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Elite Management Professionals, Inc. AAMC  
•1401 Sunday Drive, Suite 116, • Raleigh, NC 27607

Find us online at  
www.elite-mgmt.com,  
Facebook and Twitter  
Phone (919) 233-7660  
Fax (919) 233-7661

Office Hours  
Mon.-Thurs. 8:30-5:30  
Friday 8:30-1:00

Emergency Maintenance  
Number (919) 634-4545

## *Hurricane Preparedness—Part 1*

We have all heard about or experienced the effects of a hurricane, which can be a traumatic disaster for any community. The damage can be devastating for those communities who have not established a communication or crisis plan. While we can't prevent a hurricane from causing damage to a community or our resident's property, we can help our boards put in place action plans to ensure that everyone is prepared. If a hurricane were to come close to our area, communication is a huge part of being prepared. Here are a few areas that we will assist our communities to communicate with our residents.

1. Your website home page—  
This area can be used for

information about evacuation plan or other important information that you want residents to see upon login into the website

2. Announcements—this will allow you to post messages and updates for the residents
3. Calendar— Schedule action or crisis planning meetings with the Board and invite residents to share your plan and provide them with all resources necessary to be prepared.
4. Email blast. Communicate quickly to all residents in the community with an e-mail. Send out documents, and other information about the hurricane. Email blasts also help to reach residents that are not in



the area because they are on vacation or may not live in the community.

5. Use a phone dialing system to send out voice calls and text messages to residents. This helpful service allows you to alert residents about impending storms, road closings, repair efforts and more within minutes.

*This article is the first of two to discuss Hurricane Preparation. See August for more!*

## *Laws Affecting HOA/ Condos— Full details on Page 2*

We wanted to make you aware of new changes in NC law that may affect your business and your associations:

I. House Bill 185 has been ratified into law and makes changes to the Planned Community Act and the Condominium Act as follows:

1.No lien can be foreclosed on unless the assessment remains unpaid for 90 days or more.

2. An association cannot foreclose

a claim of lien unless “the executive board votes to commence the proceeding against the specific lot;”

3. There will be a new HOA/condo disclosure form (“owners’ association and mandatory covenants disclosure statement”) for the sale of property similar to the NC Residential Property Disclosure Statement.

4. The NC Real Estate Commis-

sion must create a brochure for the public on HOA/condos and how the failure to pay assessments can lead to foreclosure.

**\*This new law takes effect on October 1<sup>st</sup>\***.

II. The legislature raised court costs and fees, specifically increasing the filing fee for foreclosures from \$150.00 to \$300.00, and increasing Sheriff fees to \$30.00 per individual. **This provision takes effect July 1<sup>st</sup>.**



## General Assembly Update

The General Assembly adjourned this weekend. While members will likely come back into session this summer for several large issues, most bills will not be readdressed until next year (at the earliest). Here's a wrap-up of some of the proposals of interest to community associations listed in numerical order (first by House, then Senate):

### **HB 165 ("Planned Community & Condo Act Amends") – RATIFIED INTO LAW**

HB 165, which started out as the omnibus bill from the House Select Committee on Homeowner Associations, has been enacted into law and now has four primary purposes:

No lien can be foreclosed on unless the assessment remains unpaid for 90 days or more;

An association cannot foreclose a claim of lien unless "the executive board votes to commence the proceeding against the specific lot;"

There will be created a new HOA/condo disclosure form ("owners' association and mandatory covenants disclosure statement") for the sale of property similar to the NC Residential Property Disclosure Statement;

The NC Real Estate Commission must create a brochure for the public on HOA/condos and how the failure to pay assessments can lead to foreclosure.

The new law applies to foreclosures filed on or after October 1. A copy of the bill as adopted is attached.

### **HB 183 ("HOA Limit Foreclosures") – REFERRED TO COMMITTEE**

HB 183 would establish a legislative committee to study the issue of foreclosures by homeowners associations (not condos) for unpaid homeowners association dues or related fees and charges and examine alternatives to homeowners association assessment lien foreclosure. The committee could also study issues related to foreclosure of property based on liens for homeowners association assessments, fees, and charges. The bill passed the House and was referred to the Committee on Rules and Operations of the Senate, where it remains.

### **HB 200 ("Appropriations Act of 2011") – RATIFIED INTO LAW**

The state budget was adopted by the House and Senate, vetoed by the Governor, and the veto then overridden by the General Assembly. The Act includes many increased court costs and filing fees, including raising foreclosure fees to \$300.

