

# 2015

# WVHOA Newsletter

NOVEMBER 2015



WEST VALLEY HOMEOWNER ASSOCIATIONS

## WVHOA ANNOUNCEMENTS

Please help us grow our membership by encouraging a board member from a non-WVHOA member association to attend one of our monthly luncheon meetings. If the non-member attends, both of you will receive a complimentary lunch!

### BOARD OF DIRECTORS:

Colleen Lombard, PCAM, President  
602-689-1686  
[calombard@cox.net](mailto:calombard@cox.net)

Curtis Ekmark, Vice President  
480-922-9292  
[curtis@ekmarklaw.com](mailto:curtis@ekmarklaw.com)

Rocky Roccanova, Secty/Treas  
623-293-8222  
[rockyscg@yahoo.com](mailto:rockyscg@yahoo.com)

Meetings are held in the Apache Room of the Chaparral Center, 19781 N. Remington Drive in Sun City Grand.

Sun City Grand is located on the west side of Grand Avenue, about five miles past the Bell Road intersection. Turn west onto Sunrise and take it to the second intersection, which is Remington. The Chaparral Center is located about .2 of a mile on the right side of Remington Drive adjacent to the Sonoran Plaza.

## COUNTING OUR BLESSINGS

As Thanksgiving approaches, a sincere "thank you" goes out to members and friends for the support of your individual communities and the West Valley Homeowner Associations. The essence of the volunteer spirit and the giving of your time and talents is a valuable contribution toward the goal of "building community". Have a wonderful Thanksgiving Holiday.

Best regards,

Colleen Lombard, PCAM



## November Luncheon Meeting: Litigation Update

The next meeting of the West Valley Homeowner Associations will be **November 4, 2015**. **Curtis Ekmark**, senior partner at Ekmark & Ekmark, L.L.C., will inform members of the newest laws that have been passed that are relevant to us in his **Litigation Update**. This is always one of the most popular presentations. Please make your reservations early.

We will be meeting on November 4 in the Apache Room, Chaparral Center in Sun City Grand, 19781 N. Remington Drive in Surprise. Cost for the luncheon is \$10. Please arrive at **11:30 a.m.**.. Lunch will be served beginning at 11:45 and the program will start promptly at noon.

In order to provide plenty of food for the luncheons, it would be sincerely appreciated if reservations are made with Rocky Roccanova at [rockyscg@yahoo.com](mailto:rockyscg@yahoo.com) or 623-293-8222. Reservations must be received by 5:00 p.m. on Friday, October 30.

Payment for the luncheon may be made by cash or check (personal or business check) at the door only. We are not able to accept "pre-payment" for the luncheon meetings.

## Summary of October 2015 Meeting

### Fair Housing

The October luncheon meeting got our group off to a solid start for the Fall Series. Our guest speaker was Lynn Krupnik, senior partner at Ekmark & Ekmark. She brought members up to date on trends and laws regarding Fair Housing.

Lynn reminded us that Fair Housing is such an important topic to be knowledgeable in because you cannot repair a possible fair housing situation after the fact, and it is uninsurable, meaning that no insurance company will pay for damages if it is found that the Association has discriminated. The usual path that Fair Housing claim's follow is that an Owner or Resident files a claim with the Attorney General's office, the Attorney General's office then investigates the claim, and finds whether discrimination has occurred. If there has been discrimination, and no settlement has been reached after 30 days, the Attorney General is required to file a lawsuit against the Association for damages to the complainant, punitive damages, and/or attorney's fees. This could be even more costly if the Attorney General can show a "pattern or practice" within the Association.

Federal and State Statutes prohibit discrimination based on race, color, national origin, religion, sex, familial status, and disability. An HOA is subject to the Americans with Disabilities Act (ADA) only if it opens its facilities to the public. Also, for an Association to be exempt from discrimination based on familial status, it must meet federal and state requirements for an age-restricted community.

Generally, the Association needs to treat all groups equally, but special provisions apply regarding disability. An Association cannot discriminate against any protected group in its rules. They also cannot discriminate in enforcing rules against any protected groups. To keep from any claims of discrimination in enforcing rules, it is important to have a uniform system. Make sure to verify violations, treat everyone equally, and keep records of enforcement.

For allowing reasonable accommodations, there are two key differences to understand. The first is offering reasonable *accommodation*, which means allowing an accommodation in services and facilities (like providing different parking spaces or an interpreter at meetings). The other is providing reasonable *modification*, which is making a structural modification for a person with a disability (such as a handicap ramp). The reason the different terms are important is because if a person is requesting a reasonable *accommodation*, the HOA may be responsible for using association funds to accommodate the person. If the person is requesting a reasonable *modification*, the HOA is not required to pay for the modification, UNLESS the HOA is subject to the ADA.

Another aspect that Lynn reminded us to keep in mind is that not all disabilities are visible. Disabilities must be accommodated no matter if they are emotional, mental, or physical. Various trends in accommodation requests include service or comfort animals (also often referred to as assistance animals), parking, RV parking, and different types of group homes. In order to be granted a reasonable accommodation, the person must 1). have a disability and 2). the accommodation must be necessary for the person to be able to have the same opportunity to use and enjoy the property as a non-disabled person. It is acceptable to work together with the Association and the person requesting the accommodation to create a solution that works for everyone involved.

Thank you Lynn, for taking the time to come out and share your expertise.



---

## HOA TIP OF THE MONTH:

If you manage or are a board member of an HOA with employees, consider reviewing the HOA's insurance policies to make sure you and the HOA are covered should an employee ever sue or make a claim. Many insurance policies HOAs carry do not cover employment-related claims. HOAs who employ at least 15 employees are vulnerable to discrimination claims, and an HOA need employ only 1 employee to be subject to a sexual harassment or wage and hour claim.

Employment Practices Liability Insurance (EPLI) covers these and other types of employment-related claims. If an employee (or ex-employee) makes such a claim or sues, EPLI may pay for the costs of defending the HOA, manager, and/or board members. EPLI may also help pay to settle claims or lawsuits.

Of course, like HOAs and the communities they serve, every insurance policy is different. We encourage HOAs with employees to work with us, their broker and their insurance carriers to address whether EPLI should be part of the HOA's overall insurance package.

