

# COMMUNITY ASSOCIATIONS



## Community Associations Overview

Jimerson Birr attorneys have a vast wealth of experience with the law of developing, forming, operating and regulating homeowners' and condominium associations in Florida. The Community Associations Industry Team is comprised of knowledgeable attorneys and staff committed to providing legal representation in all areas of community associations law. Our firm routinely assists community association stakeholders in establishing requisite legal entities, effectuating land development transactions, coordinating legal developer turnover, drafting of community association governing legal documents, ensuring regulatory compliance, advising as to board governance and community operations, resolving community disputes, enforcing community covenants, rules and regulations, and serving as a general counsel to boards of directors relative to most any issue related to applicable community associations state or federal laws.

Our firm recognizes that community associations are neighborly communities, thus we are committed to the goal of helping boards prevent problems and lawsuits before they arise. We stay fully apprised of changes to condominium association and homeowners' association laws in Florida, and we keep our clients informed through our education efforts. We interpret the law and the governing community association documents for our clients, and recommend changes that will make the language more understandable, address the population and needs of the community in question, and bring the documents into compliance with changes in Florida law.

We are efficient and cost-conscious, and we are committed to helping association boards effectively plan and maintain their budgets.

## Developer Turnover, Community Document Drafting and Amendment

Our team has a history of guiding developers or community associations through the developer turnover process to unit owner-controlled Associations, including the resolution of developer warranty, accounting and representation claims, and the establishment of on-going operational controls and proper legal compliance measures. As a community originator, we help to set up the framework for the residents of communities to live in harmony through drafting, amending and implementing every form of community association governing document that may apply, including Declarations, Covenants, Conditions, and Restrictions (CC&Rs), Bylaws, Articles of Incorporation, Rules and Regulations, Election Rules and Architectural Standards. We are available to support Florida community associations in contract or legal document negotiation or enforcement, in addition to resolving legal or regulatory questions or other issues which sometimes occur in the everyday management and operation of the association. Creating and understanding the governing documents of an association is one of the first steps in making the homeownership experience the best it can be.

## Board Governance and Community Association Operations

Decision making involves making choices about the community's vision, mission, and strategies. Community association boards make decisions about issues that are strategic and significant, and they should not make these decisions in silos. As a legal partner, Jimerson Birr attorney involvement includes assisting the board and management prepare for and conduct meetings, answering questions about community documents and the legal impact of such documents, enforcing the covenants and restrictions, and drafting and negotiating contracts for provision of services. Our team works side by side with the leaders of the community to understand how state and local laws, court rulings, and administrative decisions impact the community. No question is too complex, no question is too mundane. Our lawyers work with boards of directors to answer day-to-day questions and provide legal opinions regarding operational, technical, regulatory, and practical issues that unpaid stewards of the community volunteering in personal service should not be expected to answer without reliance on the backstop of experienced counsel. On any given day, one of our team members is on the phone with or meeting with a HOA or COA board to help with budgeting, levying special assessments, establishing reserves, managing vendors, addressing maintenance and repair, overseeing construction projects, negotiating financial facilities, or providing counsel on the owner grievance issue of the day.

## Legal Enforcement and Litigation

If your community has no alternative but to resolve its legal dispute in court, our litigation attorneys are ready to help. Jimerson Birr actively represents community associations in all aspects of community association litigation. This includes the collection of assessments, enforcement of covenants and restrictions, injunctive relief matters, breach of fiduciary duty claims, construction defect claims, vendor breach of contract claims, conversion issues and statutory warranty claims. Unfortunately for many community associations, there are always homeowners who do not pay their assessments. There could be any number of reasons or excuses for non-payment — from insufficient income to a downright refusal to meet communal obligations. Most HOA/COA boards do everything they can to collect delinquent dues, including imposing late fees and even revoking privileges. If the board chooses to take further action, such as file a lawsuit or place a lien on the property, it will need the help of experienced community association attorneys who know how to act within the parameters of the governing documents. Through tried and true legal

methods, Jimerson Birr attorneys facilitate the recovery of delinquent fees, and wield legal tools that allow the community to operate with financial health.

Whether you are a community management company or member of the board of directors for an association, our Community Association Industry Team lawyers will handle the community's legal matters in accordance with the firm's standards of service and commitment to excellence.

