



Communities still on guard against squatters

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As foreclosure statistics jumped drastically during the real estate meltdown, South Florida condo communities became plagued with squatters taking up residence in abandoned units.

As the economy recovered, squatters have become less prevalent, but condo communities still need to know the regulations when taking action against illegal residents.

"When the foreclosures increased, some associations were not aware of who owned the unit," said Lisa Magill, an attorney for Becker & Poliakoff, P.A.,

specializing in condo law.

With many foreclosure cases delayed in 2011 and 2012 because of the 'robot-signing' controversy that led to investigations into lender foreclosure procedures, South Florida is still littered with foreclosures that have been sitting idle for years.

While the possibility of a squatter taking up permanent residence in an empty unit is unlikely, Jed Frankel, a lawyer and partner at Eisinger, Brown, Lewis, Frankel, & Chaiet P.A., which represents community associations around Florida, said associations

should take precautions to protect themselves. Frankel said he's heard of people taking over foreclosed homes, changing locks and then putting 'For Rent' and 'For Sale' signs on the property to try and charge unsuspecting residents money even though they don't own the property.

Precautions Frankel recommends include never letting someone into a unit without a certificate of ownership or a deed to the title. Homeowner associations should also have a policy where they require

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deeds or transaction paperwork before someone can move into a property.

"You always need to do your due diligence," Frankel said.

To ensure the proper owners take residence, Magill recommends starting an information-gathering process on the person occupying the unit. Florida law also permits the association to demand rent on a delinquent unit.

"Obviously the person squatting in the unit is not likely to pay the association anything, but obtaining an order forcing the eviction of the tenant may be all you need to remove

this individual or individuals from the community," she said.

With recent legislative changes, condo associations also now have the ability to enter an abandoned condo unit. New laws give boards right of access to each unit during certain hours to inspect and make needed repairs.

Finally, if previous actions have proven unsuccessful, Magill recommends pushing the unit through foreclosure.

"There are new tools in place that provide an association defendant in a bank foreclosure lawsuit with the power to force a hearing if the circumstances so warrant," she said.