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2026 LEGISLATIVE OVERVIEW



DEALING WITH RENTAL UNITS



CONDOMINIUM ASSOCIATION CHALLENGES

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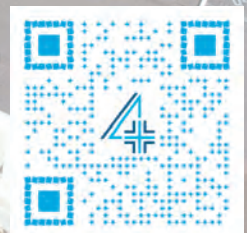
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2026 COMMITTEE CHAIRS

Community Outreach

Megan Kucz
megan.kucz@fsresidential.com

Editorial

Dana Ohman
dohman@chestnutcambronne.com

Education

Matt Overbeck
matthew.overbeck@rowcal.com

Emerging Young Professionals (EYP)

Kelly Heenan
kheenan@sjjlawfirm.com

Expo & Trade Show

Jessica Blankenship
jessica@allaround.com

Golf Tournament

Maggie Mahmood
maggie.mahmood@fsresidential.com

Inclusion (DEI)

Colleen Brown
colleen.brown@associaminnesota.com

Legislative Action (LAC)

Phaedra Howard
phoward@hjlawfirm.com

Membership/Outstate

Miranda James
miranda@camleadership.com

Social, Gala & Vision Awards

Tracy Shaver
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Black Forest Condominiums
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phoward@hjlawfirm.com

Finn Jacobsen
SJJ Law
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Lorry Lundborg
Girard Park West Association
lalundborg@hotmail.com

Kari Ross, CMCA, AMS, PCAM
HOALiving Minnesota
karir@hoaliving.com

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CINC Systems
jim.rosvold@cincsystems.com

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**MESSAGE
FROM THE PRESIDENT**



**AMANDA GLADER,
CMCA, AMS**

VICE PRESIDENT

Wintrust Community Advantage

Spring has sprung and summer blew in HOT! This time, it came to mind how quickly things change and how much we sometimes need to rely on others.

Our relationships, whether it be professional or personal, are an important part to maintain. Homeowner associations bring together a diverse group of people, including board members, community managers, homeowners, vendors, etc. Each group is touched by work done in the community. When we build strong relationships with stakeholders, communities are better equipped to address challenges and achieve long-term goals.

Professional relationships are not just built on a one-time phone call. They are built over time with transparency and collaboration. Our industry vendors deliver essential services to help communities tackle tough projects and plan for the future. If a community is able to build trust with a vendor, both will be able to reduce misunderstandings, improve quality, and improve the community.

Communication is KEY! Maintaining an open dialogue with a vendor will allow everyone to be on the same page. The minute you lose an open dialogue things can quickly go amiss.

In need of a business partner for something specific? Check out CAI-MN's Business Partner Directory: www.cai-mn.com/membership-directory/corporate.

But what about personal relationships? What do they have to do with homeowner associations? If you're an acting board member, you are working with (and on behalf of) your neighbors every day. These are folks you see when you walk down the street or wave to as you come and go from the community. You share spaces with them and build friendships as well. Positive relationships within a community help to build better engagement, a stronger sense of community and even create greater satisfaction within the neighborhood. Simple things can help build this, including small events like coffee times, walking clubs, play dates at the HOA park for

the kiddos. At the end of the day, conflict will happen. One of the goals of building this community is so that individuals can come together to discuss and resolve disagreements in a respectful manner and maybe even compromise to ensure community harmony.

Those same neighbors may also have regular interaction with a community manager. Although that "personal" relationship doesn't exist in the same way, managers are handling business related to a very personal product, A Home. Those same respectful conversations can change how the day-to-day operations of a community are handled. That said, I'm well aware we can't make everyone happy, but we can treat everyone with respect. Sometimes that is all we need to do.

As we roll into fall, the industry will be getting ready for a new year with new budgets, new legislature, and projects rolled to 2027. As we work to provide education on coming changes with the new legislation, I do hope that you continue working on maintaining those relationships.

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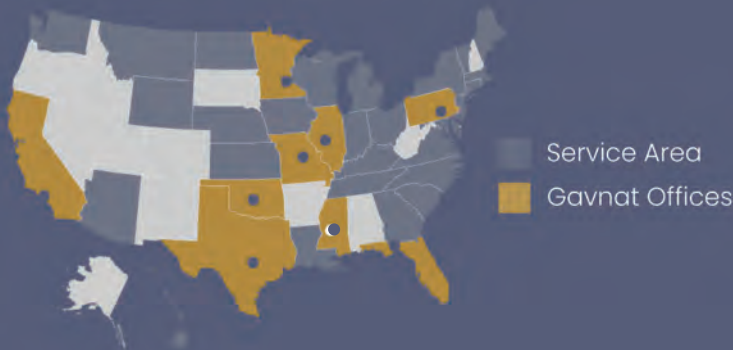
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IN THIS EDITION

From the Capitol to your community, this issue focuses on what's happening now and what it means for the people who live and work in community associations.

We're coming off CAI-MN's first Advocacy Day at the Capitol, where members connected with legislators and shared real-world perspectives. With the legislative session now finished, this edition also highlights what has been an especially active year, including new legislation that will impact Minnesota community associations moving forward.

Throughout the issue, you'll find practical insights on the challenges communities are navigating every day—from vendor relationships to the evolving realities facing condominium associations.

We also take a closer look at communication and inclusion. In increasingly diverse communities, clear communication isn't just helpful—it's essential. When residents understand expectations, communities function more smoothly, with fewer disputes and stronger trust.

This edition also covers key operational topics already affecting associations, including keeping up with construction code changes and the ongoing pressures in the insurance market.

And of course, community living is about people. From renter dynamics and neighbor disputes to the more relatable everyday frustrations, this issue reflects both the serious and the human side of shared living.

Whether you were at the Capitol or focused on your own community, we hope this edition helps you stay informed, prepared, and connected.

Dana Ohman
Chair, Editorial Committee

2026 Legislative Overview

BY ELISE BUSSE & PHAEDRA HOWARD

Minnesota's 2026 legislative session began on February 17 with one of the nation's most closely divided legislatures. The Minnesota House of Representatives was evenly split between Republicans and Democrats, while the Senate operated with a narrow one-seat Democratic majority. Against this backdrop, Community Associations Institute (CAI) Minnesota Legislative Action Committee (MN LAC) advocated on behalf of approximately 1.5 million Minnesotans living in more than 612,000 homes across 7,850 community associations statewide.

Major Legislative Focus: SF 1750 - Modifies common interest communities provisions

The most significant issue facing Minnesota community associations this session was SF 1750, sweeping legislation resulting from a legislative working group established in 2024 to examine common interest communities and homeowners associations in Minnesota.

MN LAC members, Chair Phaedra Howard and JoAnn Borden and a representative selected by the Minnesota CAI Chapter, Shaun Zavatsky, served on the task force and strongly advocated for the industry. We are grateful for their leadership, and for all CAI members and representatives who testified and contributed their expertise throughout the process.

The recommendations were adopted in a single vote rather than considered individually, which limited discussion of specific provisions. These recommendations resulted in a bill which would have been disastrous for community associations. Recognizing the magnitude of the proposal, MN LAC immediately engaged lawmakers and worked tirelessly throughout the session to improve the legislation. Over the last two years, volunteer leaders, homeowners, community managers, attorneys, and CAI members invested countless hours reviewing language, meeting with legislators, and sharing real-world expertise about how associations function and why balanced governance matters.

MN CAI advocates also held their inaugural Advocacy Day in March 2026, bringing members to Saint Paul to meet directly with legislators and staff. Advocates conducted in-person meetings with 25 legislators, reached an additional 46 lawmakers through a virtual call-to-action campaign, and visited nearly 50 legislative offices to share facts about Minnesota's community associations and the people they serve.

These tireless efforts resulted in productive conversations with the goal of strengthening community associations. The bill went through multiple versions, including multiple "delete-everything" amendments. While the final version of SF 1750 still contains several provisions CAI objects to, the collective advocacy of this group successfully prevented some of the most detrimental language from becoming law.

