



A Homeowner's Strategy Guide: First Steps When You Have A Problem

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Do you have a problem with your association? It seems that nearly everybody does, and that's why we are here. C-IHC is an educational/ advocacy nonprofit dedicated to helping owners understand their rights and options when faced with unfair association practices. We also strive to inform owners about the many flaws in existing law and to realize that only by joining together can we create lasting change for all homeowners, now and in the future. We advocate for owners, but cannot legally represent individual owners on specific cases. We do try to offer helpful advice and point homeowners in the right direction for positive outcome to their issues.

All that said, there are several basic strategies you should keep in mind when dealing with unfair practices or even outright abuse by your association board and management.

1. Familiarize yourself with your association governing documents. Review your association bylaws, covenants and restrictions and rules. If you fully understand how your association works you will be more effective in your effort to achieve a positive outcome.

2. Talk to your board members about your issue. Communication is always good! Calling individual members is fine, and you also should attend board meetings. Ask to review their records related to your problem.

3. Consider some kind of settlement, including one possibly facilitated by Alternate Dispute Resolution (ADR). Under state law your

association should have a policy for offering ADR. Ask them about it, and note that ADR requests must be made in writing, and should give the board a reasonable time to schedule a meeting (at least two weeks). If there is no response, then you can contact New Jersey's Department of Community Affairs (DCA) for follow up. Also, because your ADR (has to be) is between you and the association, at least one Board member must be there to make decisions for the association. This authority cannot (the board members and the owner(s) - it cannot) be delegated solely to the property manager or the board attorney without a board member (anyone) representing the association (board or a designated ADR committee) being present.

4. Join together with other neighbors who are being treated unfairly in a similar manner. There is power in numbers! Then promote your issues in the community and the local press.

5. Contact your elected representatives, including your state assembly person and senator. Enlist them to work with the state to enforce your existing rights or sponsor legislation that will address your particular issue.

6. Consult with an attorney. You should be able to get a free consultation. However, be aware that actually using their services could require a significant expenditure. If you can get at least five other neighbors who share common issues related to association abuses, then you may be able to get pro bono representation from an organization such as New Jersey Appleseed.

7. Be patient. The wheels of justice often move slowly and the entire process could take years. However, C-IHC will always be available to provide guidance for you. Together we can work to change the law and individual association practices so that situations such as yours do not continue to occur!