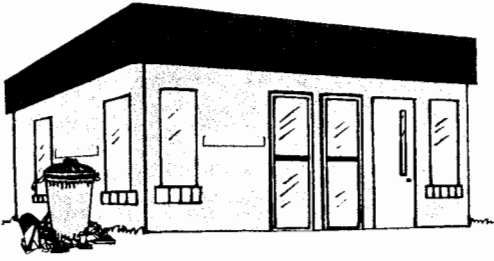
Break

1:30-1:45 Larry McLaughlin, President - CONA East

Dennis Smith, Vice President - CONA East

Update on County growth management

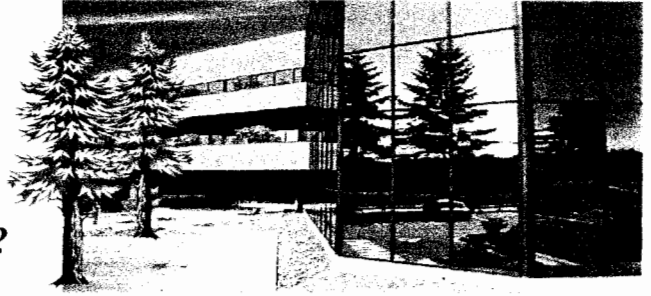
Q&A ■



➡ This or

This ➡

in your back yard?



Landscape & Irrigation

Ordinance No.02-04

Discussion

On February 26, 2002, Pasco County adopted the "Landscape & Irrigation Ordinance," which applies to the unincorporated areas of the County.

Pasco County Staff will be conducting a discussion session on the ordinance to which all interested parties are invited.

The purpose of the session is to receive input on the various elements of the ordinance such as applicability, aesthetics, buffering requirements, and irrigation in order to evaluate the need for any modifications to the current ordinance. ➡

URGENT! LANDSCAPE ORDINANCE IS UNDER ATTACK!!

A meeting is scheduled for **Monday, April 11 from 6-8:00 p.m.** at the Pasco County Government Center on Little Road, New Port Richey, in the Board of County Commissioners' chambers, main building.

Government employees from Pasco County Staff will be there to discuss changes to the "Landscape & Irrigation Ordinance No.02-04" The push is mostly by developers. We don't know what those changes are at this point.

We are asking as many members of CONA to attend this open discussion where you can put in your two cents worth. Please attend and fight for a more pleasant looking Pasco County and not let developers and landscapers dilute what we have already fought for. Developers will be there in force.

Most developers are not from Pasco County. We need to counter the changes they want to make because the changes will be in their favor, not Pasco County residents' favor.

We are asking concerned citizens, who want Pasco County to look attractive - not bare-bones buildings with bad or no landscaping, to attend this meeting.

Come to the meeting and bring as many others as you can muster. We need to stand up to the developers who want to go on the cheap...we will suffer lower property values if their proposed changes are accepted by the County Staff.

PEOPLE POWER WORKS! ■

SAMPLE Registration Letter of 55 + Associations

Blue Meadows Homeowners Association
123 Blue Meadow Drive
Boca Diaz, FL 33333

March 31, 2005

Florida Commission on Human Relations
Post Office Box 3388
Tallahassee, Florida 32315-3388

Dear Sir:

I am the president of the Blue Meadow Homeowner Association. This letter is being sent to Commission, along with a check in the amount of \$20.00, in order to register our community as "housing for older persons."

We have conducted an initial survey that shows that at least 80% of the occupied units are occupied by at least

one person 55 years of age or older. We have also adopted and adhered to rules and procedures that demonstrate our intent to be housing for older persons. In addition, we will comply with the rules made by HUD pursuant to 24 CFR part 100, for verifying occupancy and establishing procedures for updating the occupance information.

We will permanently maintain copies of the surveys, driver licenses, and other documentation in our files. We understand that we do NOT have to provide copies of this documentation to the Commission at this time.

We will also renew this registration once every two years.

If you have any questions concerning this letter, please contact me at (xxx)xxx-xxx.

Sincerely,

John Smith, President

Editor's Note: A fine in the amount of \$500.00 will be assessed against any facility or community that knowingly submits false information in meeting these requirements. If you don't conduct the survey every two years, you are violating the law.

Another bill you should be concerned about!