Key Provisions Defeated or Significantly Improved with SF 1750:

- **Pre-enforcement mandate** – Earlier versions would have required board members to personally engage with owners prior to any enforcement action, creating significant delays and discouraging volunteer board participation. This requirement was removed.
- **Severe limitations on collections and cost recovery** – Proposals that would have capped recoverable legal fees, eliminated interest, restricted lien rights, and delayed foreclosure actions were significantly scaled back, preserving an association's ability to collect assessments and operate effectively.
- **Owner-driven revocation of rules and bylaws** – Language allowing governing documents to be amended or revoked through informal owner action at meetings was removed, maintaining governance stability.
- **Overly expansive meeting and participation requirements** – Earlier provisions that would have significantly disrupted board operations and decision-making processes were refined.

While the final law still includes provisions CAI opposed, including added administrative requirements, changes to certain collection procedures, and expanded disclosure obligations, it is improved from the original proposal and reflects the impact of sustained advocacy. As the legislation takes effect, CAI members should stay tuned for ongoing follow-up surveys and data collection from CAI to evaluate the impact this legislation will have.

Status: SF 1750 PASSED. Governor signed 5/12 and is effective January 1, 2027. Chapter 82

OTHER LEGISLATION MONITORED BY MN LAC:

SF 3622 / HF 3459 - Minnesota Common Interest Ownership Act technical and conforming changes

This legislation is largely a technical, clarifying update to the Minnesota Common Interest Ownership Act (MCIOA). The bill extends the effective date of Chapter 308C, the Cooperative Housing Act, from August 1, 2026 until August 1, 2027. MN LAC remained engaged to ensure the legislation stayed technical in nature and did not become a vehicle for broader policy changes.

Status: Passed unanimously in both Chambers. Governor signed 4/29 and is effective August 1, 2026. Chapter 61

HF 2185 / SF 2061 - Residential property rights with regard to flag display

Carried over from 2025, this legislation would have expanded the list of flags that homeowners' associations could not prohibit, including military and service-related flags. MN LAC monitored the proposal due

to its potential impact on association governance and future restrictions involving common areas.

Status: Died in Committee

SF 4035 / HF 3808 - Common interest group provisions

Introduced as a potential alternative to SF 1750, as there was a clear desire from lawmakers to pass some sort of "reform" bill for community associations. However, the momentum behind SF 1750 was strong and this potential alternative did not receive a hearing.

Status: Died in Committee

SF 4944 / HF 4816 - Housing cooperatives organization and operation modifications

The proposal would have revised MN Statute Chapter 308C, governing housing cooperatives. The legislation seeks to correct some of the many problems with the new Cooperative Housing Act that have prevented the new law from being implemented since its enactment in 2024. This corrective bill was introduced late in the session and therefore did not meet committee deadlines to move forward but will likely be reintroduced in 2027. MN LAC monitored the bill due to its potential impact on associations operating as cooperatives.

Status: Died in Committee

Elise Busse, MPP is Director, Government and Public Affairs with Community Associations Institute and Phaedra Howard, Esq., CCAL is an attorney with Hellmuth & Johnson and Chair of the CAI-MN Legislative Action Committee.

<p align="center">Track MN Legislation</p> <p>CAI tracks legislation throughout the year, so you can stay informed. You can check the legislation that CAI is monitoring around the clock at:</p> <p align="center">www.caionline.org/advocacy/minnesota-legislative-resources/minnesota-legislative-issue-tracking/</p>	<p align="center">Support and Donate Today</p> <p>CAI depends on professional lobbyists funded by community associations, businesses, and individuals to create the best public policy for the community association industry in Minnesota. Visit the below link to learn more and donate - select "Minnesota."</p> <p align="center">https://advocacy.caionline.org/lac-donation-form/</p>
<p align="center">Register for CAI's 2026 Congressional Advocacy Summit - Sept. 24 in Washington, D.C.</p> <p>This exclusive members-only event brings together industry leaders and advocates to engage directly with members of Congress and their staff. As the premier advocacy event of the year for the community association housing model, CAI's Advocacy Summit offers a unique opportunity to meet face-to-face with federal lawmakers and help shape public policy impacting the industry.</p> <p align="center">Visit the below link to learn more and register:</p> <p align="center">https://events.rdmobile.com/Events/Details/20154</p>	



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Behind the Scenes of CAI-MN's First Advocacy Day

BY DANA OHMAN

Pulling off a first-ever Advocacy Day at the Minnesota Capitol was equal parts planning, collaboration, and a little bit of learning on the fly. By every measure, it was a success.

What many attendees experienced as a well-organized, high-energy day at the Capitol was actually the result of months of preparation behind the scenes. The CAI-MN team worked closely with the Legislative Action Committee (LAC) and tapped into guidance from experienced leaders at CAI National to build the event from the ground up. From shaping messaging and identifying legislative priorities to coordinating schedules, materials, and logistics, every detail was intentional.

The goal was simple: create an opportunity for members to connect directly with legislators and share real-world perspectives from community associations. The approach, however, was anything but loud or overwhelming. Instead, the focus was on consistency, clarity, and authenticity, encouraging participants to share personal experiences and keep the message grounded in the realities of community living.

That approach paid off. Feedback from legislators and their staff made it clear that the conversations were not only well-received but impactful. The quieter, more focused tone stood out. Rather than competing for attention, participants were able to build meaningful connections and leave a lasting impression. It reinforced something the team had hoped would happen: that thoughtful, informed conversations can carry just as much, if not more, weight than volume alone.

Of course, like any first-time event, there were lessons learned. Navigating the Capitol complex, managing tight schedules, and even simple logistics like parking all provided valuable insight for next time. While these moments are part of any large event, they also highlighted opportunities to make future Advocacy Days even more seamless for participants. The

takeaway wasn't the small hiccups—it was how much was accomplished and how much stronger the next event will be because of it.

Equally important was the level of engagement from those who attended. Participants showed up prepared, willing to share their experiences, and ready to represent their communities and CAI. That level of participation helped bring the day to life and demonstrated the strength and credibility of CAI's voice in Minnesota.

Advocacy Day also reinforced a bigger picture: community associations have a story to tell, and policymakers are listening. Conversations around self-governance, education, insurance challenges, and practical, balanced legislation are not just theoretical, they directly affect the people who live and work in these communities every day.

For the first event, Advocacy Day set a strong foundation. It built relationships, elevated key issues, and created momentum that will carry forward into future legislative efforts. Most importantly, it showed that when our community shows up prepared, thoughtful, and unified, it makes a difference.

Dana R. Ohman is an attorney with Chestnut Cambronne PA.





Minnesota CAI Advocacy Day: A Recap from the Capitol

On March 11, CAI-Minnesota's Legislative Action Committee held its inaugural Advocacy Day at the Minnesota State Capitol in Saint Paul. The community association industry showed up.

More than 60 advocates made the trip or joined virtually — homeowners, community managers, attorneys, business partners. They met with over 30 legislators to make sure the people writing laws affecting community associations actually understood how they work and who they affect.

The 2026 session is a carry-over session, meaning bills from 2025 are still in play. The CAI-MN LAC was already tracking legislation with potential impact on associations when advocates arrived. Getting in front of legislators early was the point.

It wasn't a rally. It was education. Constituents sat across from their elected representatives and explained, plainly, how community associations work and what's at stake for the 1.5 million Minnesotans living in nearly 8,000 of them across the state. Those conversations were productive.

For a first event, the turnout was amazing and the access was real. Legislators were genuinely interested in our issues, concerns, and feedback. The CAI-MN LAC is already planning to come back bigger in 2027.

To follow what's being monitored this session, visit CAI's Minnesota Advocacy Resource page at caionline.org or email government@caionline.org.

Jim Rosvold, CMCA, AMS, PCAM is a Senior Customer Success Manager with CINC Systems and also Past-President of CAI-MN



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Condominium Association Challenges

BY JEREMY HERNANDEZ

When asked to write this article about challenges unique to condominium associations it really got me thinking. I am not an attorney but as a long-time board member there are legal considerations with most every decision my condo board makes and many of these decisions are unique to this type of association vs. others. Many of these challenges stem from the boundaries of ownership. Such boundaries change over time and are influenced by the law, the association's governing documents, technological advances, and events on the property just to name a few.

Unlike a townhome, condo owners only own the interior of their individual units with the association governing everything else. This can be difficult for some owners, and even board members, to understand sometimes. Condos also often exist as multiple unit buildings which can give newer owners and renters the impression that they are living in an apartment atmosphere with the expectations of that lifestyle when it comes to services and upkeep. While some of that may be true, condo ownership bears far more responsibility than just renting a unit.

