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Fines, fees and fear: Minneapolis neighbors speak out against 'harassing' homeowners association

Homeowners association in Heritage Park has filed liens, foreclosure actions.

By Miguel Otárola

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Jolene Johnson, seen Sept. 10, is frustrated that her homeowners association is forcing her to remove large sections of her garden, a garden she planted 12 years ago and takes great pride in. (Star Tribune/The Minnesota Star Tribune)

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The homes in the Heritage Park neighborhood in north Minneapolis are impeccable, the lawns kept short and green, the trash cans lined up in a row.

Behind that order lies a homeowners association that regularly sends violation letters and collects fines for what some neighbors see as small cosmetic infractions. One woman was ordered to remove parts of her garden by Monday or the association would do it and send her the bill.

The association has filed liens and foreclosure actions on homeowners who fail to pay fees and other costs on time, even during the coronavirus pandemic, according to records filed with Hennepin County.

Now more than a dozen homeowners are organizing and speaking out, saying they want the Heritage Park Master Association to be dissolved entirely or be more welcoming to the people who make up their membership.

"I want to see a neighborhood association that works with the people. ... I don't want somebody to just come in and do violations," said Ismail Ahmed, who lives in the neighborhood. "We are human beings. Everybody makes mistakes."

The association, which neighbors say encompasses about 100 households, has not responded in their favor. After catching wind of a letter neighbors wrote demanding several changes they believe would make the association more compassionate and equitable, it responded with a letter from an attorney denying their requests.

Board President Valerie Kowal and the association's attorney would not speak to the Star Tribune for this article.

The association board has a "fiduciary responsibility" to enforce the rules in its governing documents, said Dan Cunningham, owner of Sharper Management, which manages the association and about 150 others. Foreclosures, he said, are a common enforcement tool. .

"Typically, communities don't make exceptions," he said. "It can be a 93-year-old lady that's not making payments, but that doesn't give her the right to stay there and not make her payments just because she's 93."

But some who live in Heritage Park say the rules and design standards followed by the board infringe on their rights as homeowners, discriminate against non-English speakers and are out of touch for an area of the city with a complicated past.

The neighborhood was home to some of the state's first public housing projects and became an area of concentrated poverty over the 20th century. Following a lawsuit, the city demolished the projects and spread public housing across the Twin Cities, turning the area into a mixed-income development.

Laverna Starr was a 19-year-old mother living in those projects. She was forced to move; a few years later, she was told a house was available for her in the new redevelopment under the Heritage Park Master Association.

It was the complete opposite of her previous experience, and not always for the better. The board strictly enforced rules, often with "harassing behavior."

"It's great being back in my old neighborhood, but things have changed," Starr said. "There's just so many rules. To experience this in a north Minneapolis neighborhood – I just don't get it."

Starr says the rules – such as not being able to park in the driveway for longer than a day or attach a basketball hoop – are excessive. She questioned the annual fees neighbors have to pay, saying the association doesn't provide any regular services such as snow removal or lawn mowing.

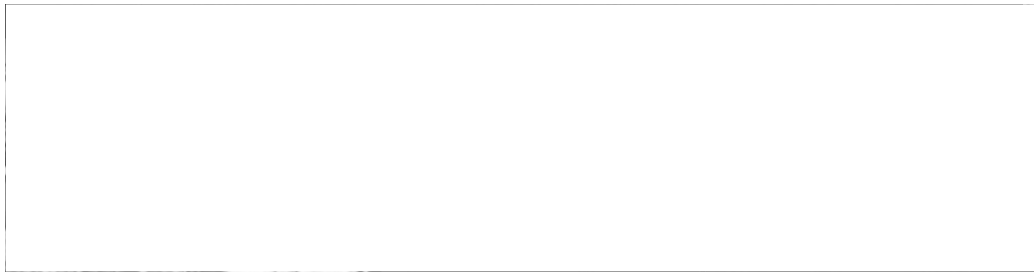
"I can't even imagine those that are going through foreclosure," she said.

Michael Roberson was one of those homeowners. He has admittedly always paid his annual fees late, arguing that he doesn't know what they go toward and that he keeps his yard and front porch tidy of his own volition.

He received a letter from the association this winter saying he owed \$500 in unpaid fees, he said. Then the pandemic struck. His wife lost her job and he focused on paying off other bills.

He got another letter in June informing him the association filed a foreclosure action on his house, he said. Roberson had to borrow money from friends to pay off more than \$2,000, money he is still paying back.

"Everything sounds threatening – that's my biggest problem," he said. "You don't have to threaten us. You just have to talk to us and let us know what it is that you need done."



Neighbors say they have consistently run into obstacles trying to make meaningful change within the association. Some of them have gone to the city and even filed complaints to the state Attorney General's Office. In a statement, the city said it "does not have a role in establishing homeowner associations (HOAs) and does not have any oversight over them."

Two seats on the association board are up for election, which are being held by mail, according to a letter from Sharper Management. In another letter to homeowners signed this month, the association's attorney said the board is not intending to change its guidelines.

"The Association is legally obligated to collect assessments and therefore must use liens and foreclosures to do so if homeowners fail to pay," the letter reads. "This course of action is not necessary if homeowners simply pay their assessments on time."

Jolene Johnson is worried about what the association may do to her property. Her house is surrounded by perennials, apple trees, tomato towers, a large cage for composting and a garden with several different vegetables, structures planted more than 10 years ago.

The association is now telling her to remove planter beds, the composting cage and half of the tomato towers in the backyard, saying there was no record of approval from them back then. If she did not comply, it said it would send contractors to remove the gardens at Johnson's expense.

"We really don't want to [move]," she said. "But if we can't find a way to stop the harassment, we can't keep living here."

