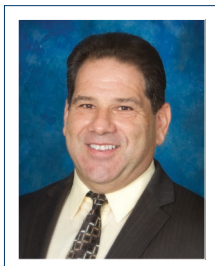


# Welcome!



Welcome to this issue of Manager's Minute! Can you believe we are in the home stretch of the end of the year? Boy, did this year fly

by. Lots of action in the community association field as well – important court rulings, HUD guidance on using criminal background checks to deny applicants and residents creating hostile environments for other residents, federal court ruling on disparate impact of otherwise neutral policies. Traversing this minefield of state and federal law as well as administrative rulings and guidance is not a walk you want to take alone – make sure your Boards are aware of all the legal pitfalls out there for the unwary association, and remind them not to be penny wise and pound foolish by not relying on their attorney for advice in these matters.

You may also want to remind your Board of the Florida Supreme Court Florida Bar Advisory Opinion regarding the unlicensed practice of law and what a manager can and cannot do. Remember, it is your license on the line.

We are here to help you navigate your way with your association's legal issues. Please feel free to contact me with any questions you may have. Hope you have a spooky Halloween, and don't eat too much candy!

Till next time.....

**Howard J. Perl**  
Shareholder



## 2016 Legislation/Case Law

Prospective leasing applications submitted by a service member must be approved or denied within seven (7) days after submission. Service member includes active duty personnel and members of the Florida National Guard and Army Reserves. You cannot make a copy of a military ID, although you can request to inspect it.

The laws have changed in regard to community residential homes, which is a dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, The Agency for Persons with Disabilities, the Department of Juvenile Justice, the Department of Children and Families or licensed by the Agency for Health Care Administration which provides a living environment for 7 to 14 unrelated residents who operate as the functional equivalent of a family. Check with your association attorney in regard to applications for these types of facilities in your community.

On April 4, 2016 HUD issued a memo concerning the use of criminal arrests and convictions by housing providers when considering an application. The HUD memo provided that the Federal Fair Housing Act ("FFHA") has application in these circumstances, and that in order to deny an applicant based solely on criminal arrests and convictions an association must provide "reasonable evidence that its policy or practice of making such decisions based on criminal history actually assists in protecting resident safety and/or property." What does this mean to you? If your association denies an applicant solely on a conviction without other considerations, the association may run afoul of HUD guidelines. Before your association denies any applicant you should always check with your association attorney.

## Election Season / BPBallot

Election season is here, and electronic voting allows your association to have greater owner participation, makes it easier to conduct elections and all types of votes online and reduces paperwork! Check out this short video on how electronic voting and BPBallot can help you: <http://www.bpballet.com/video>

## Did You Know?

Have issues with occupants throwing cigarettes off of balconies? Section 590.10, Florida Statutes, provides that it is unlawful for any person to throw, drop, or dispose of a lighted match, cigarette, cigar, ashes, or other flaming or glowing substance, or any substance or thing which may or does cause a wildfire. Anyone who violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.



## This Month's Tip...

It's budget season! Remember, condominium associations are required to prepare a budget with FULL reserves. Reserves can be fully or partially waived, but the initial budget must be prepared with full reserves.

## Upcoming Classes and Events

<a href="#"><u>BPBALLOT Live Demonstration</u></a>	October 25, 2016	West Palm Beach
<a href="#"><u>Lunch &amp; Learn - Show Me The Money: Crafting Successful Collection &amp; Foreclosure Strategies</u></a>	November 3, 2016	Miramar
<a href="#"><u>HOA/Condo Board Certification - Everything You Wanted to Know About Being a Board Member But Were Afraid to Ask</u></a>	November 4, 2016	Ft. Walton Beach
<a href="#"><u>HOA/Board Member Certification: Everything You Wanted to Know About Being a Board Member...But Were Afraid to Ask</u></a>	November 4, 2016	Ft. Myers
<a href="#"><u>Managing Your Exterior Envelope Building, Waterproofing and Restoration Project</u></a>	November 16, 2016	Ft. Lauderdale
<a href="#"><u>Anatomy of a Water Leak</u></a>	December 1, 2016	Ft. Lauderdale

**Classes may be subject to change.**

Complete and updated information and registration for the above as well as all of our over 25 FREE courses can be found at <http://www.bplegal.com/events>.

ALL COURSES ARE FREE. LIGHT REFRESHMENTS ARE SERVED. MOST COURSES QUALIFY FOR MANAGER CEUs.