The Law and Governing Documents

Because of their unique dynamic, condo associations tend to be far more regulated by statute than other types of associations (eg Minnesota Common Interest Ownership Act aka MCIOA) with boards having a fiduciary duty to keep up the property, ensure due process, and handling day-to-day matters between individuals that share common walls, floors, and ceilings as well as other elements. Even associations that do not fall under MCIOA have to follow non-profit laws in this regard.

An association's governing documents are built on these legal foundations and provide a basic framework of who is responsible for what in an association. They define what items are association responsibility, homeowner responsibility, and the common rules everyone here is supposed to live by. Although many decisions are spelled out in an association's governing documents, condo board members should not assume that everything is settled based on the

language described in a document that may have been written many years ago. Over time, the language within those documents can become open to interpretation, obsolete, and/or ambiguous so they should be revisited from time to time to keep them current. In addition, new legislation at the local, state, and/or federal level could invalidate certain passages within your governing documents. As most CAI members may recall via the emails received about the matter, the Minnesota state legislature is in the process of making changes to laws affecting condo associations and those changes could alter items mentioned in your governing documents.

That said, if you are looking to review and/or make changes to your governing documents at any level it is recommended that you consult with an attorney with specific expertise in condominium associations throughout that process. They can identify potential actions that can reduce the amount of liability your board faces while also creating a more effective association.

Technology and Other Advances

Technological advances could also render some rules and policies obsolete and/or ambiguous. For example, the way windows are made has radically changed in the last 30 years. Associations with older governing documents may indicate which portions of a window replacement the homeowner has to pay versus the association, but if the parts specified in governing documents no longer exist due to innovations, it creates a potential liability if a homeowner disagrees with a board decision on how the expense is paid as the basis for that determination could be undermined.

Technological advances can also present new challenges to existing policies/procedures. For example, many association governing documents limit the ways in which a board can meet to conduct business. With Wi-Fi becoming more readily available, services like Zoom and Microsoft Teams becoming common, and AI becoming more embraced, it brings up questions about whether documents should be updated to allow these technologies to be fully embraced. For large

condos this could also be a huge game changer in terms of owner involvement, expenses related to holding meetings, and record keeping.

Doorbell cameras are also challenging the rules and environment in condo buildings. Unlike townhomes, it is not uncommon for the front door of a condo unit to directly face another unit's front door. With no standard one way or the other, there could be a push and pull between the perceived safety of having such a camera recording as people walk by vs. the privacy concerns of the resident whose unit is opposite that door. There could also be architectural issues in terms of uniformity as not all doorbell cameras look the same and that could make units physically look different.

Events on Property

For condos, keeping the rules and regulations current is especially important as there is a lot more potential for interactions with and between multiple neighbors daily versus those that might occur in a more spread-out townhome association. For instance, if am doing something in my unit that may be noisy (eg replacing my carpet), I have four direct neighbors to consider. The unit to the left of me, downstairs from me, catty-corner to me, and across the hall to me.

Having up to date documents can help determine where the liability risks are in terms of board or management company involvement on any specific matter. They can also be cultivated to address otherwise ambiguous matters. Incidents with financial and legal ramifications can and do happen. Some issues are clear-cut in terms of responsibility and what role, if any, a board should play (eg someone's HVAC unit starts leaking into the unit below it) while others can be far more nebulous in terms of both enforcement and remedy (eg noise complaints, plumbing emergency affecting other units when owner is not home, etc).

Board members are well served to understand when and when not to intervene as well as maintain rules that are both enforceable and easy to understand. This can be really hard sometimes as most board members really do want to help people but there have to be limits. If there are questions about where the lines are in a given situation, an attorney (or property manager if you have one) should be consulted.

Jeremy Hernandez is a homeowner leader at the MacLaren Hill Condominium Association in Saint Paul, MN, who is currently in his 10th year of service.

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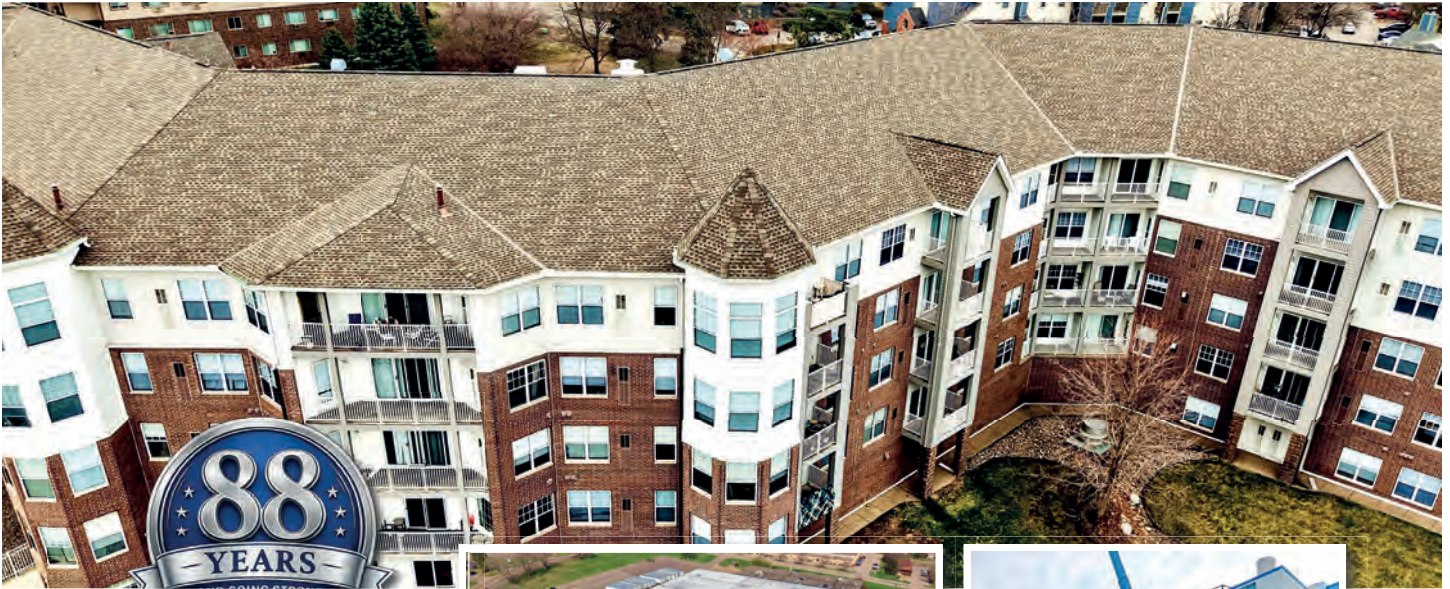
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Self-Governance: Adopting Equitable Rules for the Benefit of the Community

BY KYSA MCDUFFIE

In any community, “law and order” is not about punishment, but trust. When communities uphold their Rules and Regulations, successful outcomes are measured by transparency, consistency, and fairness. Getting it right requires careful drafting, sound judgment, and even-handed application. Homeowners expect clear notice, a meaningful opportunity to be heard, and decisions that are applied evenly and predictably. Without those foundations, even well-intentioned actions can quickly erode confidence and create conflict. A clear and consistent process is not just best practice, it’s the foundation for order, credibility, and community trust.

1. The Source of Authority: Where Rules Get Their Power

Effective community governance begins with a fundamental question: where does the authority to create and enforce a Rule come from? Associations may only adopt Rules and Regulations if that authority is granted through the Declaration, the Minnesota Common Interest Ownership Act (MCIOA), or both.

Rules exist to implement and administer the covenants in the Association’s Declaration and cannot exceed or conflict with that authority. Even well-intentioned Rules are unenforceable if they exceed the authority of the Association’s Declaration or impose more restrictive terms.

For communities governed by MCIOA, Section 515B.3-102(a)(1) allows Associations to adopt, amend, and revoke Rules and Regulations, so long as they are consistent with the Declaration, Articles, and Bylaws. This includes regulating common elements, unit use, conduct of occupants, animals, exterior appearance, and activity that may damage the property or impact health and safety. It also supports adoption of administrative Rules needed to operate the association.

However, MCIOA sets limits. Regulation of conduct inside a unit is limited to activity that affects others or

the property itself. Private activity that has no impact on the health or safety of other occupants or the structure of the building, is outside the Association’s reach.