The condo-ization of homeowner associations

HB 1229..Homeowners' and Condominium Associations

GENERAL BILL by Julio Robaina (C0-SPONSORS) Gannon; Rivera; Taylor; Zapata, Flores

Homeowners' and Condominium Associations: Redesignates the Division of Florida Land Sales, Condominiums, and Mobile Homes as the Division of Florida Land Sales, Condominiums, Homeowners' Association, Community Association Management, and Mobile Homes; provides a definition, provides that the Regulatory Council of Community Association Managers **shall** be within the Division of Florida Land Sales, Condominiums, Homeowners' Association, Community Associations Management, and Mobile Homes; provides that community association managers are subject to disciplinary action upon a finding by the division; requires the division to refer its findings to the Department of Business and Professional Regulation; includes cooperative unity into rental rights grandfathered clause; provides condominium associations guidelines for the designation of disabled parking; **requires association bylaws** to mandate a specified reserve minimum; provides powers of the division to include homeowners' associations and community association management; requires training of condominium association condominium association board members; requires notice of violations; provides criteria for notice, including a response deadline; provides the ombudsman with certain powers concerning homeowners' associations; provides that an association or board may not waive its audit for more than two consecutive years. Effective Date: July 1, 2005 - Last Action: 1st Reading on Tuesday, March 08, 2005 10:57 p.m.

david.rivera@myfloridahouse.gov (850-488-8980) - juan.zapata@myfloridahouse.gov (850-488-9550)
pricilla.taylor@myfloridahouse.gov (850-488-8832) - anne.gannon@myfloridahouse.gov
julio.robaina@myfloridahouse.gov (850-488-6506 - anitere.flores@myfloridahouse.gov
If your e-mails are returned to you, try reversing the first and last names.

Please e-mail or call these people as soon as possible and make your objections heard. Spread the word to your friends and ask them to e-mail or call the people listed above asking them to vote no on this bill and SB2632 Thank you...
Associations as we know them now will be no more and that is not a good thing. Our communities will be no more and property values will plummet.

See article below for information you might use in your e-mails or telephone calls.

Deed Restriction violators are destroying their communities

For a long time, I have been reading and listening to those who seem to have no respect for community property values by willfully violating deed restrictions and protective covenants.

No longer can I remain silent and not address those who attempt to destroy our communities.

I am sure they must know, or do they? What they are trying to do is open up the gate for slumlord ownership. These misguided ones claim they believe in deed restrictions. If so, why do they insist on violating so many of them? They want to take over their civic or homeowners associations and, as they say, have their own rules. Of course, any sane, sensible or responsible homeowner knows what will happen -- they will enact their biased rules to get them off the hook for their violations. What then? If someone wishes to pick and choose -- results -- Chaos!

I believe every purchaser of a home can read, and I believe all deed restrictions are written in English.

These violators claim abuse of their rights, saying they are ex-service members and this is not Russia, etc.

I would ask how many people are in prisons who have used the above excuses to cover their crimes?

Let me put it to these violators straight. When you purchased your home, the covenants and restrictions were part of the legal contract to maintain the aesthetic and dollar value of your home and the community. Now, if you refuse to honor that legal covenant, why did you buy? It is logical to reason that you had no intention to abide or respect them. Now that the association has called upon you to honor your contract, you yell foul. What a farce.

The association refuses anyone the privilege to pick and choose which they want to violate or abide by. Doing so would destroy the association and all of the time, effort, dedication and concern by and of so many people, good people, who want to keep the value and stability of their homes.

If these violators would spend as much time and effort to protect the covenants, and stop splitting your community with such violations, your community would be a better and more desirous place to live.

I hope these violators will come to their senses and realize the harm and fatal destruction they are doing to their communities before it is too late.

Nothing has changed...has it?

*written by Julius W. Harvell (deceased)
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Welcome New Members & Board Members

New Individual Memberships - John Panici of Dollar Lake at Timber Oaks; Tami Turner of Magnolia Valley, & Carole Venneri of Millwood Village

