

Overview

With over 100 years of experience in real estate and community association law, Steptoe & Johnson's attorneys understand the complex and specific statutes, regulations, and cases that govern community associations and recognize the challenges involved in navigating social issues in communities such as social media and community discourse. Our Homeowners Association and Condominium Law Team represents a variety of property owners' associations, including co-ops, homeowners associations (HOAs), master-planned, condominium, townhome, commercial, and single-family communities.

The landscape of real estate is ever-changing. In recent years, there have been changes in regulatory authorities of community associations, an uptick of rentals (short and long term), and an increase in community online presence. These changes bring with them an increase in owner expectations when it comes to community management and operational change.

The depth and breadth of the interface among boards, owners, and management lay the foundation for a successful community experience. Our lawyers utilize the boardroom to educate boards and management on both the law and a multitude of issues confronting community associations, thereby increasing the chances that our community association clients will be able to avoid the courtroom.

While corporate governance, collections, and compliance will always be among the core issues our team addresses, success in the practice of homeowners association and condominium law requires a focus on civility and communication with the goal of preservation and enhancement of both community spirit and property values.

Our Homeowners Association and Condominium Law team regularly provides our clients with a wide array of services, including but not limited to:

- Creation of communities and community associations such as Co-Ops and HOAs
- Corporate governance, including opinions, policy guidance/drafting, and state and federal law compliance
- Governing document creation, amendment, and interpretation
- Vendor contract review and master service agreement creation
- Construction contracts, insurance protections, and project management recommendations for major renovations, with the depth to focus these services on condominiums

- Insurance coverage and risk management counseling
- Moderation of productive board and member meetings, including elections
- Collection of delinquent assessments
- Restrictive covenant enforcement
- Alternative dispute resolution and mediation strategy
- Social media strategies
- Communication strategies
- Board orientations and owner orientations
- Labor and employment compliance and risk management
- Legislative update education and document amendment/creation as may be prudent

Representative Experience

- Assisted clients with preparation of governing documents to ensure compliance with state and federal law
- Defended clients in Texas Workforce Commission complaints arising out of claims of Fair Housing Act violations involving discrimination on the basis of disability and race
- Served as general counsel to residential property owners associations in all aspects of corporate governance
- Guided an association with a high level of accounts receivables related to unpaid assessments through a client-specific collection strategy that resulted in a dramatic increase in the collection of unpaid assessments
- Drafted and marketed to the owners in a community an update to the declaration of covenants and restrictions that helped preserve the look of the community while allowing flexibility for major renovations to the aging homes in the community
- Guided a board of directors and the community's membership through a dispute centered on updates to legislation and how certain improvements such as solar panels, flagpoles, rainwater harvesting devices, and religious items were to be regulated in the community
- Guided a condominium through challenges created by the Texas winter storm of 2021, including solutions for inadequate insurance payment, engagement of the appropriate experts to ensure building regulation/ordinance compliance, and management of the required displacement of some residents given the inhabitability of the damaged units

- Provided labor and employment guidance to a high-rise condominium and master-planned community with 20+ employees including maintenance, security, management, and housekeeping/concierge personnel
- Provided corporate and risk management advice to a 200,000-acre recreation-oriented community with cabins, café, gift shop, swimming pool, airstrips, and extensive road network
- Counseled a large-scale resort-style gated community through collections strategies and navigation of significant water issues, as well as negotiations with the local utility districts regarding private street maintenance, treatment of wastewater, and recycling of the effluent to maintain the golf course to effectuate the preservation of water

Highlights

- Team members are Board Certified in Residential Real Estate Law and Property Owners Association Law
- A team member has received professional designation from the Community Associations Institute as a Certified Manager of Community Associations
- Two team members are Fellows of the College of Community Association Lawyers; approximately 200 Fellows exist nationally, and our team members are two of six who practice in Texas
- Team members serve on the Board of Directors for regional Chapters of Community Associations Institute and are multi-chapter members in Texas
- Team members have written and presented on community association issues on an international, national, and local scale for the Community Associations Institute
- Team members have written and presented on community association issues for the State Bar of Texas
- Team members possess experience in the legislative processes both nationally and locally, with a history of board service and committee service for the legislative actions groups that protect the rights of communities



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