Importantly, MCIOA provides only baseline authority. If a Declaration does not expand rulemaking authority, the Association is limited to regulating what the statute allows. Many older documents lack clear language authorizing Rules, often requiring amendments. Modern Declarations more commonly authorize Boards to adopt Rules that supplement statutory authority. Where MCIOA does not apply, the Declaration becomes the primary source of authority. Under Section 515B.2-105(a)(11), any material restriction on the use of a unit must be contained in the Declaration to be enforceable. This commonly includes restrictions on architectural changes, parking, nuisance behavior, and business use.

2. Drafting Order: Building Clear and Enforceable Rules

Once a framework for authority is established, the next step is drafting Rules and Regulations that are clear, practical, and enforceable. MCIOA grants authority to adopt Rules and Regulations specifically, and Rules should be a standalone document, not part of a homeowner handbook or informal policy guide. Effective drafting always begins with the Declaration. The restrictions and authority in the Declaration form the foundation, and Rules should further clarify those provisions. For example, if the Declaration prohibits pets from creating a nuisance, Rules may define expectations such as leash requirements, waste cleanup obligations, and prohibitions on excessive barking or aggressive behavior.

Every Rule should be written with compliance in mind. If a provision cannot be applied objectively or is too subjective to be enforced, it creates confusion and liability. Clear, practical standards protect both homeowners and the community as a whole.

Structure also matters. Rules should be numbered and easy to reference for enforcement purposes. They must also be facially neutral, legally compliant, and applied uniformly across the community without targeting protected classes.

Once drafted, Rules must be formally approved and adopted by a majority vote of the Board via a written action or Board resolution. If permitted under the governing documents, the Board may delegate certain administrative functions to the community manager, including issuing violation notices and levying approved fines.

After adoption, proper notice to the membership is essential. Effective dates should be clearly stated, and Associations should maintain records showing how and when notice was provided.

3. Compliance: Applying Rules Fairly and Consistently¹

The Board is responsible for ensuring compliance with the Declaration and applying the Rules in line with the governing documents. Rules that are no longer enforced or no longer reflect community standards should be removed to avoid inconsistency in application, which can result in liability to the Association.

Taking action to ensure compliance must always be even-handed and objective. A helpful standard is to consider how the action would appear to a neutral third party, such as a judge. Similar violations should result in similar responses over time. Consistency is key in defending against claims of unfair treatment or discrimination.

Community Boards should also avoid actions that appear excessive or arbitrary. Reasonableness matters in enforcement. Whenever possible, reported violations should be verified independently to avoid the advancement of neighbor disputes. Board member complaints should also be independently confirmed to prevent perceptions of bias and maintain confidence in an impartial compliance process.

Not every complaint requires formal action. The Board must investigate, but it may determine that no violation occurred or that no enforcement is necessary. Documentation of that decision is important. Primary tools for addressing violations include levying fines, taking corrective action, and, as a last resort, legal proceedings. Initiating litigation should occur sparingly due to cost and time considerations.

Under Section 515B.3-102(c) of MCIOA, fines require written notice identifying the violation, the amount, the date imposed, and notice of the homeowner's right to a hearing. Fines must be reasonable and levied in an amount deemed reasonable to deter the violation.

Before a fine is imposed, the homeowner must be given an opportunity for a hearing. Afterwards, the Board should review all information, deliberate, and issue a written decision. Hearings can also serve as opportunities for dialogue, and to resolve disputes before they escalate.

For architectural violations, governing documents may allow the Association to correct the violation and recover costs. This remedy should be used cautiously and only after providing the homeowner with notice and an opportunity to cure.

4. Order Through Process, Not Punishment

Effective community governance depends less on punitive administration and more on a disciplined process. When authority is grounded in the Declaration and statute, when Rules are carefully drafted, and when Association actions are fair and transparent, communities function with greater stability, participation and trust.

Ultimately, "law and order" in community living is not about control. It's about creating a predictable, fair system shaped by and for the community, where residents understand the Rules, trust the process, and have confidence in how decisions are made.

Kysa McDuffie is an Attorney with Greenstein Sellers, PLLC.

¹ As of the date this article was drafted, SF1750 had passed both the Minnesota House of Representatives and Senate but had not yet been signed into law by the Governor of Minnesota. If enacted, the legislation will amend certain procedures governing the adoption and enforcement of Rules and Regulations, with changes taking effect January 1, 2027, including the following:

- All Rules must be "reasonable," and homeowners will have the right to receive notice 21-days prior to any change in Rules, to review and comment, before they are adopted by the Board.
- The Association will be required to provide homeowners with a list of fines for common violations of the governing documents along with a description of the Association's remedies, and most fines will be capped at \$100 for a single violation, unless (i) members vote to approve higher maximum fines; (ii) the fine is for repeat violations of the same conduct; (iii) the fine is for violations resulting in physical damage to the property or immediate impact on the health or safety of a resident; or (iv) the fine is for a violation that results in financial enrichment to the violating homeowner, such as a rental violation.
- Homeowners will have 30 days to request a hearing unless otherwise stated in the Declaration. If after the hearing the Board determines that the fine for a violation will be levied, the Board may only assess back attorney's fees incurred in the enforcement of the governing documents if the Board adopts a resolution explaining the decision to uphold the fine, and providing the homeowner with a copy within 30 days of adoption.



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Building Better Communities

Dealing With Rental Units

BY MATT DREWES

A well-run HOA can help preserve property values and homeowner enjoyment through consistent maintenance standards and fostering a sense of community. There are many challenges to achieving these goals. Sometimes those challenges relate to units that are occupied by renters rather than owners. Board members and property managers have reported that tenants may seem disinterested in joining and respecting the community, and that absentee owners may not care what happens when things don't directly affect their daily lives. If your association's declaration doesn't fully ban rentals, what can you do to maintain order and to encourage community?

It is possible for HOAs to impose restrictions on rentals including limiting the percentage of units rented, or requiring a period of ownership before renting, or even prohibiting rentals entirely. But that requires additional measures beyond some other, simpler options that can help curb problematic conduct. Greater restrictions such as limiting or prohibiting rentals can also give rise to other impacts on the community that some HOAs would prefer to avoid. This article will therefore focus on some ways an HOA can try to reduce the potential for strained relationships between HOAs and those involved in rental arrangements before touching on the question of imposing restrictions on rentals.

The first priority to help avoid issues with rentals is to ensure that there is direct and consistent communication between the HOA and any landlords. Many rental owners do not live in the community, and may have even moved out of state, which can lead to slow (or no) responses when problems arise. Delays or lack of communication can worsen disputes and create resentment among other community residents who expect problems to be tackled as quickly as if the problem affected the owner's own home. HOAs can improve accountability by absentee owners by maintaining updated contact information. Even if an association hasn't had issues with tenants in the past, it would be wise to ensure there are requirements in place for owners to keep this information current, and to respond to violation notices relating to their unit(s) within a specified timeframe. The HOA should

also respect the position of an owner who may not be aware of problematic behavior or conditions when they're not around. It's helpful to establish procedures to inform unit owners of any concerns that have arisen, preferably before those concerns escalate to claims of violations.

In addition to ensuring that owners renting units understand it is their obligation to keep the HOA informed of their contact information, all owners should understand that they can and will be held responsible for the violations of their tenants and other occupants of their units. If there is any lack of clarity in the association's governing documents or rules on this point, those issues should be cleared up right away. Absentee landlords become much more responsive when they understand violations could result in fines or legal action that, if left unaddressed, can start to threaten their ability to retain ownership of the unit.

It's also important to make sure renters understand the HOA has guidelines such as governing documents and rules. A failure to make new occupants aware of these requirements can lead to unknowing violations of parking restrictions, noise policies, guidelines regarding pets, or similar expectations. Unlike homeowners who usually go through a formal real estate transfer and closing process where state statute will typically require that they must receive a full set of the association's governing documents, there isn't a step built into the leasing process that ensures tenants receive the HOA's governing documents or rules unless your association establishes that requirement.

