Hi-Riser

Serving the condominium communities of Deerfield Beach, Hillsboro Beach, Lighthouse Point, Pompano Beach, Lauderdale By The Sea and Fort Lauderdale

**September 26, 2013**

# County seeks transparency in association applications

SEAN D'OLIVEIRA SDOLIVEIRA@TRIBUNE.COM

Despite objections from community associations, Broward County commissioners have OK'd an ordinance that changes how associations must notify potential renters and buyers when they are denied residence in a community.

The ordinance requires HOAs, condo and cooperative associations to keep prospective renters and buyers informed of their application status as well as provide written notification upon being denied and give the reason. The notices must be sent out within 15 days of receiving the application and the association must provide written notice within 45 days after denying a potential applicant.

"We want to remove the veil of se-

continues on 3

continued from 1

crecy behind why people are denied," said Broward County Mayor Kristin Jacobs. "When an association denies an applicant, now it has to state a reason."

Lisa Magill, an attorney for Becker & Poliakoff, P.A., a law firm hat specializes in condo law, said the ordinance adds unnecessary administrative burdens to associations that are already stretched thin with staff, which could add more fees to owners to cover the costs. Magill added that the proposed requirements erodes the powers of the board of directors and conflicts with the vast majority of governing documents, which typically say not to specify a reason for rejection.

"Obviously associations cannot use the screening process to discriminate, but anyone that believes they have been discriminated against already has the statutes and ordinance and county agencies to assist them in determining whether action on the part of the association was illegal and to obtain redress for any damages resulting from illegal action," Magill said.

Dennis Eisinger, an attorney and partner for Eisinger, Brown, Lewis, Frankel, & Chaiet P.A., a firm that represents community associations in South Florida, said the ordinance will likely be challenged because state law precedes local laws.

"I don't have a problem with the concept of the law, however, I see procedural issues," he said. "I don't see how Broward County can [override] state law when we have the condominium statue and the HOA statue that deals with community associations and local ordinances are often found to be unenforceable because state law has preempted the law."