



ASSOCIATION POINTERS

It's Not Junk Mail! The Importance of Association Notices

A homeowners association is obligated to provide its members with various notices that constitute steps in the process of conducting association business. These notices include:

- * Notice of covenant violation
- * Notice of delinquent account
- * Notice of lien
- * Notice of (membership) meetings
- * Notice of assessment
- * Notice of new policy(s)
- * Notice of change of management

Although the Internet offers a quick, cost-efficient method of communication, most governing documents do not recognize Internet communications as satisfying the requirements of "giving notice". Associations may want to consider amending their documents to include Internet transition as notice based on certain provisions of agreement by the member. Always discuss this with legal counsel before proceeding.

Some members wonder why management doesn't call them or "stop by" to talk with them about a covenant violation instead of sending them a written notice. This is because the Declaration requires a written notice be given to the Owner. A phone call can be documented, but is not proof of what communication was given.

The same question often arises regarding delinquent accounts. The management company is NOT a collection agency; they are not licensed to do so. Therefore, certain disclosures have to be made to clarify that they are attempting to collect an amount due to another party on their behalf. Again, this must be given in writing.

Other communications sent by the Association may include:

- * information that the Board has asked to be communicated to the membership
- * information about new policies being considered or adopted
- * opportunities for volunteers to get involved
- * clarifications on community standards that may seem unclear
- * an explanation of the Association's position on some matter
- * a newsletter
- * a community survey
- * a proxy for a vote being taken on some issue.

Communication from the Association is never junk mail. Members are held accountable for information provided to them. So before you throw that envelope away, open it! Read it! Understand it! It's not junk!

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