## WHO WE SERVE

- › Condominium Associations
- › Homeowners' Associations
- › Community Development Districts & Special Districts
- › Cooperatives
- › Real Estate Developers
- › Property Management Companies

## WHAT WE DO FOR THE COMMUNITY ASSOCIATIONS INDUSTRY

Jimerson Birr recognizes that condominium and homeowners associations are neighborly communities, thus we are committed to the goal of helping boards and management companies mitigate risk and prevent problems before they arise.

- › We stay fully apprised of changes to community association laws, and industry trends in order to proactively keep our clients informed through our educational efforts and industry wide training initiatives.
- › We draft and interpret the governing documents of the community in a manner that will make the language more understandable, address the needs of the community, and bring the documents into compliance with changes in law or trends in the industry.
- › Our dedication to efficient and cost-conscious practice of law, in conjunction with innovative and flexible compensation terms, enable us to help community association boards effectively plan and maintain their budgets without surprise.
- › We have the resources and bandwidth to address legal issues which may occur in the everyday management and operation of the association.

Our Community Associations Industry Attorneys cover all aspects of a company's legal needs, with specialty service offerings centered around:

- › Collections and Lien Enforcement, including Foreclosures
- › Covenant or Rules Violations and Enforcement
- › Corporate/Board or Directors Powers, Functions, Training and Formal Opinions
- › Preparing, interpreting and amending Declarations, Covenants, Conditions, and Restrictions (CC&Rs), Bylaws, Articles of Incorporation, Rules and Regulations, election rules and Architectural Standards
- › Board of Director or Committee Meeting Guidance and Attendance
- › Membership Meeting Guidance and Attendance
- › Lender Foreclosure or Landlord-Tenant Defense
- › Common Element Maintenance, Repair and Replacement Issues
- › Construction Management and Defect Litigation
- › Real Estate Boundary or Title Disputes
- › Estoppel Requests
- › Reviewing Loan Documents and Structuring Commercial Lines of Credit and/or Arranging Sources of Financing for Community Operations and/or Capital Improvements
- › Architectural Guideline Drafting and Rules Enforcement
- › Reserve Study Analysis and Counsel
- › Drafting, Interpreting and Enforcing Vendor Contracts
- › DBPR Arbitration
- › Representation before Administrative and Regulatory Governing Bodies (DBPR)
- › Structuring and Operation of Condominiums, Planned Communities, and their Management Associations
- › Developer Turnover Guidance and Compliance
- › General Legal Counsel regarding the Statutes, Rules, and Regulations for Community Associations
- › Official Records Maintenance, Retention, Request Response and Compliance

More than just Community Associations Law specialists, Jimerson Birr has a team of attorneys with experience and expertise in every legal issue you may encounter, including:

- › Accounts Receivable and Judgment Collections
- › Appeals
- › Administrative Law and Licensing
- › Arbitration & Mediation
- › Bankruptcy and Restructuring
- › Borrower Representation
- › Business Litigation
- › Business Process Consulting
- › Corporate and Board of Directors Governance and Operations Counsel
- › Corporate Formation, Transactions and Dissolution
- › Class Action Litigation Defense
- › Data Privacy and Cybersecurity
- › Disaster and Crisis Preparation and Response
- › Economic Development and Government Incentives
- › Eminent Domain Law
- › Employment Law
- › Environmental Diligence, Compliance, Permitting and Mitigation
- › Executive Coaching
- › Fair Credit Reporting Act Defense
- › Fair Debt Collection Practices Act Defense
- › Florida Consumer Collection Practices Act Defense
- › Florida Registered Agent Services
- › General Counsel for Small Businesses or Start Up Companies
- › Governmental Relations and Advocacy
- › Immigration Law for Businesses
- › Insurance Procurement and Coverage
- › Intellectual Property Protection
- › Land Use and Zoning

- > Legal Opinions
- > Opportunity Zone Investing
- > Public-Private Partnerships
- > Premises Liability
- > Property Insurance Claims
- > Property Tax Disputes
- > Real Estate Transactions & Disputes

- > Receiverships
- > Records Management and Document Retention
- > Subpoena Response
- > Telephone Consumer Protection Act Defense
- > Trade Secret Protection
- > Vendor Contracting
- > Workplace Safety, OSHA and CDC Compliance

## Attorneys

