

COMMUNITY LIVING

Directors, Not Manager, Enforce The Rules

By RICHARD WHITE
Tribune correspondent

Q I have a neighbor with a dog that barks when it is put on the balcony above my apartment. I have called and written the manager about the problem. The manager said that letters were sent to the owner about the dog, but the owner still puts the dog on the balcony. I feel that the manager is not doing his job in that he should go and remove the dog as the rules say. What is my next step?

G.H.
St. Petersburg

A It is not the manager's responsibility to enforce the rules. The board of directors has this obligation.

The board may establish certain policies for the manager to follow when there are rule violations, but the manager never has the final authority to take an enforcement action.

You need to address your complaint in writing to the board of directors and ask it to discuss the matter at the next board

meeting.

In addition, contact other neighbors and have them file a letter of complaint.

Q We have a company that handles the property, maintenance and contracts for our condominium. Most of the owners are seasonal. I was recently elected vice president and the youngest member of an aging board.

The management company knows that most of the residents are part-timers and pay their fees late. Little or no attention is given to the supervision and management of the property. I have found that checks have been paid incorrectly plus other discrepancies on the financial report.

I addressed the situation with other board members, and they showed little or no concern.

I have talked to many residents, and they ask me to do something about the property manager. Their complaints are that their calls are ignored, the manager does not respond to emergencies and he has a

poor attitude.

I spoke to the owner of the management company, and it was like talking to the wall; he is protecting the property manager. How can we, the owners, make a legal move and change the management company or the property manager if other members of the board refuse?

F.E.
Pompano

A It may not be necessary to replace the manager or the management company. You may need to re-establish the management guidelines and operating policies. Sometimes, managers need to be retained and sometimes replaced.

Find out what policies the manager has been following. The probability is that no formal policies have been approved by past boards. Maybe you need to review the management contract to find specific terms that the management company has contracted to fulfill.

Once you have this information, address the problems at a board meeting as an agenda

item.

Have new management policies established or reintroduce the old policies and have the board approve or enforce the policies in the form of a motion.

Managers must comply with the legal instructions of the board of directors. If a manager or management company fails, most of the time it is because the board failed to provide the manager with proper instructions and policies.

If the board fails to establish or enforce management policies, it is time for a change. If the owners are not happy with management after the policies are so moved, they must elect a new board.

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