

Dirty Laundry:

"We can do the innuendo, we can dance and sing. When it's all over we haven't told you a thing. We all know that crap is king, give us dirty laundry."

So go the lyrics in Don Henley's song *Dirty Laundry*, about a media culture more concerned with sensationalism than fact.

A few weeks ago there was media buzz about a community association in the Philadelphia Suburbs which had denied an owner's application to install a solar panel on the roof. The story hit the news and the press went wild.

On January 22, 2010, the *West Chester Daily Local* ran an editorial that was extremely critical of the homeowners association in question and of associations in general. The editorial board clearly did not bother to get the facts straight before they launched an unwarranted and factually-incorrect attack on community associations in Pennsylvania. The following editorial, which has yet to be published by the newspaper, was sent by CAI in response. [Click here to read the original editorial.](#)

"I am writing in response to the editorial published in your paper on January 22, entitled "Homeowners need protection from association's rules."

Your statement that homeowners associations are "governed not by a democratically elected municipal government but by an autocratic group of naysayers" is unfair, uninformed and could not be further from the truth. Under the Pennsylvania Uniform Planned Community Act, associations are governed by boards consisting of homeowners who are elected by their neighbors. The thousands of Pennsylvanians who volunteer to serve on these boards do so without compensation and are obligated to serve, according to state law, "...in good faith, in a manner they reasonably believe to be in the best interests of the association and with care."

The vast majority of these homeowner volunteer leaders work diligently and effectively to meet the established expectations of their neighbors. In fact, national surveys conducted by Zogby International in 2005, 2007 and 2009 show that close to 90 percent of association residents believe their governing boards strive to serve the best interests of their communities. What politician—or newspaper—wouldn't welcome that kind of support? Fact is, if a board member is not serving in the best interest of the association and the people who live there, the owners in the community can vote him or her off the board.

Your editorial's contention that the state should "enact laws that would restore to homeowners the rights they seem to have unintentionally signed away for the pleasure of living in neighborhoods with cute, faux rural names" displays a lack of understanding about the reason community associations exist in the first place, the advantages to residents who choose to live there and the laws that govern associations. For instance, there is a Federal law on the books that prohibits a community association from denying an owner's right to fly the American flag. That law also correctly permits the association to govern the placement and size of the flag to insure safety and compliance with architectural and other guidelines.

Community associations deliver services at the direction of their homeowner members, meeting the expectations of residents by working to provide a safe, well-maintained living environment, preserving the nature of the community and protecting property values.

In addition to providing amenities like pools, walking trails and clubhouses, and services including snow plowing, refuse collection and street maintenance, community associations also extend some degree of protection against neighborhood degradation and deterioration – cars on cinder blocks, dilapidated homes or yards that are not maintained. This requires not only the creation of reasonable community standards, but also the equitable and consistent enforcement of rules.

While rules differ among associations, the goals are the same: To preserve the nature of the community, protect property values and meet the established expectations of residents. These responsibilities fall to the volunteers who are elected by their neighbors to govern associations and to the professionals who often are hired to manage them.

Despite their inherent advantages, associations do face complicated issues, none more common than the challenge of balancing the best interests of the community as a whole with the preferences of individual residents. Many community associations deal regularly with conflicts involving what a resident may want to do and what established rules allow. Managing this critical and delicate balance is the essence of association governance.

But it's important to remember that people living in an association-governed community have contractually agreed to adhere to the rules in that community. Covenants, codes and restrictions are created to maintain community standards, protect property values and encourage a sense of community stewardship. They would cease to exist if the majority of residents did not want them. The legislature would be well advised to carefully consider the constitutional ramifications of legislating away contractual agreements between two private parties.

In the case of solar panels, serious issues must be considered by a community association board. For example, in many communities that consist of townhome style houses, the homeowner may not own the roof. The roof may be owned by the association. Who is responsible for damage to the roof when the solar panel is installed? More importantly, when the roof needs to be replaced, as all roofs inevitably do, who is responsible for paying for the removal and re-installation of the solar panel? And if the solar panel is damaged in this process, who is responsible? What happens if the piping to and from the solar panel is defective and leaks occur that damage neighboring units? Who pays to fix the damage?

Community Associations Institute, an organization that works on behalf of all common-interest communities, is aware of Representative Houghton's proposed legislation and stands ready to work with him to find a solution that preserves the ability of owners to take advantage of renewable energy sources while maintaining the association's duty to act in the best interests of the community at large to protect property values.

As always, CAI advocates open, constructive and respectful dialogue and urges all parties to be reasonable, flexible and open to compromise when disagreements do arise."

Tony Campisi, Executive Director
Pennsylvania and Delaware Valley Chapter, Community Associations Institute

CAI members should monitor their local media outlets, and when you see a mis-informed opinion about life in community associations in your local paper, let us know so we can correct it. Don't let that dirty laundry hang out to dry.

Comments (2)

2 Comments



This was an appropriate and balanced response to an article that was obviously written in ignorance of the true purpose and value of community associations and condominiums. While they are not for everyone, these communities provide value in many ways. Their volunteer board members spend many hours trying to find the proper balance between restrictions and rights while ensuring on-going services to their members. "Going green" will be another important issue that many are already working on with the help of professionals so property values are maintained and future costs to the community can be planned. A knee-jerk reaction to what may have been a very well-considered Board decision does a true disservice to the community association industry and serves no purpose except to perpetuate a bias.

Comment by Mary Ann Mulfino, CMCA — February 26, 2010 @ 12:08 pm



Your response to this article was excellent. You responded in a very intelligent, knowledgeable accurate way. People not involved in homeowner associations or condominium need to be educated continuously. Many, after being educated decide to move into a homeowner community and see there are many more advantages than disadvantages.

Comment by Rita Jobs — March 4, 2010 @ 3:03 pm