Annual Meeting - Change of Board Members

Wyndtree 11 & 12 H/O Assoc. - Pres/Treas., Hugh Lazar; VP, Blaise Garofalalo; Sec.; Jim Quaglietta
Beacon Woods Civic Assoc. - Pres. Daniel Meahl; VP, Dana Jackson; Sec. Ignacio Rodriguez; Treas. Betty Peck
Sea Ranch Civic Assoc. - Pres., Jim Craun; VP., Mark Weiss; Sec. Marie Flick; Treas., Barbara Renfroe
Gulf Trace H/O Assoc. - Pres., Charles Tuidor; VP, Jeanine Brunning; Sec., Corinne Patera; Treas., Susan Davidson
Magnolia Valley Civic Assoc. - Pres., Anthony Konieczny; VP, Roger Rogers; Sec., Tami Turner; Treas. Laura Lucchesi
Embassy Hills Civic Assoc. Pres. Charlotte Healey; VP, Wilbur Adams; Sec., Betty Henkel; Treas. Patricia Rowe
Arlington Woods H/O Assoc. - Pres., Dennis Whetstone; VP, Mogens Hertz; Sec., Stephen Whetstone; Treas. James Johnston
Veterans Villas III H/O Assoc. - Pres., Fred Williams; VP, ?; Sec/treas. Theresa Coniglio
Riverside Village H/O Assoc. - Pres. Doug Bacon; VP, Vincent Hesterhagen; Sec. Judith Mehoke; Treas. Ronald Pendergast
River Crossing H/O Assoc. - Pres. Ed. Weiss; VP, Allan Schwartz; Sec. ?; Treas. Joseph Cerretta
Sea Pines Civic Assoc. - Pres. Ernest Reed; VP, Mark Nuzzo; Sec. Nancy Creaney; Treas. Patsy Piccininno
Regency Park Civic Assoc. - Pres. Helen Frederick; VP, William Frederick; Sec. Genevieve Magyarosi, Treas. Dorothy Hinnant
Gulf Harbors Woodlands Assoc. - Pres. William Downs; VP Shirlee Briley; Sec., Nancy Achen; Treas. Fred Koehli
Millwood Vlg @ Beacon Woods East - Pres. Valerie Meijer; VP Thomas Tyska; Sec. Bonnie Moss; Treas. Joseph Cazzalino
Heritage Lake Comm. Assoc. - Pres. Richard Norton; VP Ruth Lafreniere; Sec. Leonora Greene; Howard Moser
Forest Lake Estates Civic Assoc. - Pres. Peter Rando; VP Viola Gates; Sec. Barbara O'Donnell; Treas. Chuck Eckerson
Fairway Oakes H/O Assoc. - Fairway Oak H/O Assoc. Pres. Barney Carter; VP Thomas Todd; Sec. Phyllis Berg; Treas. Margaurite Mikolajczak
Autumn Oaks H/O Assoc. - Pres. John Tallarine; VP Louis Giglio; Sec. Renee Burton; Treas. Thomas Contino ■

SB2632 GENERAL BILL by Siplin (sponsor)

Condominium Associations; (Homeowner Associations have been added to this bill) provides that lien foreclosure action or action to recover money judgment brought as a result of unpaid condominium association(& HOA's) assessments may only be brought in instances meeting monetary threshold; provides that association is not entitled to recover attorney's fees in foreclosure actions or in actions to recover money judgment brought as a result of unpaid association assessments, etc. Amends 718.116 & 720 EFFECTIVE DATE 7/01/2005 (IF PASSED)

See President's Message for a list of legislators to contact. ■

BAD ASSIST -- GOOD ASSIST - Editor

A good assist is help from a "qualified expert" to solve real problems. A bad assist is help from a well-intentioned legislator to solve a problem that frequently doesn't even exist. Some bad assists are harmless, but some precipitate disaster. Bad assists result because others trust the legislators making the laws. It is possible that those in charge are not up to the task of deciding the fate of associations. The fact remains that a stable, well-protected association, that is forced to accept a bad assist, creates a major problem for the association where none has existed before.

Beware of bad assists where the potential for disaster far exceeds the potential recipe for gain. Bad assist often comes in the guise of a knowledgeable authority. Not all assists are good.

You heard about trickle-down economics, well, pay attention to trickle-down "bad bills." SB2632 is a bad bill - (a bad assist.) Don't let this bad bill send your association on the road to perdition.

There is a push to consolidate condos and HOA's. Bad assist! GET INVOLVED and notify your legislators to vote no on this bill. The very existence of homeowners associations are at stake. ■

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Renewing your 55 + community is as easy as 1-2-3 !!

During the 2000 legislative session, Florida Legislature amended Section 760.29 (e) to provide that facilities or communities claiming an exemption to the Fair Housing Act as it pertains to familial status must register with FCHR by sending a certified letter to the Commission stating that the facility or community is in compliance.

