

KNOW YOUR RIGHTS

Tools & Resources to Help You Take Action with Confidence

Homeowners Associations

Types of Complaints Against HOAs in Florida:

- Complaints related to the HOA's failure to maintain common areas or provide adequate services.
- Complaints related to the HOA's enforcement of rules and regulations, including fines and penalties.
- Complaints related to the HOA's financial management, including budgeting and accounting practices.
- Complaints related to the HOA's processes and board member conduct.

The grounds for filing a complaint against a Homeowners Association (HOA) in Florida include failure to comply with the HOA's governing documents, breach of fiduciary duty, and failure to maintain common areas. Homeowners may also file complaints related to issues such as unfair treatment, selective enforcement of rules, and failure to provide adequate notice of meetings and decisions. Additionally, complaints may be filed regarding the HOA's failure to comply with Florida statutes, such as the Condominium Act or the Homeowners' Association Act.



It is important that prior to filing a complaint, homeowners should be sure to gather all relevant evidence and documentation related to their claim i.e. records of correspondence with the HOA, meeting minutes, and financial statements.

The Florida Department of Business and Professional Regulation (DBPR) is responsible for regulating and overseeing HOA's in the state of Florida. Homeowners can file a complaint with the DBPR by submitting a written complaint form. This can be done online, at myfloridalicense.com/file-a-complaint or in person by contacting the department directly.

Step-by-step process for filing a complaint

- 1. Filing a Complaint** – Homeowner submits a written complaint to the DBPR.
- 2. Review and Investigation** DBPR reviews the complaint and investigates, if necessary.
- 3. Mediation and Resolution** DBPR attempts to mediate a resolution between the homeowner and the HOA.

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4. Decision and Enforcement

DBPR makes a final decision and takes enforcement action, if necessary.

Link to DBPR 0070 – Uniform Complaint Form Instructions: myfloridalicense.com/pro/cam/documents/cam_complaint_package.pdf

Mobile Home Parks

Mobile Home Park Rights Section as per Chapter 723 Mobile Home Park Lot Tenancies:

Residents are protected under Chapter 723 when a park has 10 or more lots offered for rent. If fewer than 10 lots exist, other landlord-tenant law (Chapter 83) applies, but Chapter 723 continues if it applied when the tenancy began.

Essential Rights for Mobile Homeowners Renting Lots

- Park owners may not interfere with a resident's quiet enjoyment of their lot; access is limited to reasonable times and for stated purposes (e.g., repairs) and should not unreasonably disturb the residents.
- Park owners must provide at least 90 days' written notice before increasing rent (unless otherwise specified in a long-term rental agreement).
- Residents generally have the right to meet (through designated committee or HOA) with the park owner to discuss the reasons for increases or changes in services.

- A park owner can only evict a resident for limited statutory grounds such as: Nonpayment of lot rent, after required written demand, conviction of conduct harmful to health or safety, violation of park rules, rental agreement, or Chapter 723, change in use of the park land (e.g., redevelopment), but with special notice. (Notices must be in writing and specify grounds and deadlines consistent with the law.)
- Park owners cannot enforce rules that prohibit a resident from selling their mobile home on site, nor require removal solely because of a sale.
- New buyers may become tenants if they meet park entry qualifications, and park owner approval cannot be unreasonably withheld.
- Additional discriminatory rent increases based solely on refusal to enter resale agreements are prohibited.
- If the park owner changes the use of the land (e.g., redevelopment), residents must receive at least six months' notice before having to vacate. Notices must include information about potential eligibility for compensation from the Florida Mobile Home Relocation Trust Fund (if relocation is required).
- Violations of Chapter 723 or park rules may be subject to complaints to the Division of Florida Condominiums, Timeshares, Mobile Homes and civil actions; civil penalties can apply for violations of the statute or rules adopted under it.

Key Takeaways for Residents:

Resident rights include:

- Notice and procedural protections for rent increases and eviction.
- Ability to assemble, communicate, and organize.
- Protections in selling or transferring a mobile home.
- Advance notice and potential relocation compensation if the park's use changes/
- Statutory limitations on park owner powers and required compliance with health, safety, and building codes.

Chapter 723 Mobile Home Park Lot Tenancies can be viewed here:

leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0700-0799/0723/0723.html