

# LAS PALMAS Community Association Asociación de Dueños LAS PALMAS



## NEWS BULLETIN

Dear Las Palmas Owners,

The Las Palmas HOA would like to extend our warmest Christmas and Holiday wishes. To date, more than 90 units have sent in their early payments to take advantage of the 10% discount and help our community continue to provide the services and amenities we need to operate during the very lean months of December, January and February. The large majority of you have spoken and have showed your support and confidence in our HOA and our great community. We want to acknowledge all of you that were able to make these payments within the 15 days from the due date of the letter, December 7, 2018. Thank you to all of you!!!!

The HOA tries to look for ways to work with owners, and to give all our owners that may not yet have paid the benefit of the doubt, especially during the holiday season when mail services may be delayed, and for that reason owners that still want to take advantage of this 10% discount and can pay by check no later than January 2nd, 2019 will receive the discount and your account will be credited accordingly.

Additionally, the HOA has been receiving feedback and questions from some owners that need more information. Most of these questions are about information that has already been provided; however, it is important for the Board to try to answer as many ways as possible in an effort to help all our owners better understand this first-time ever special subdivision assessment.

### 1. What is a Special Subdivision Assessment?

There are different types of assessments for different reasons. This assessment called a Special Subdivision Assessment is an assessment that is

used for emergency reasons. The current situation is an emergency if we don't receive these additional funds, we may not be able to pay our employees, our utilities, to provide the services that we currently provide and may have to shut down many of these services that are provided by the HOA. If that happens, not only are those owners that either live at or frequent community going to be affected, but guests that visit our resort. The repercussions are significant and negative for our community.

## **2. Is this Special Subdivision Assessment enough to cover all the costs?**

Yes. It will be enough to get us through the winter season and enough to replenish our reserves, so we can get back on track.

## **3. Does this Special Subdivision Assessment mean that our HOA dues will also go up in 2019?**

The HOA plans to keep the fees as close to what they currently are as possible because Las Palmas receives a good amount of impact fees through the rental pool. However, there are proposals on the Agenda such as to change our current pool heating policy from only when the resort has 20% occupancy to the daily heating of the pools during the winter months regardless of occupancy levels that if passed will substantially increase our HOA dues.

## **4. Why wasn't this presented to the owners so they can vote on this?**

As per the Information Newsletter and the letter sent with your invoice, this Assessment is based on an emergency situation. Our Bylaws allow the HOA to call for a Special Subdivision Assessment in emergency situations such as these unexpected expenses and the inability to pay for our operational costs.

## **5. Does the HOA have the power to do this?**

Yes. The HOA is all owners and all owners have to follow the Bylaws. In the Bylaws, owners elect the Board of Directors who act on behalf of all owners and have the power provided by the Bylaws in order to conduct the day-to-day operations of the community. This Special Subdivision Assessment is necessary to conduct the day-to-day operations of our community.

## **6. Do other HOA's have special assessments?**

Yes. It is believed that all HOA's on Sandy Beach at one time or another have had special assessments. We are the only HOA from a main Sandy Beach resort that has not had an assessment before now.

## **7. Who does the HOA think they are to ask me for more money?**

The HOA consists of all owners, that's who we are. The owners elect the Board members to represent all owners and, on your behalf, make decisions in order to operate our community to in the best interest of our whole community. No owner, including the Board, wants a special subdivision assessment especially around the holiday season. This is a very hard decision to make; however, without this assessment as any community that requires services, we may not be able to function and may be required to shut down certain services. It is important for us to receive this assessment, so we can pay our staff, our vendors, and our utilities.

## **8. I pay my regular assessments – why do I need to pay this assessment?**

The regular assessment is for the purpose of expected and budgeted expenses that were voted on in our last owners meeting on February 10, 2018. This special subdivision assessment is unexpected, unanticipated, and is above and beyond the regular budget.

## **9. What is the money being used for?**

The community needs this money to replenish our reserves and to continue to provide HOA services to the community.

## **10. What happens if owners don't pay?**

Like all communities, the services provided may cease and we may be forced to shut down certain services and may not be able to pay for the staff that provides these services and basic utilities.

## **11. Can I attend the Owners Assembly Meeting if I don't pay?**

Yes, you can attend the Owners Assembly Meeting if you don't pay; however, it is important to note, as per our Bylaws you must be current with all regular assessment payments and any other assessments, penalties, fines, etc., that

are delinquent 30 days from the due date in order to vote and in order to attend the Owners Appreciation Fiesta.

