PENDER & COWARD
ATTORNEYS AND COUNSELLORS AT LAW

PRACTICE AREA

HOA/CONDO GOVERNANCE

The attorneys at Pender & Coward, P.C. are authorities on Virginia HOA governance and Condo governance. We have the knowledge and experience to provide exceptional legal counsel for both residential and commercial cooperative common interest communities. We assist residential condominium and property owners' associations, their boards, and their members with a variety of legal issues, including helping associations through the transition of builder turnover, enforcing covenants, conducting meetings, drafting and reviewing documents, defining rules and regulations, collecting assessments and fines, and resolving disputes. Additionally, our attorneys provide training for management companies.

Enforcing Covenants and Rules

Our experienced community association attorneys assist property management companies and community associations to assure the association is enforcing the association's covenants and rules. Our attorneys work with managers and boards to evaluate the best enforcement strategy for their particular HOA or Condo. This includes reviewing, updating, and drafting effective enforcement and fine policies and procedures to ensure fair, uniform, and consistent treatment of the members. Our team will diligently remain current regarding ever changing Virginia law and the enforcement rights provided under the association's governing documents. This allows us to effectively enforce proper compliance regarding architectural guidelines, pet rules, lease violations, removal of unapproved structures, proper maintenance of properties, nuisance behaviors, and other violations.

Defining Rules and Regulations

The board of directors has the sole authority to establish, adopt, and enforce rules and regulations regarding the use of common areas within a community association. Our team of experienced community association attorneys assist property management companies and boards of directors to assure the association is complying with Virginia law and properly defining its rules and regulations so that everyone will know where they stand, there will be no miscommunication or confusion, and every member will be treated without bias. Our attorneys regularly counsel boards of directors on proper governance and best practices for ensuring compliance with community association rules and regulations including rules regarding solar energy collection devices, electrical vehicle charging stations and pets. We have extensive experience in preparing rules and regulations that meet the specific needs of each association and updating outdated rules and regulations to make them clear, concise and easier to understand and enforce.

Collecting Assessments and Fines

Our team of experienced community association attorneys is aggressive and strategic in collecting assessments and fines. Assessments are generally an association's sole source of revenue which are needed to maintain

property values. Our attorneys have invested significant resources in technology and staff with the goal of recovering the association's delinquencies in a timely and cost-effective manner. This includes drafting demand letters, negotiating payment plans, obtaining money judgments, and seeking post-judgment remedies including garnishment of wages and bank accounts and levies. We offer counseling to the association on recording liens on property for unpaid assessments and will work with the association through foreclosure and bankruptcy proceedings. We can also assist the association with creating a customized and effective assessment recovery policy.

Resolving Disputes

Our experienced community association attorneys have extensive experience handling disputes between the rights of the association and rights of the homeowner. Our attorneys regularly represent associations in resolving disputes between individual property owners and the association regarding the architectural requirements in the associations' governing documents. These disputes usually involve owners who violate the association's architectural requirements by failing to submit an application for approval to the board of directors or the association's architectural committee or who violate the association's rules, regulations and guidelines by failing to ensure that their construction project complies with the association's covenants. We have successfully resolved these disputes prior to the association having to seek court intervention. When a resolution cannot be reached by agreement between the association and homeowner, we have successfully pursued litigation through the courts.

The attorneys at Pender & Coward, P.C. have established a reputation as leaders in HOA governance and Condo governance. When representing residential condominium associations, cooperative homeowners' associations, developers, and owners of units and lots within deed-restricted communities, our attorneys respond quickly and economically to the ongoing issues that arise. We fully understand the budget constraints faced by most community associations and realize that legal fees must be reasonable and transparent. Our goal is to provide affordable legal advice in an efficient manner.