To reduce misunderstandings, HOAs should ensure that there is a requirement that owners provide tenants with copies of all governing documents and rules and regulations, and to incorporate into their leases the expectation of tenant compliance with each of those documents, where a violation of those governing documents or rules constitutes grounds for eviction. The HOA should resist the temptation to get so involved that it requires board approval of all leases or tenants, because that can lead to liability for a bad transaction or tenant. Instead, if there have

been problems in ensuring that owners provide copies of the appropriate information to tenants, the HOA could consider requiring an affirmation by the owner(s) and/or the tenants(s) of the applicable governing documents and rules. Some HOAs even impose a mandatory lease addendum and require that all owners must provide the HOA with a copy signed by the owner(s) and the tenant(s) before a tenant may occupy the unit.

A move-in, move-out procedure or checklist would also assist with these procedures. As part of each change in occupancy, the HOA should be provided with the name and contact information for each tenant who is expected to occupy the unit. The move-in/move-out procedure can even involve an appropriate move-in/move-out fee, as long as that fee is based on a legitimate potential for damage to community property or calls for certain administrative oversight by the HOA, such as providing copies of appropriate documents or disclosures and for maintaining contact with the owner(s) as well as new tenant(s).

The use of rules and regulations that include move-in/move-out procedures as noted above, and even fees for each change in occupancy, can address many of the concerns with non-owner occupied units. But there are limits to the association's ability to control the use of real property by passing rules. The right of an owner of real property to rent that property to another is considered a core right of ownership under Minnesota law. Therefore, if an association's objective is to go beyond regulating the rental process, and instead would impose restrictive measures such as limiting rentals (such as by percentage or based on length of unit ownership), or banning rentals entirely, it will have to amend its declaration. There are also some additional enforcement options that likely would require amendment of the association's declaration because those remedies are more severe than those discussed above, to the point that they create certain rights of the association to step in and deal with a tenant directly when the owner fails to do so rather than constituting regulation of the rental process.

A declaration for a common interest community is different from the other association documents because it becomes a part of the real property records. It's important to appreciate that the process of amending this document is more rigorous than passing a new rule or making changes to other governing documents, and the number of technical steps involved mean it's likely you would need legal counsel to complete them successfully. Beyond the technical and financial requirements for amending declarations, HOAs also must consider that limiting or prohibiting rentals will limit the pool of prospective buyers for units in the community. Buyers who may otherwise not qualify for a conventional mortgage loan may also be eliminated from the market if the restrictions go beyond certain thresholds or limitations that are beyond what is permitted for home-loan assistance programs like FHA insurance. Also, a buyer who is thinking about buying a unit may decide they would rather own a property they can rent if they choose, rather than one they are required to occupy for as long as they own it. In short, the decision to amend your association's declaration is not one to be taken lightly.

Clear governing documents and rules, effective communication, consistent enforcement, and landlord accountability form the foundation of successful rental management. HOAs that provide welcome packets, orientation materials, or digital resources for new residents that explain community rules in plain language also tend to experience fewer violations. When renters feel informed and included, they are more likely to respect community standards. HOAs that carefully consider which measures are right for them are more likely to succeed in maintaining consistent standards and fostering the community they desire.

Matt Drewes is a Partner and Attorney with DeWitt Law Firm.

Note: The information in this article is provided solely as general information and not as legal advice. Your receipt, and even your use of this information, does not establish an attorney-client relationship. Readers are urged to speak with a qualified attorney focusing on community association law when making decisions regarding a specific legal issue.

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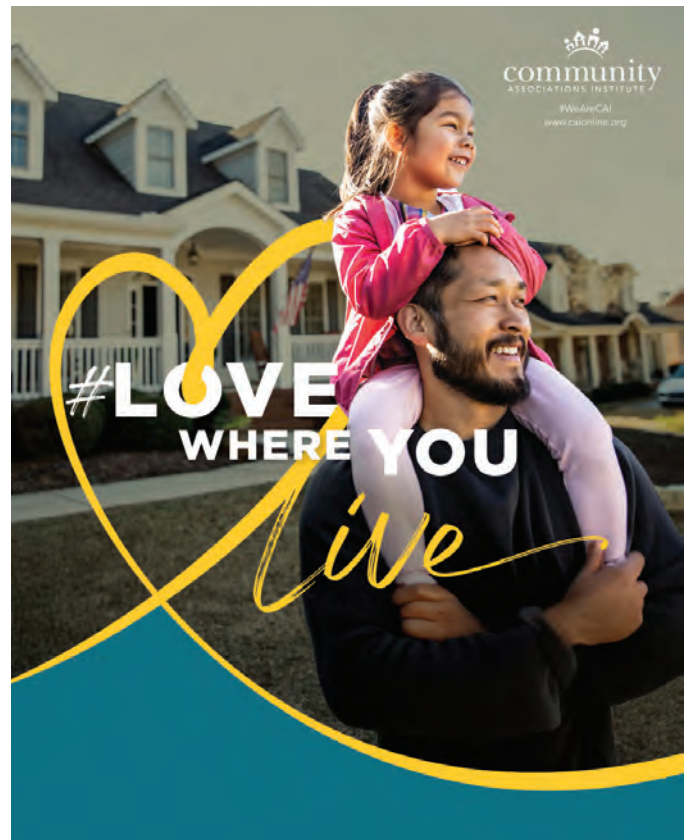
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Staying in Your Lane: Handling Neighbor Disputes in Community Associations

BY DANA OHMAN

If you serve on a Board or work with community associations, you've likely heard it before: "Can the association do something about my neighbor?"

Neighbor disputes are one of the most common (and challenging) issues in community living. From noise complaints and parking frustrations to pets and personal conflicts, tensions can arise even in the best-run communities. When they do, Boards and managers are often asked to step in and resolve the problem.

But here's the key: not every dispute is an association issue. Understanding when to act (and when not to) is one of the most important parts of effective governance.

Start with the Governing Documents

The first question for any Board or manager should always be: Is this addressed in the governing documents?

Declarations, rules, and policies define what the association is responsible for enforcing. If a situation clearly falls within those provisions, such as violations related to noise, pets, use restrictions, or common elements, the association has an obligation to follow its enforcement procedures. In those cases, the focus should remain on the rule, not the relationship. Boards are not there to take sides or mediate personal disagreements; they are there to enforce the governing documents consistently and fairly.

Not Every Conflict Requires Intervention

Many disputes, however, fall outside the association's authority. Personality conflicts, minor disagreements, or issues that don't clearly violate a rule are often better handled directly between neighbors. While it can feel uncomfortable to step back, inserting the association into these situations can create unintended consequences:

- Escalating tensions rather than resolving them
- Creating expectations that the Board will mediate all disputes
- Exposing the association to claims of favoritism or inconsistent treatment

In short, stepping in too quickly can do more harm than good.

Encourage Direct, Respectful Resolution

When appropriate, one of the most effective responses is also the simplest: encourage neighbors to communicate directly. That doesn't mean dismissing concerns. It means guiding residents toward solutions that don't require formal enforcement. In some cases, suggesting mediation services or community-based dispute resolution resources can also be helpful.

A simple shift from "the Board should fix this" to "how can we resolve this constructively?" can go a long way.

When the Association Should Step In

There are, of course, situations where involvement is necessary. The Board should act when:

- There is a clear violation of the governing documents
- Behavior impacts the broader community (not just a single neighbor)
- Issues involve safety, property damage, or repeated noncompliance
- Due process and enforcement procedures have been triggered

In these cases, consistency is critical. Following established policies, including notice, opportunity to be heard, and documented enforcement, protects both the association and the individuals involved.

Communication Matters More Than You Think

Sometimes disputes escalate not because of the issue itself, but because of unclear communication. For example, residents may not understand what the rules actually say, what the association can and cannot enforce, and what steps are being taken (or not taken). Clear, straightforward communication can help manage expectations and reduce frustration on all sides. Even when the answer is “this is not something the association can address,” explaining why can make a significant difference.

The Balance Between Leadership and Overreach

Serving in a leadership role within a community association often means walking a fine line. On one hand, residents expect support and action. On the other, the association must avoid overstepping its authority. The strongest Boards recognize that their role is not to solve every conflict but to uphold the governing documents, ensure fair processes, and maintain the overall health of the community.

Sometimes that means taking action. And sometimes, it means staying in your lane.

The Bottom Line

Neighbor disputes are part of community living. They can be frustrating, emotional, and occasionally unavoidable. But when Boards and managers stay focused on their defined responsibilities (enforcing the governing documents, applying rules consistently, and communicating clearly), they create a structure where most issues can be handled appropriately, without unnecessary escalation.

