

# HOA abuses need reform

**Beth KassabContact Reporter**

What happened to Poinciana Villages homeowners Benny Valentin, Rebecca Sauls and Migdalia Colon should be a crime.

They and thousands of other homeowners in the sprawling [Osceola County](#) development fell behind for one reason or another on their homeowner-association payments.

Pretty soon a \$252 annual HOA bill ballooned to as much as \$7,400, all because of outrageous but perfectly legal attorney fees charged by debt collectors.

That happened to Valentin — and the others, to a lesser degree — as reported by Steven Lemongello in a story in Sunday's Sentinel. The article detailed how the homeowner-association debt of an estimated 4,000 homeowners — about one of every six homes in the sprawling Poinciana Villages development — was sold to debt-collection agencies.

Why does Florida allow this predatory practice by attorneys — which seems just as greedy as the sky-high interest once charged by payday-loan shops?

Because we have a state Legislature that has looked the other way.

"You have to understand one thing: More than 50 percent of the legislators are attorneys," said Jan Bergemann, president of homeowners-advocacy group Cyber Citizens for Justice Inc. "They are looking out more for their own interests."

This is among the reasons why, during the last legislative session, a proposal to bring much-needed regulation to homeowners associations didn't stand a chance, though Sen. [Alan Hays](#), a Republican from Lake County, is trying again next year.

HOAs are like the Wild West of local governments.

They have the power to collect fees and place liens on homes when owners don't pay up.

But they have little accountability.

The more than 2.6 million homeowners across Florida who are governed by an HOA have little recourse to fight back unless they hire an expensive lawyer.

Meanwhile condominium associations, cousins to HOAs, are subject to far more state regulations.

The bill that died earlier this year would have made HOAs more like condo groups by empowering the Department of Business and Professional Regulation to investigate complaints against HOAs and allowing homeowners to ask the department to arbitrate disputes, a cheaper alternative to court.

No one is suggesting HOAs loosen their grip on their ability to collect fees, including filing a lien against homes that don't pay.

HOAs can't maintain common areas if residents refuse to pay their dues, and that would send property values plummeting.

Plus it puts an unfair burden on those who do pay.

But there's a middle ground between flexing some muscle and HOAs that allow debt-collection attorneys to treat delinquent homeowners like ATM machines.

Just because the practice is legal doesn't make it right.

"Nobody watches over the HOA lawyers," said attorney Barbara Stage, who represents both homeowners and associations. "They just do whatever they want ... they strong-arm you."

Echoed Bergemann, "People in HOAs, they don't have anyone to call ... that is what is so wrong with the system, and that is what creates these serious problems."

Sen. Darren Soto, a Democrat from Kissimmee among the group of attorney-legislators Bergemann mentioned earlier, says he's fed up.

He wants to see HOA elections reformed so they are required to be more open and held all day long rather than at a set time during the day.

He also wants to see attorneys' collections fees capped and rules that force attorneys to respond to homeowners in a timely manner when they request information about their bills.

"I've been concerned for many years about what's going on in Poinciana," Soto said. "Collection methods are callous and a lot of times leave the people owing far more than they should. ... It can't be so much that people are losing their houses over a brown patch in the yard."

That's the injustice. Fines of a few hundred dollars are swelling to thousands all because of dying sod, paint that's the wrong color or a month or two of unpaid dues.

And then people are at risk of losing the biggest investment they have: their home.

The next legislative session begins in January.

Setting a cap on fees would be one way for our attorney-friendly lawmakers to send a message that they care about homeowners, too.

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