### **HB 282 ("Homeowner Associations May Not Prohibit the Installation of Certain Water and Energy Efficiency Improvements by Homeowners") - REFERRED TO COMMITTEE**

HB 282 would prohibit homeowners associations from controlling the installation of solar and water saving devices. The bill passed its First Reading in the House and was referred to the Committee on Rules, Calendar, and Operations of the House, where it remains.

### **HB 355 ("Simplify Taxation of Certain HOA Property") - REFERRED TO COMMITTEE**

HB 355 would make real property owned by a homeowners association taxable if the property was located in a different taxing jurisdiction. While the legislation appeared aimed at associations with recreational facilities several counties away, it would impact any association straddling county lines. The bill passed its First Reading in the House and was referred to the House Committee on Finance, where it remains.

### **HB 588 ("HOA/Uniform Procedure for Lien Enforcement") – REFERRED TO COMMITTEE**

SB 588, which was originally proposed by the Community Associations Committee of the NC Bar Association and supported by the NC CAI LAC, would bring uniformity to the process for filing and enforcing claims of lien as well as resolve title issues and concerns related to the process. The bill was supported by the Administrative Office of the Courts as well as the Clerks of Court. The Bill was referred to the Senate Judiciary I Committee, where it remains.

### **SB 373 ("Community Associations Managers Licensing Act") – REFERRED TO COMMITTEE**

SB 373, which has been supported by the NC CAI LAC, passed its First Reading in the Senate and was referred to the Senate Committee on Commerce, where it remains.

## Summertime Grilling Safety

The onset of summer brings with it many things - leisurely vacation and travel time, a much-anticipated wedding, celebratory cookouts, jet skis and boating - whatever perks the season may bring your way, it's important to remember the accompanying risks.

There are dozens of risk exposures associated with some of our beloved summer pastimes, but one of the most common and frequently overlooked is an American favorite- **barbeque**.

Did you know that each year Americans enjoy **more than 3 billion** barbeques?

According to the [National Fire Prevention Association](#) (NFPA), U.S. fire departments have responded to an average of 7,900 home fires involv-

ing grills, hibachis or barbeque pits; each year. On average, these summertime fires have resulted in an upwards of 120 injuries-in addition to causing an average of \$80 million in property damage.

But, despite the risks involved we love to take part in summer grilling. So what can you do to avoid running into trouble?

The following are some of the most important safety tips to help you maintain a risk-free barbeque, whether you prefer gas or charcoal grilling:

1. Always place your grill on a level surface at least 10 feet away from all other objects or structures such as your house, garage, landscaping, etc.
2. Never use a grill in an enclosed space-not only can it induce fires, but can

be deadly in regards to carbon monoxide poisoning.

3. Never grill on a deck or covered patio.
4. After grilling with charcoal, soak the coals in water and store in a metal container for proper disposal.
5. After cooking on a gas grill, always turn off both the grill and the propane bottle.
6. When grilling is complete, be sure to keep children and pets away from the grill until it is completely cooled.

All of us at **Elite Management Professionals** hope you enjoy your summer-whether you are simply grilling up a dinner for two or are hosting a large family cookout; keep these summertime barbeque tips in mind!



**AUGUST IS  
CLIENT  
APPRECIATION  
MONTH**

## 2011 Calendar of Events

### **AUGUST IS CLIENT APPRECIATION MONTH**

#### **Tuesday, August 2**

**28th Annual National Night Out**- We would like to help support this great event. Let your manager know if you will be participating!

#### **Wednesday, August 3**

**Board Member Seminar and Orientation**- Please contact Dawn Hatcher to register- dawnhatcher@elite-

mgmt.com. This is a great time to learn about the roles and responsibilities of being on the Board, financial review and open discussion.

**Monday, September 5 Labor Day**- The Elite Management Office will be closed.

#### **Friday, September 23**

**North Carolina CAI Fall Conference**

Raleigh Marriott City Center- 500 Fayetteville

St. Raleigh. The conference is held in the Raleigh area every 2 years. Contact your Community Manager to get your registered for this year's event.

#### **2012 Budget Season**

Get a jump on your budget this year. Start the bidding process now. Determine which contracts need updates in specifications, review current service level, discuss contracts at your August meeting.