Because in the end, good governance isn't about solving every problem. It's about knowing which ones are yours to solve.

Dana R. Ohman is an attorney with Chestnut Cambronne PA.

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Why It's to Your Benefit to Stay Ahead of Construction Code and Periodic Changes: It's the Law!

BY LARRY BORGAN

For Minnesota property managers and building owners, construction and building code updates are no longer something that can be left entirely to contractors. Don't get me wrong. As a retired employee of a Minnesota CAI member contractor, I am proud to say that my company not only made a concerted attempt to know about evolving construction code, but more importantly insisted that customers abide by it. After all, it's the law, yet it also related to their honest, ethical operational values. Unfortunately, many operators out there don't keep abreast of Code, and some dishonest and unethical ones find ways to illegally dodge it.

The stakes are high for being compliant. Changes in fire safety requirements, accessibility standards, energy codes, and occupancy rules are directly affecting operating costs, insurance exposure, owner and tenant safety, board liability and asset value. So, there is plenty of skin in the "game." In the final analysis, it is your responsibility as property owners/managers to comply.

Ignoring code updates can lead to failed inspections, delayed renovations, fines, insurance issues, increased liability, and even rental licensing issues in some municipalities. Who needs that? Keeping informed is becoming a core part of responsible property management. Your diligent attention to this can also differentiate you from competition, but we know what you're thinking. I know enough about construction to be dangerous. I have too much going on as is without trying to stay current with construction code and its periodic changes.

Let's stop right there. You've just made a great case for hiring professional experts who can help you stay current and comply with code changes. The goal of this article is NOT to make you either a construction expert or someone versed in code provisions and the changes annually mandated by the Minnesota Department of Labor. The objective is to create added

awareness and urgency of this important responsibility. The idea is to enable you to either ask the right questions or be able to find the resources and the right experts to assist you in compliance.

Organizations like Minnesota CAI can do continuing education (CE) programs that deal with construction code, but that may be futile. Such an event was held a few years ago by our commercial cousins in Minnesota's Institute of Real Estate Management (IREM). At that poorly attended CE function, panelists got deep into the subject matter and attendees' eyes glazed over. The next year, an education committee member observed it was the most boring seminar she had ever attended and that the next offering should be more practical. There was nothing wrong with the construction code panelists. They were all knowledgeable professionals and the information provided was excellent, albeit above most heads in the audience.

Minnesota's Building Codes Continue to Evolve

So perhaps it is prudent to stay more basic in this article instead of giving you a litany of all the changes. Property managers should know that the Minnesota Department of Labor and Industry updates the state building code on a regular cycle so this is something that needs annual monitoring. The Minnesota Department of Labor (DOL) has published the following summary of the changes for 2025-2026: <https://share.google/Jn9euf4VWFW4u57qq>

For condominium and townhome property managers in Minnesota, code compliance is no longer just a maintenance issue — it is a governance, financial, insurance, and liability issue. Between evolving state building standards, fire code updates, accessibility requirements, energy-efficiency mandates, and growing scrutiny of HOA operations, property managers must take a far more proactive role in construction oversight and reserve planning.

Existing Buildings Are Not Automatically “Grandfathered”

Before listing experts that can help you stay updated on construction code, most ethical and knowledgeable contractors know that one of the biggest misconceptions among owners and property managers is that older buildings are permanently exempt from newer codes. The truth is that Minnesota code provisions apply to existing buildings under certain conditions. This has significant implications for building owners and the insurance policies they carry on their property.

For more information on the latter, consult with your agent for clarification. Suffice it to say that in loss situations, there should be coverage for current code compliance as this is mandated by law.

Why Compliance Is Becoming More Important

Code compliance has always been mandatory but in recent years the ante has been upped. Many Minnesota condo and townhome communities were built between the 1970s and early 2000s. Those communities are now facing:

- Aging roofs, siding, balconies, and decks
- Deferred maintenance
- Rising insurance costs
- Increased reserve requirements
- More aggressive municipal inspections
- Updated fire and accessibility standards
- Energy-efficiency upgrades

Need Help? Here’s Where to Find It

Rest assured there is help out there to get you through the Construction Code quagmire. Look to best practices out there. Some townhome and condominium property managers in Minnesota typically rely on a team of specialists rather than one source. The most effective compliance programs combine legal, engineering, inspection, insurance, and construction-code expertise.

Key experts include:

- **Certified Building Officials (CBOs)** — These are often the frontline experts for interpreting Minnesota code updates, permit requirements, inspections, accessibility rules, fire/life safety, and enforcement issues. The Minnesota Department

of Labor and Industry (DLI) certifies building officials and administers the state building code.

- **Construction code consultants and inspection firms** — Firms specializing in code compliance, plan review, forensic inspections, envelope/water intrusion analysis, and reserve-related construction risks help associations stay ahead of violations and deferred maintenance.
- **Construction attorneys and HOA attorneys** — Especially important when code changes affect reserve obligations, structural repairs, accessibility compliance, insurance claims, contractor disputes, or disclosure obligations to unit owners.
- **Structural engineers and building-envelope engineers** — Condos and townhomes frequently face issues involving balconies, roofs, moisture intrusion, foundations, siding systems, and parking structures. Engineers help determine whether evolving codes trigger mandatory upgrades during repairs or reconstruction.
- **Fire protection specialists** — Minnesota periodically updates fire and life-safety requirements, including alarms, suppression systems, egress, and common area safety rules. Property managers often work with fire marshals, fire-protection engineers, and code consultants.
- **Reserve study specialists** — Good reserve analysts increasingly incorporate code-change risk into long-term capital planning, especially for aging multifamily communities where deferred maintenance can become a code-enforcement issue.
- **Licensed general contractors and remediation firms** — Experienced multifamily contractors help associations understand how current code applies once a repair project crosses thresholds that trigger broader upgrades.
- **Industry associations and continuing education providers** — Organizations tied to HOA management, community associations, and building officials provide updates on rule adoption cycles, energy code changes, accessibility requirements, and inspection trends. Minnesota DLI also provides continuing education focused on the State Building Code.

What Property Managers and Owners Should Do Now

Minnesota property stakeholders should consider several proactive steps:

1. Conduct periodic code reviews

2. Track state and local code updates annually or have someone do that for you
3. Coordinate early with architects and code consultants before renovations
4. Budget for phased compliance improvements
5. Review fire protection and accessibility systems regularly
6. Understand how occupancy or use changes may trigger new requirements
7. Create a plan for compliance
8. Check with your insurance agent on applicable coverages

Want More Information?

Want to do some simple searching on your own to be better informed? The best source is the Minnesota State Department of Labor (DOL) <https://www.dli.mn.gov/about-department/our-areas-service/construction-codes-and-licensing>. Have specific questions about anything? DOL personnel can break things down for you. Then, of course, there are the vendor experts we referred to earlier. Don't underestimate the value of Minnesota CAI members. There is a wealth of knowledge out there and our great people are more than willing to share it. The Minnesota

Chapter of the Community Associations Institute (CAI-MN) offers members-only networking and a peer-to-peer Q&A network called **The Exchange**. Members can log in to post questions, browse past discussions, share best practices, and connect with other association leaders, managers, and business partners. It's there for you. That is what an association is all about. Looking for an expert? Consult our CAI-MN directory and be sure to attend our annual vendor shows. Make the rounds and find the right business partner fit.

Have we convinced you of the importance of Code compliance? To summarize, energy codes are becoming more aggressive, fire safety compliance is receiving greater attention, accessibility requirements continue expanding and insurance and liability risks are increasing. Building codes are no longer just a construction issue — they are an operational and financial issue. Owners and managers who stay ahead of regulatory changes are better positioned to protect owners and tenants, reduce liability, preserve asset value, and avoid expensive surprises later.

By Larry Borgen, independent contractor with Lindstrom Restoration.

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Law and Order:

Legal Foundations of Assessment Collection in Minnesota

BY KRISTINE SPIEGELBERG NELSON

Assessments are fundamental to the operation, maintenance, and long-term financial stability of homeowner associations. They provide the primary source of revenue necessary for the association to fulfill its contractual responsibilities under the governing documents and its statutory obligations under applicable law. Assessment income funds ongoing maintenance, repair, and replacement of common elements, including roads, landscaping, recreational facilities, and other shared infrastructure. Assessments also support essential operating expenses such as insurance premiums, utilities, professional management services, legal and accounting services, security, and reserve contributions for future capital repairs and replacements. Adequate reserve funding is particularly important because it enables associations to address major capital expenditures without imposing sudden or excessive special assessments on homeowners.

