



Ruling Clears Way For Condo Assoc. Fee Collections



Reporting – David Sutta
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Condo associations across South Florida have been struggling with homeowners, many of whom are in foreclosure, who are not paying their dues. The shortfall of money has led to horror stories of garbage piling up and water being turned off which makes many buildings uninhabitable.

"What's it like living here," CBS4 reporter David Sutta asked Winston Mullings of The Oaks.

"It's a living hell," replied Mullings.

Mullings lives in a condo in The Oaks where more than half of the unit owners have not paid their association fees.

"It's challenging. We are trying our best to keep the water on. To try to pick up the garbage, but because we are not having the association fee coming in there is nothing that we can do," said Mullings.

The Oaks in Miami Gardens was on the edge of being shut down by the Health Department.

"Very close. Very close. In fact there were times where I lost hope on it," said Javier Lopez with the company

hired to manage the property; Florida Property Management.

Last month, Lopez only collected three thousand out of eleven thousand dollars owed in association fees. His battle is not unusual but he may be on the edge of changing the tide for his association.

"It's not a landmark case, but I consider it to be a landmark case because not only us but within a year every association is going to be doing this. I almost, well as a matter of fact, I'm 100% sure of that," said Lopez.

Lopez is referring to a ruling that recently handed down in a Miami-Dade Count courtroom.

"It really is a new legal option for these associations and really in the nick of time," said Ben Solomen, an attorney with the Association Law Group.

In the decision, the judge ruled that the condo association could collect its fees directly from the tenants whose landlords are in foreclosure. Receivership is not new. But in this case, the judge allowed the condo association to collect from any and every unit in foreclosure; even defaults that happen six months from now. In the past the associations would have to wait months just to plead their case for one unit and not dozens at a time.

"It's going to provide them with immediate income. It's going to turn the faucet off for these irresponsible investors who continue to receive income from the rent of their tenants but fail to meet their other obligations," said Solomen.

The blanket receivership will target just investors who are renting out their units. Mullings is hopeful.

"I'm optimistic with what's going on right now we are going to see some real change," he said.

Beginning next week, The Oaks will start collecting their fees from eight units. Several additional condo associations have already filed petitions similar to the one filed by The Oaks.