



## **Jeff Vollmer in the News: Solve homeowners association problems with politics**

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An attorney who specializes in condominium- and homeowner-association law said electing a new board of directors is often the best and cheapest solution to problems with an ineffective or incompetent association.

Jeff Vollmer of Makower Abbate Guerra Wegner Vollmer PLLC law firm said filing a lawsuit can produce results as well, but that can be time consuming, disruptive and expensive.

“Short of litigation, the answer is a political one,” Vollmer said. “If people don’t like what’s going on with their association, they should garner support from the community and run for the board. That is often the better solution anyway.”

He agreed that battling an association board “in some ways is like you’re fighting city hall.” But he said disgruntled association members often exaggerate or suspect more wrongdoing than actually exists.

“People can be misguided and think there’s more of a problem than there is,” he said.

He said bylaws of associations should have a method of removing a board member in its bylaws if the complaining residents don’t want to wait until a members’ term is expiring, he said. Members are typically elected at an annual meeting, and terms are typically staggered.

He said association residents have the right to review detailed financial reports under state law.

Residential associations operate under the state Condominium Act, passed in 1978, or the state Nonprofit Corporation Act, or both, he said.

For those who decide to sue, changes made this year to the Nonprofit Corporation Act give judges more discretion in solving problems, said Vollmer, whose firm represents 500 to 600 associations in Michigan, mostly in metro-Detroit.

A judge can issue “injunctive relief” if the plaintiff can show the board’s actions were “Illegal, fraudulent, willfully unfair or oppressive,” based on the law, he said.

A judge also can take other actions to remedy situation, such as dissolving the corporation or changing or eliminating bylaw language, he said.

Naturally, if criminal behavior, such as embezzlement, is suspected, the resident can file a complaint with the local police agency, he said.

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