When homeowners fail to timely pay assessments, the resulting financial consequences extend beyond individual delinquency. Unpaid assessments reduce the association's available operating funds and may impair its ability to satisfy contractual obligations, maintain common property, or meet statutory duties imposed under Minnesota law and the association's governing documents. As delinquencies increase, compliant owners may be forced to bear a disproportionate share of the community's financial obligations through increased assessments, reduced services, deferred maintenance, or special assessments. For this reason, the collection of assessments is not merely an administrative function, but a central component of responsible association governance and financial stewardship.

Assessments constitute legally enforceable obligations that run with the land and bind each owner by virtue of property ownership. Unlike ordinary contractual debts, assessment obligations arise from recorded covenants that attach to the property itself and are accepted as part of the ownership interest acquired by each homeowner. Accordingly, owners are generally

obligated to pay assessments regardless of whether they actively use common amenities or agree with particular association decisions, provided the assessments are lawfully adopted and imposed in accordance with governing documents and applicable law.

In Minnesota, homeowner associations derive their authority to levy and collect assessments from their recorded declarations, bylaws, articles of incorporation, and applicable statutes, including the Minnesota Common Interest Ownership Act ("MCIOA"), Minn. Stat. Chapter 515B. The declaration establishes the contractual covenants that create the obligation to pay assessments, while the bylaws and rules govern the administration and operation of the association. MCIOA supplements these governing documents by providing statutory authority for the adoption, collection, and enforcement of assessments, as well as procedural requirements relating to liens, notices, and foreclosure remedies.

An association possesses only those powers expressly granted by its governing documents or conferred by statute. Consequently, assessment authority and collection remedies must be exercised within the limits established by the declaration, bylaws, and applicable Minnesota law. Under MCIOA, associations are generally authorized to levy common expense assessments, impose reasonable late charges and interest where permitted, recover certain collection costs, and pursue lien enforcement remedies for nonpayment. However, because courts strictly construe statutes affecting real property rights, associations must ensure exact compliance with all statutory and contractual requirements before pursuing enforcement measures. Lawful governance, procedural regularity, and transparent financial administration are therefore critical to maintaining the validity and enforceability of association assessments.

Depending upon the circumstances and the authority contained within the governing documents and applicable statutes, an association may pursue collection

of past due assessments through the recording of an assessment lien against the property, commencement of a civil action seeking a personal money judgment against the homeowner, or foreclosure of the assessment lien in accordance with statutory procedures. Each enforcement remedy carries distinct legal and procedural requirements that must be carefully followed. Associations must ensure that assessments were properly adopted, notices were timely and accurately provided, charges were lawfully imposed, and all statutory prerequisites for enforcement have been satisfied.

Because assessment enforcement actions may affect protected property interests, Minnesota courts require strict compliance with both contractual and statutory procedures governing liens and foreclosure actions. Improper or unauthorized collection efforts—including defective notice, unlawful fees, inaccurate accountings, or failure to comply with statutory foreclosure requirements—may invalidate the association’s claims, impair lien rights, delay recovery efforts, or expose the association to potential liability. Careful documentation, procedural consistency, and adherence to governing authority are therefore essential to preserving enforceability and protecting the association’s legal position.

Associations must be prepared to establish that assessments were properly adopted pursuant to an approved budget, that all charges were accurately calculated, that late fees and interest were lawfully imposed, and that any lien was properly recorded and perfected. Procedural irregularities may result in dismissal or reduction of claims. Careful documentation and consistent adherence to legal requirements are therefore essential to judicial enforceability.

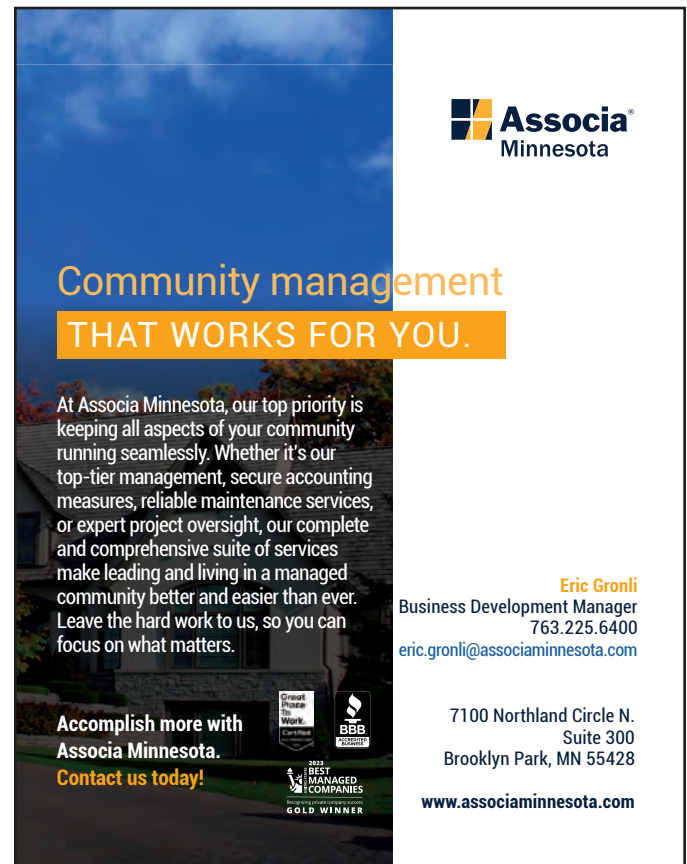
Associations that engage third-party collection agencies or attorneys to collect delinquent assessments must also remain mindful of applicable federal and state debt collection laws, including the Fair Debt Collection Practices Act. Compliance with these statutes is necessary to avoid claims involving harassment, improper collection practices, or unlawful fees. Violations may expose the association or its agents to statutory damages and liability.

Strict compliance with governing documents and applicable statutes, including MCIOA where applicable, preserves lien rights, protects property interests, ensures judicial enforceability, and promotes the financial stability of the community. Adherence to due process, uniform enforcement, and accurate

documentation safeguards both associations and homeowners while promoting fairness, predictability, and integrity in community governance. Lawful and orderly procedures remain central to the collection of past-due assessments in Minnesota homeowner associations.

Kristine M. Spiegelberg Nelson is an attorney with Hellmuth & Johnson.

Please Note: The information in this article is provided solely as general information and not as legal advice. Neither receiving nor implementing this information establishes an attorney-client relationship. Readers are urged to speak with a qualified attorney focusing on community association law when making decisions regarding a specific legal issue.



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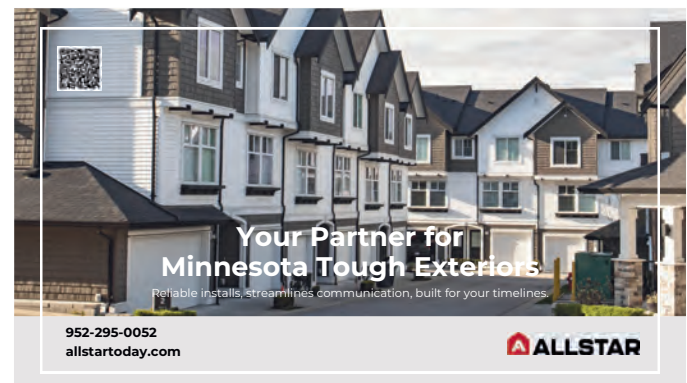
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Anthony Remick
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Partner



Amy Byrne
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Ayesha Khan
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Lawn and Order: A Summer of Compliance

BY PENNY MIXHAU

*June is bustin' out all over,
And so are all the rule-breaks too—
From driveway clutter, lawn chair clusters,
To doggy “mysteries” left in view.*

*The holiday lights still proudly glowing,
Though Easter's bunny packed and gone;
And one brave weed in perfect edging
Acts like it's earned its own front lawn.*

Summer comes to Minnesota in fits and starts, most years. It can be 90 degrees one day and snowing the next, but no matter how many stops there are along the way, summer does eventually unfold into the glorious days we all live for. But with that, along with road construction and mosquitoes, comes the heightened compliance season across the landscape of homeowner associations.

