

# Hi-Riser



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THURSDAY, SEPTEMBER 10, 2009

VOL. 1 No. 4

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## Foreclosure bills top legislative wish lists

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There are few doubts the economic downturn and foreclosure crisis will influence bills drafted by state lawmakers in the 2010 legislative session, and among the sectors in dire need of changes, experts say, are condo and homeowners associations.

During the state's 2009 legislative session, no changes were signed into law. The only bill that made it to Gov. Charlie Crist was vetoed by the governor. The bill was intended to help as-

sociations protect assets in the face of rising foreclosures.

State Rep. Julio Robaina, R-Miami, is known across the state as an advocate for community association law. He said he is constructing two bills he plans to introduce in the March 2010 session that he hopes will bring relief to cash-strapped associations.

One bill, he said, proposes changes that are similar to those included in bills last session requiring

lenders to pay a minimum of six months of association dues upfront when a unit or home enters the foreclosure process. Currently, lenders are required to pay six months of accrued dues or 1 percent of the original mortgage after the foreclosure process is completed, which can take as long as two years.

"It is my focus," Robaina said. "We're trying to get some money for these associations so other unit owners don't have to foot the bill."

Additionally, Robaina

said he wants to remove the successor development clause from current law books. A successor developer sells or leases condominium units. Robaina said he is concerned about the mismanagement of associations, including the failure to fund bills and reserves. Robaina said he hopes the bill promotes "the regenerating of people wanting to build again so investors can be just that: investors."

Fort Lauderdale attorney Robert

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Kaye of Kaye & Bender said he is positive that the struggles community associations are experiencing will influence lawmakers. Kaye said he has heard a lot of talk about reintroducing bills from the last session.

"We had hope in the last session because we certainly had economic hardship last year," he said. "There is a desire. It's just a matter of how it plays out."

Kaye said he encourages board members and unit owners to e-mail legislators, which is easier than sharing ideas with lawmakers using traditional communication methods. Community association lobbyists are getting in on the act as well by drafting bills and ideas to present to legislators.

Jan Bergemann, president of the Deland-based condo advocacy group Cyber Citizens for Justice,

said he has drafted several bills focusing on topics such as holding renters liable for unpaid association dues, creating an ombudsman office for HOAs and stopping liens and foreclosures in associations.

"We have more legislators listening because it's now in their own background," Bergemann said. "If the legislators feel they can just ignore it, we will just have to wait until [the] November [election]."