

Herndon Community Association Coalition Meeting Minutes

Thursday – April 1, 2010
National Realty Partners
7 p.m. – 9 p.m.

I. INTRODUCTIONS

The following individuals were in attendance:

Charlie Waddell	Dumbarton Square President; HCAC Chairman
Betsy Johns	National Realty Partners
Kim Bailey-Middleton	Crestview; HCAC Secretary
Carla Falconi	TOH, Office Assistant
Kathy Emmons	Potomac Fairways Board member
Bill Davis	Four Seasons
Susan Powell	Salem Village Condo Association
Kelly Horne	Waterford Park HOA, President
Bill Marr	Association Attorney
David Platt	Potomac Fairways
John Troy	Stuart Point HOA, President
Marc Ducean	TOH, Community Development
Pablo Hollstein	TOH, Housing Rehabilitation

II. OPEN FORUM

The Town of Herndon website, www.herndon-va.gov has a section under Neighborhood Resources, called Community Associations, where there is a link to the HCAC website, www.hcac-va.org. Should we have links to local HOAs in either the HCAC's website or the Town of Herndon's website?

Charlie Waddell- possible topic of discussion for next meeting: HOA website- should we have one? Do we need one? Cautions to have.

The Herndon Festival starts June 3, 2010, the same date as the next scheduled HCAC meeting. All agreed to reschedule the next HCAC meeting to June 10, 2010

Susan Powell asked when apartments and condos were built in Herndon. There was a discussion about it. They sprouted in the early 1970's in Herndon.

III. ANNOUNCEMENTS

- FY 2011 Budget- Draft Budget is out, it is in the public comments stage. There is a slight rate increase, about 60% of homeowners will pay the same or less than they did last year. A brief overview is inserted in the newspaper.
- Please send your comments to the Mayor and the Town Council about the real estate tax, the meal tax, the budget. They want to hear from you!
- The candidate forum is on Sunday April 11, 2010. Go in person or tune in on HCTV.
- Absentee voting in person begins tomorrow at the Fairfax Government Center.
- Spring Clean up is the weeks of April 12 and April 19, 2010
- Runnymede Park and Sugarland Stream Cleanup is Saturday April 17, 2010.
- Volunteer Appreciation Night is Sunday April 18, 2010.
- Council for the Arts Annual Taste of the Town is Thursday April 22, 2010 at the Worldgate Shopping Center.
- Big Trucks Days is the week of May 3, 2010 at the DPW Building.
- Herndon Festival is Thursday June 3, 2010
- Home Maintenance Workshops at the NRC are offered every month. Check the online calendar at the top of the page at www.herndon-va.gov under “Neighborhood Resources”, “Neighborhood Resource Center”
- This year Community Day is cancelled, but the Housing Fair is still going to happen inside the Neighborhood Resource Center on May 15, 2010
- There was some concern about the new development of homes near Van Buren and Monroe, and the flow of traffic.

IV. APPROVAL OF THE MINUTES FROM THE DECEMBER MEETING

The December 2009 and February 2010 HCAC Minutes were approved without changes.

V. OLD BUSINESS

There was no old business to discuss.

VI. NEW BUSINESS

Betsy Johns, NRP- Association Management Specialist

It is a good idea to set up contingency reserves. Many people do zero based budgeting (no contingency reserve). Betsy gave everyone a two page hand out titled “Goldklang Group CPAs, P.C.” with useful tips and information about home energy efficiency improvement tax credits and snow removal costs.

To put things into perspective: Management associations used to spend about 5% of their day dealing with delinquencies. Now that number is up to about 50%

Tip: Show the community that you are serious pursuing these delinquencies. Put it on your newsletters, talk about it (without using names or defaming the homeowners), and you might get a response.

Mr. Bill Marr, Attorney

If you are defined as a POA under the Property Owner's Association Act, you have the ability to file a lien against a property. This action can be taken within 12 months, and the lien can be enforced within 36 months.

Everyone was given a seven page hand out from the law office of Mr. William Marr titled "Collection of Assessments"

Second page outlines what the procedures are when you file a lawsuit in general district court. It is a good idea to file a lawsuit even if you think you will not get the money right away, there have been cases of people who come back to the area fifteen years later looking for a security clearance who end up paying the money- this is found money to the association.

It is also possible to docket a judgment from Fairfax County to another county (i.e. Loudon County) in Virginia. This is often seen in the case of investor owners. The lien is against the person, not the property.

Kathy Emmons: What is the break-even point for an association?

It is a question of making a business decision: how much is owed versus how much you want to invest in the case. If the debt is only of a few hundred dollars, it might not be worth it to file a suit (you must consider all the court costs and legal fees), but it will probably be worth it to put a lien on it. Also look at suspending the use of facilities (i.e. parking, use of pool, etc). Many shared that taking away parking privileges is extremely effective, especially in the case of rentals.

As always, make sure you have a procedure in place and that you always follow that procedure so that nobody can claim that they are being singled out.

Kathy Emmons: Are we allowed to cut a deal (i.e. if you pay us, we will take 10% off your debt)

Absolutely, as a board member you have full discretion to do that if you think that is the best way to collect the money. Several people shared that is the way they do things, they are understanding about the current state of the economy and that some people have lost their jobs, as long as there is communication with the homeowner, boards are willing to be flexible.

John Troy: Once a lien is filed, if the homeowner continues not to pay HOA fees do you continue to file new liens?

Yes. There can be multiple liens. If your documents allow for acceleration, you can file an accelerated lien through the end of the year. You file a lien each time they become delinquent on their account. This would typically start over each year (or cycle)

Virginia General Assembly Legislative Update

Everyone was given a sixteen-page hand out outlining the highlights of the changes:

- House Bill 956: Flag Display Bill went through.
- House Bill 812 was killed.
- House Bill 1100: Storm water management Bill went through.
- House Bill 1058 makes it easier to execute certain documents through e-mails.
- House Bill 1102 gives the board of directors the authority to adopt rules and regulations with respect to parking motor vehicles. The VALAC is in support of this in concept, but there is a legitimate constitutional issue as to whether or not by statute you can effectively override the provisions of the declaration.
- Senate Bill 221: Covenants against natural drying devices; died.
- House Bill 297: Noise ordinance- authorizes governing body to adopt civil penalties.
- Senate Bill 329: District and circuit courts; increases general district court filing fees (from \$27 to \$30) and circuit court fees (from \$60 to \$100 for suits under \$50,000) and they go up from there.

Mark Duceman, TOH Community Development, Transportation Program Manager

On the Metro Rail Plan: Seventeen candidates were narrowed down to six, then to one. Right now there are negotiations with that one candidate regarding costs. The result should be a comprehensive plan that will give developers a very clear idea of height, size, mass, form, etc. The process is much like the Downtown Plan. Most likely the consultant firm will be hired next month.

Mark Duceman showed everyone on a map where the metro rail station would be located.

VII. ADJOURNMENT

Motion to adjourn was made by David Platt at 9:47 p.m. All others in attendance agreed. The next meeting will be held June 10, 2010 at National Realty Partners.