



Neighborhood Insider

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Answers from Amanda



Q: What are some of the HOA bills being considered for the next legislative session and how can our Board track bills?

A: The Arizona Legislature began its 2009 session on January 12, and with only a couple of weeks in, we have already seen several bills introduced that could impact Homeowner Associations (or planned communities) and

Condominium Associations. Recall from previous newsletters that when a bill is introduced in the House of Representatives first and is sponsored by a Representative, the bill is labeled as "HB" and when a bill is introduced in the Senate first and is sponsored by a Senator, the bill is labeled as "SB." Thus far, the HOA and condominium bills of interest have been introduced in the House and are labeled HB 2184, HB 2391 and HB 2141.

HB 2184 relates only to condominiums and suggests striking language within A.R.S. 33-1227 related to amendments to condominium declarations. The applicable section D. of the law currently reads "Except to the extent expressly permitted or required by other provisions of this chapter, an amendment shall not create or increase special declarant rights, increase the

number of units or change the boundaries of any unit, the allocated interests of a unit or the uses to which any unit is restricted, in the absence of unanimous consent of the unit owners." The language that would be removed is the phrase "or the uses to which any unit is restricted."

HB 2391 relates to Homeowner Associations only. It contains language that states that within 90 days after the declarant ceases to operate as a member, "the members shall adopt bylaws and complete any other matters that may be necessary for incorporation and operation of the association." HB 2391 goes on to state that "only those covenants, conditions and restrictions that run with the land as otherwise provided by law and that are contained in any recorded documents that purport to govern the planned community are effective." If signed into law, this bill would become A.R.S. 33-1817.

HB 2141 relates to both Homeowner Associations and Condominium Associations. This bill would add language to A.R.S. 33-1262 (for condos) and to A.R.S. 33-1816 (for planned communities or HOAs) such that Associations could not prohibit

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DID YOU KNOW: Mediation Services

Did you know that a mediation program in the southeast Valley stands ready to help, should your Association find itself with an unresolved dispute on its hands?

Associations are often the first place feuding neighbors go to seek help. If the Association cannot assist, mediation offers the next best solution. From barking dogs to trees dropping unwanted leaves on a neighbor's lawn, Solve It! Community Mediation Service is usually able to facilitate a solution that's agreeable to both parties.

The program is a service of the Leadership Centre, a Chandler-based non-profit organization that helps train and support community leaders.

The service handles disputes ranging from simple matters such as a barking dog or overgrown tree to more complex issues such as a Homeowners Association board controversy or community-wide concerns such traffic safety.

A similar program once offered by the City of Scottsdale has been temporarily suspended.

**For more information:
Solve-It!**
Phone: 480-732-7296
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SERVICE SPOTLIGHT: Melinda Duering



From where Melinda Duering sits as a Community Association Manager in AAM's new New Mexico division, every day is an exciting adventure.

"I am truly enjoying being a part of our New Mexico communities and am excited about the opportunity to provide great management services and peace of mind to our homeowners here," said Duering.

Duering joined AAM in March 2007 but has been in the Community Association industry for 8 years. She relocated to Albuquerque in October 2008, where she now manages a portfolio of communities – both Homeowners Associations and Condominium Associations. Her chief responsibilities include assisting homeowner and developer boards manage the daily activities of their Associations, and helping homeowners, developers and boards create well-maintained, successful communities.

"Any time you are dealing with a person's home, you have to be calm and courteous, yet assertive and knowledgeable," Duering said. "There is a happy medium when dealing with homeowners and boards. We have to understand that sometimes the best answer is not always the easiest one."

In her spare time, Duering enjoys playing and watching all sports, as well as horseback riding, roping and barrel racing.

NEWS YOU CAN USE: Ryegrass

Each year in the fall, many communities overseed their turf with Ryegrass with the expectation that it will be, and should be, lush, healthy and beautiful. Experience has taught us that beautiful, healthy turf is achieved through advanced planning, knowledgeable management and consistent quality control. Every spring presents different temperature and humidity conditions; therefore, maintaining winter Ryegrass requires a customized approach each year.

Significant community resources are employed in the overseeding process and in many cases, the results are less than desired or expected. Ryegrass is often pale and patchy and takes a long time to fill in completely. Ryegrass should be especially beautiful in the Valley during the cooler months, from February until April. In a few cases, the cause of the less-than-optimal appearance can be attributed to excessive mowing at low heights, which causes the dormant Bermuda grass to be visible. The ideal mowing height for Ryegrass is 2 to 3 inches.

More often than not, poor Ryegrass appearance results from improper cultural practices throughout the year. Bermuda grass care in the summertime affects the overall condition of the soil and thus, the health of the Ryegrass in the cooler months. Ryegrass ought to be beautiful from the first mow until the transition back to Bermuda grass in the spring. Long-term care practices that affect Ryegrass health and appearance include:

- **Nutrient Availability and Uptake**
- **Soil Conditioning**
- **Cultural Practices (mowing heights, mowing frequency, aeration, irrigation water quality, soil chemistry)**

A well-designed, comprehensive annual turf-care approach reduces irrigation water consumption and large brown areas of dead Ryegrass. Your landscape provider should be proactively communicating with you about the health of your grass and any issues they are encountering or foresee. The Association and residents spend significant community dollars for seed preparation, transition work and water; they should receive the value expected for the money spent. If not, then why bother?

Source: DLC Resources Inc. Landscape Management

DID YOU KNOW that AAM has entered the world of social media with its very own Twitter account? Twitter is the latest way for people and businesses to stay connected through the exchange of quick, frequent "tweets," or 140-character updates.

Follow us online at <http://twitter.com/AAMHOAtips> for valuable HOA tips and information.

Answers from Amanda continued

"the installation or use of solar screens or shade structures that are intended to act as an energy saving device." Further language in the bill states that "an Association may adopt reasonable rules regarding the placement of the solar screen or shade structure if those rules do not prevent the installation or impair the functioning of the device, restrict its use or adversely affect the efficiency of the device."

You may have read articles in local newspapers recently that also suggest that we will see a bill on further regulation of "For Sale" signs; a bill that would make the process less onerous to amend a community's governing documents; and possibly a bill that would allow only rules in force at the time a lawsuit is filed to be applicable in court. With all of the activity we have seen in previous sessions, this one is already promising to be no different!

To track these bills and any others that may be introduced during this session, go to www.azleg.gov. When you get to this homepage, click on the word "Bills" underneath the Legislative Session section on the left side of the screen. On this page, you can shorten your search time by typing in either "homeowners' associations" or "condominiums" in the Search Phrase box and click the "Search" button. The next page that opens will list all applicable bills. You can then click on the "Click Here" buttons to view the bill's status and the actual bill.

You will also be able to see the name of the Representative(s) or Senator(s) who sponsored the bill so that you can contact them via e-mail or phone with any concerns or support for the bill. Their contact information can be found on the homepage under the "Senate" and "House" click down menus located at the top of the page. After clicking on either "Senate" or "House," click on "Members" to get to the roster pages with all applicable contact information.

Amanda Shaw, President of AAM, LLC