Boats and trailers, bird feeders and gardens, weeds and parking. Seasonal decorations that are still hanging on long past even the final, final clearance on wrapping paper is but a memory. Sheds and fences that spring whole from the ground without ever having seen the light of an ACC request. Chickens, tethered dogs, cats over the quantity limit, and most notoriously of all ... the doggy doo doo dilemma. I'll never forget the first time I opened an irate email containing a life sized photo of dog waste. No one told me about this in the onboarding process, probably for good reason.

Review the Declaration:

The Board's authority comes from the Declaration. This means they can only enforce those things the Declaration calls out specifically, or where the Board is granted broad authority to make and enforce rules and regulations for the association. It's always a good idea to have rules and regulations reviewed by the association's attorney to ensure they are not inconsistent with the Declaration.

The Board must enforce all rules and regulations. This doesn't mean snooping in back yards to ensure

every blade of grass is cut to the proper height. It does mean that the Board can't decide they don't like the rental restrictions or pet-size rules and therefore will simply ignore them. Some governing documents are outdated – and it makes sense to review them and remove any rules and regs that no longer work for the community. Declaration changes require the vote of homeowners and rules and regs changes should be reviewed to ensure they remain consistent with the Declaration.

The Board must enforce rules equally. Compliance is really the theater of human behavior with governing documents. It's easy to hold the line of enforcement when it's the cranky cat lady, or the guy who guns his motorcycle at the 4-way stop. But the same rules apply to the young widow with young children or the sweet gentleman who helps out at every community potluck. Justice is blind, they say, but humans have hearts. Keeping this requirement front and center when meting out compliance justice is important.

Fines are probably the most volatile issue in compliance enforcement. It's easy to ignore a notice until money gets involved. In Minnesota, the association must provide written notice of the violation that points to rule or provision violated, what action is required (if applicable), and notice that fines or other enforcement may follow. The homeowner must be provided a reasonable opportunity to appeal before the fine is levied. Language clearly stating homeowner rights and additional resources must be included in the notice.

At a hearing, the homeowner may present any documentation or argument stating why they believe the violation is incorrect or to throw themselves on the mercy of the Board. The Board can return a decision at that time or adjourn to deliberate among themselves and return a decision later.

Going into 2027, legislative changes will directly affect fines, violations, and the hearing process. This is a broad look at some of the upcoming changes. Associations should review their current documents and practices with their attorney to ensure they remain in compliance with the updated statute.

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Most fines are capped at \$100 per single violation. Specific situations may allow for exceptions. Total fines tied to a specific violation may be capped. Notice and hearing rights are more explicit and are guaranteed even if the association governing documents are silent on the issue.

And what about the pictures of doggy doo doo? While not explicitly required by the letter of the law, the spirit of defensible evidence in the form of inspection logs, photos, or recordings drive compliance practice toward fairness, consistency, and decisions that can withstand scrutiny at a hearing.

And so, as June stretches into full bloom and compliance season settles in alongside the mosquitoes, the work of community associations remains what it has always been: balancing rules with reason, enforcement with empathy, and the everyday realities of shared living with the occasional, unavoidable doggy mystery in the flower bed.

Penny Mixhau, CMCA, AMS, is a Senior Director at Cities Management overseeing Education and Development and the Limited Services Departments.

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Lost in Translation:

The Hidden Risk in HOA Communications

BY JORDYN FUGERE-BURMEISTER

In community associations, communication is the foundation of governance. Rules, notices, hearings, assessments, and policy updates all rely on one core assumption: residents understand what is being communicated to them.

But in today's increasingly diverse communities, that assumption is not always safe to make.

Across Minnesota and throughout the country, HOA and condominium boards are serving communities made up of residents from different backgrounds, cultures, and language experiences. At the same time, association communications are often filled with legal terminology, procedural language, and technical wording that can be difficult for even native English speakers to fully understand.

The result? Miscommunication that quietly creates operational challenges, resident frustration, and potential legal risk.

For boards and managers focused on strong governance, communication is no longer just an administrative function. It is a critical part of fair enforcement, due process, and community trust.

Clear Communication Is a Governance Issue

Most associations work hard to enforce rules consistently and fairly. However, consistency in process does not always translate into fairness in outcome.

A violation notice may technically meet procedural requirements, but if a resident does not fully understand:

- What the violation is
- What action is required
- When they must respond
- Their right to appeal or request a hearing

...the likelihood of escalation increases significantly.

What appears to be “non-compliance” may actually be misunderstanding.

This distinction matters because communication gaps can lead to:

- Increased resident disputes
- More hearings and escalations
- Delayed compliance
- Greater legal involvement
- Perceptions of selective or inconsistent enforcement

And in many cases, these situations could have been avoided through clearer communication practices.

Fair Enforcement Starts with Understanding

Fair enforcement begins long before a hearing or fine is issued. It begins with ensuring residents have a meaningful opportunity to understand and comply with association expectations.

Consider a simple example:

Two homeowners receive the same violation notice.

- One clearly understands the issue and resolves it immediately.
- The other misunderstands the notice or does not fully grasp the urgency due to language barriers or overly complex wording.

The outcome becomes very different:

- One clearly understands the issue and resolves it immediately.
- The other misunderstands the notice or does not fully grasp the urgency due to language barriers or overly complex wording.

The rule was the same. The process was the same. But the outcome was not.

When communication barriers exist, enforcement can begin to feel inconsistent or disproportionate—even when the association’s intent was neutrality and fairness.

That perception alone can erode trust within a community.

Where Fair Housing Considerations Come Into Play

Under the Fair Housing Act, associations must remain mindful not only of intent, but also of impact. This does not mean an association is intentionally discriminating simply because communication challenges exist. However, if communication practices consistently result in certain residents:

- Missing deadlines
- Failing to respond to notices
- Facing higher rates of enforcement escalation
- Losing opportunities to correct violations

...the association may face increased scrutiny around whether residents were given a fair and equal opportunity to comply.

In other words, notice is only truly effective if it is understood.

For boards and managers, this is less about politics and more about risk management, defensibility, and operational effectiveness.

The Hidden Cost of Miscommunication

Communication breakdowns impact more than legal exposure. They also create measurable operational strain for associations and management companies.

Poorly understood communications often lead to:

- Increased call volume to managers
- More resident complaints
- Longer enforcement timelines
- Additional attorney involvement
- Reduced trust between residents and boards

Over time, these challenges can damage community culture and consume significant administrative resources.

In contrast, clearer communication often leads to faster compliance, fewer disputes, and stronger resident relationships.

Practical Steps Associations Can Take

Improving communication does not require a complete overhaul of operations. Small, intentional changes can make a meaningful impact.

1. Use Plain Language

Before translating documents, simplify them. Avoid overly legal or technical wording when possible. Focus on:

- What happened
- What action is needed
- When it must be completed
- Who to contact with questions

Shorter sentences and bullet points often improve understanding dramatically.

2. Prioritize High-Impact Communications

Not every document needs translation immediately. Start with communications that carry the highest risk or urgency, including violation notices, hearing notices, collection notices, emergency communications, and insurance or disaster-related updates.

Even adding a line such as: “This document is available in Spanish upon request” can be a meaningful first step.

3. Reinforce Messages Through Multiple Channels

Residents absorb information differently. Combining mail, email, community portals, text alerts, and posted notices can improve visibility and understanding across the community.

4. Train Boards and Managers on Communication Awareness

Sometimes the most important shift is mindset.

Instead of asking:

“Why didn’t they comply?”

Boards and managers may benefit from also asking:

“Did we communicate clearly enough for someone unfamiliar with the process to understand what was required?”

That perspective alone can improve outcomes significantly.

Stronger Communication Creates Stronger Communities

Community associations operate best when residents understand expectations, trust the process, and feel they are being treated fairly.

Clear communication supports better compliance, more consistent enforcement, reduced conflict, stronger legal defensibility, and greater community trust.

In today's evolving communities, communication is no longer just about delivering information. It is a core component of effective governance.

Because fair enforcement does not begin at the hearing table. **It begins with understanding.**

Jordyn Fugere-Burmeister is Head of Marketing at Gavnat Public Insurance Adjusters and is also a member of the CAI-MN DEI Committee.



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