**12. Can I pay any delinquent amounts at the Owners Assembly Meeting to bring my HOA account current?**

Yes, you can; however, the payment must be made by cashiers' check or in cash, because the day of the meeting is too late to confirm the validity of any personal checks. If you are in that position, please notify the HOA ahead of time so we can expedite the payment.

**13. Will I be considered delinquent with my HOA account if I don't pay this Special Subdivision Assessment?**

Yes, you will be delinquent. The Special Subdivision Assessment must be received within 40 days of the assessment, which falls on January 16, 2019. If you do not pay your Special Subdivision Assessment by this date, for all intents and purposes you will be considered delinquent.

**14. Why did I get 2 invoices?**

The Special Subdivision Assessment is considered a special assessment on its own and is not to be mixed up with any other regular assessment as it has its own separate due date and a special 10% discount for those owners who pay within 15 days.

**15. Can the 10% discount period be extended?**

Due to the Christmas and holiday season, Las Palmas HOA understands that banks and postal services are limited during certain days. Therefore, the HOA will not be able to verify any deposits made or checks mailed until January 2, 2019. Whomever has paid prior to January 2, 2019, the HOA will not contest the discount offered.

**16. Can I pay my regular assessment and wait until the Owners Assembly Meeting to ask more questions before paying the Special Subdivision Assessment without receiving a late fee and interest?**

The HOA cannot make that decision for any owner. The Special Subdivision Assessment is considered delinquent after January 16, 2019. It is up to each

individual owner to pay their fair share of the Special Subdivision Assessment on a timely basis. Any late payments will accrue late fees and interest will apply.

### **17. Why is this happening right before Christmas?**

The last thing any owner, regardless of whether they are Board Members or not wants, is to impose additional expenses on the community. This special subdivision assessment is based on necessity due to unexpected expenses that just cannot be resolved any other way and were unable to be determined earlier in the year as we were incurring these unexpected expenses up to the end of October. Now that we have entered into the slow season where there are minimal rentals and minimal impact fees, the money from owners is just not enough to sustain us during the winter months.

### **18. Why 10% discount?**

The purpose of the discount is to motivate and encourage owners to pay earlier as opposed to later when the funds are needed most. There is great value for our community to receive as much of the Special Subdivision Assessment as soon as possible instead of waiting for the 40 days. That value equates to a minimum of 10 percent.

### **19. If I pay after the 15 days can I still receive the discount?**

Please see answer to Question #15.

### **20. Why do I have to pay for those owners with delinquent accounts who don't pay their fair share? Why doesn't the HOA go after those people that are not paying?**

Las Palmas is an homeowners association community. As a community we are all tied to the hip. If a small group does not pay, the rest of us have to pay for that small group. It is unfortunate that a small group is not contributing and paying their fair share and sometimes, based on our experience, this non-payment is deliberate and sometimes it's not. There may also be extenuating circumstances where an owner is experiencing hardships. Regardless, the rest of us have to pay, whatever the reasons may be. The HOA is very empathetic to owners experiencing hardships and has always

worked with them in the past on a case by case basis. But our current situation is not this case. No owner that is delinquent on their accounts has come forward claiming hardship. The HOA is currently in the process of taking the next step in collecting on these delinquent accounts with a notification of a lien. Sooner or later, one way or the other, these units will be required to make payment in full on their outstanding amounts due.

### **21. Can I get rid of the HOA?**

No. This is more of a legal question; however, based on our Bylaws it is a very complicated and difficult legal process and does not benefit any owner as it will impact all of us individually and as a community. The HOA is made up of the Board of Directors that is elected to serve the community needs. This is a democratic process that is put in place to protect the interest of all owners by the majority, and not minority groups with special interests.

### **22. What can I do to stop all these owners causing problems in our community?**

Support your HOA. The HOA is there to protect the Bylaws put in place for the benefit of the community. Come to the meeting, let your voice be heard, and make your vote count. As in all democratic communities and HOAs the majority rules. If you like something vote for it, if you don't like something don't vote for it. But just make your vote count.

### **23. Can I form my own small special interest group of owners and fight the Board and the HOA and anything that tells me what I can and cannot do in my own community?**

The Las Palmas HOA encourages all owners to come together for the purpose of improving Las Palmas. It also encourages owners to do this by following Las Palmas Bylaws and policies put in place. There are wrong and right ways of doing things. Las Palmas HOA only supports owners that follow our community Bylaws and policies. Although we work with all owners on an individual basis and listen to their needs, the decisions that are made are based on a democratic majority voting system with the whole community in mind, not just a special interest group.