FCHR accepts registrations as a provider of housing for older persons under the federal or Florida Fair Housing Act based solely on the written representations of the registrant.

Florida Statutes to provide that facilities or communities claiming an exemption to the Fair Housing Act as it pertains to familial status must meet the following criteria.

a. the housing is specifically designed and operated to assist elderly persons and is intended for, and solely occupied by, person 62 years of age or older.

b. The housing is intended and operated for occupancy by persons 55 years of age or older and meet the following requirements.

i. At least 80% of the occupied units are occupied by at least one person 55 years of age or older.

ii. The facility or community publishes and adheres to policies and procedures that demonstrate its intent to in fact be a provider of housing for older persons.

iii. The facility or community complies with rules established by HUD for verification of occupancy.

Note: for this section, the facility or community has to choose only a) or b) above; not both.

A facility or community that meets at least one of the above listed requirements must register with the Florida Commission on Human Relations by sending a letter to the Commission to register as a facility for older persons. The letter must be on the letterhead of the facility or community, and it must be signed by the president of the facility or community.

If several facilities are under an umbrella association and each is a separately declared entity recorded in the county where the property is located, then each must pay a fee

Revised as of April 1, 2001

(CITE: 13CFR100.304)

Section. 100.307 - Verification of occupancy.

A facility or community shall, within 180 days of the effective date, develop procedures for routinely determining the occupancy of each unity, including the identification of whether at least one occupant of each unity is 55 years of age or older. Such procedures may be part of a normal leasing or purchasing arrangement.

The procedures described in the above paragraph must provide for regular updates, through surveys or other means, of the initial information supplied by the occupants of the housing facility or community. Such updates must take place at least once every two years. A survey may include information regarding whether any units are occupied by persons described in (e) (1), (e) (3), and (e) (4) of Sec. 100.305

- (1) Driver's license
- (2) Birth certificate
- (3) Passport
- (4) Immigration card
- (5) Military identification

(6) Any other state, local, national, or international official documents containing a birth date of comparable reliability; or document signed by any member of the household age 18 or older asserting that at least one person in the unit is 55 years of age or older.

A facility or community shall consider any one of the forms of verification identified above as adequate for verification of age, provided that it contains specific information about current age or date of birth.

If the occupants of a particular dwelling unit refuse to comply with the age verification procedures, the housing facility or community may, if it has sufficient evidence, consider the unit to be occupied by at least one person 55 years of age or older...if...such evidence may include:

- (1) Government records or documents, such as a local household census;
- (2) Prior forms or application; or
- (3) A statement from an individual who has personal knowledge of the age of the occupants. *The individual's statement must set forth the basis for such knowledge and be signed under the penalty of perjury.*

Surveys and verification procedures which comply with the requirements of this section shall be admissible in administrative and judicial proceedings

A summary of occupancy surveys shall be available for inspection upon reasonable notice and request by any person.

Sec.100.306 - Intent to operate as housing designed for persons who are 55 years of age or older.

(a) In order to qualify for 55 + community you must publish and adhere to policies and procedures that demonstrate its intent to operate as housing for persons 55 years or older.

The following factors are considered relevant in determining whether the housing facility or community has complied with these requirements:

- 1 The manner in which the housing facility or community is described to prospective residents;
2. Any advertising designed to attract prospective residents;
3. Lease provisions;
4. Written rules, regulations, covenants, deed or other restrictions;
5. The maintenance and consistent application of relevant procedures;
6. Actual practices of the housing facility or community; and
7. Public posting in common areas of statement describing the facility or community as housing for persons 55 years or older.

(b) Phrases such as "adult living", "adult community", or similar statements in any written advertisement or prospectus are not consistent with the intent that the housing facility or community intends to operate as housing for persons 55 years of age or older.

(c) If there is language in deed or other community or facility documents which is consistent with the intent to provide housing for persons who are 55 years of age or older housing. HUD shall consider documented evidence of a good faith attempt to remove such language in determining whether the housing facility or community complies with the requirements of this section in conjunction with other evidence of intent.

(d) A housing facility or community may allow occupancy by families with children as long as it meets the requirements of Secs. 100.305 and 100.306 (a).

A fee of \$20 is required, and must be submitted with the letter. A check, money order or cashiers check will be accepted sent via certified mail. **For more info type fchr on the Internet. See insert for sample letter. ■**