



CITRUS SPRINGS

Master Homeowners Association

Does master association trump neighborhood groups?

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Editor's note: Attorneys at Goede, Adamczyk, DeBoest & Cross, PLLC respond to questions about Florida community association law. The firm represents community associations throughout Florida and focuses on condominium and homeowner association law, real estate law, litigation, estate planning and business law.

Q: I live in a community with a master association and multiple neighborhood associations. The master association's governing documents provide that hedges may not exceed 5 feet in height. The president of the neighborhood association just proposed a rule to allow hedges up to 7 feet. Which rule controls?

-O. R., Port St. Lucie

A: The general rule is first in time, first in right. This means that the master association governing documents almost always control because they were recorded first and because the master association can set the global rules for uniformity throughout the community. A neighborhood association can almost always adopt rules which are more restrictive, but not less restrictive. In this situation, it means that the neighborhood association could adopt a rule limiting the hedge height to 4 feet, for example, but not 6 feet, because 6 feet is less restrictive than the master covenants. Thus, absent a review of the governing documents, my initial reaction is that the neighborhood rule is invalid because it is contradictory to an express right in a controlling document.

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