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Can your condo, HOA hand out your phone number?

August 16, 2011 | By Daniel Vasquez, Sun Sentinel Columnist

When you live in a Florida shared community, there may be many reasons you would want to reach out to fellow condominium, home and co-operative owners.

Perhaps you want to organize a membership vote on installing new gate entrances, ask neighbors to volunteer for a charity event or let them know you want to be a candidate for the next board president.

So how do you get a hold of phone numbers, email addresses, fax numbers and outside addresses, particularly for snow birds, investors and other owner who do not live full-time in the community? Does your association board, which may have such information among official records, have to provide contact information for other owners upon request?

In most cases, state law doesn't allow community boards to pass along that information, even when there is a good reason for sharing it.

Allan Roberts, who lives in a Boca Raton community called Placide Condominiums, has questions about why. "We are trying to get the names, e-mail addresses and outside addresses of owners in our condo because we want to share with them some of the problems we see happening here and we want to get their support to run new people for the next election in February," said Roberts, whose wife, Arleen, is a treasurer on the board.

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Roberts said simply knocking on doors of other owners to collect contact information is not feasible since many only live in the community a few months a year. "We just want to get ahold of them so we can operate in a democratic way and get their input."

When he and his wife tried to contact the board and property manager to request the contact information of fellow owners, Roberts said he was told he could only have a list revealing owner names, unit number and phone numbers - if provided previously by owners. No cell phone numbers, email addresses nor outside addresses were provided.

"I have explained to both of them that state law does not allow me to give them all the information they want," said Lyn Newell, Placide's property manager for the past 12 years.

"I know my stuff," Newell said. "I have given them the information the Florida allows, the rest that they want is excluded by state law. It's a matter of privacy."

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Under state law, a community association may collect extensive contact information of owners - including a roster of all owners, mailing addresses, email addresses, telephone numbers (including mobile phone numbers) and fax numbers - but it must be careful not to hand out that information, even as a response to official records inspections requests.

The only information an association board may release safely by law is an owner's name, unit number or home address within the community, and if known, phone numbers associated with property, said Joshua D. Krut, of the law firm Weiss Serota Helfman Pastoriza Cole & Boniske in Fort Lauderdale.

Krut added that Florida lawmakers in the past two years have tweaked the laws regulating condo, homeowners and cooperative communities when it comes to boards providing and protecting personal contact information of community owners.

Those changes, he said, make it clear that e-mail addresses and fax numbers provided by owners to the board are not to be made available to other owners unless the owner who provided the email address and fax number consents in writing to release it. Previously, the law allowed disclosure of such information until an owner made a request to the board to keep it private.

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That is still the case for cooperatives, however, Krut said. Boards of co-ops may release e-mail addresses and fax numbers to other owners up until and owner makes a request to not release it.

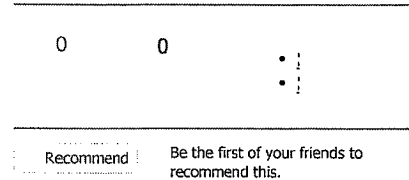
Also worth noting: Associations are protected from liability for the inadvertent disclosure of a unit owner's protected personal information if such information is included in an official record of the association and is voluntarily provided by a unit owner and not requested by the association.

dvasquez@tribune.com or 954-356-4219 or 561-243-6686. Daniel Vasquez' condo column runs Wednesdays in Your Money and at SunSentinel.com/condos. Check out Daniel's Condos & HOAs blog for news, information and tips related to life in community associations at SunSentinel.com/condoblog. You can also read his consumer column Mondays in Your Money and at sunsentinel.com/vasquez.

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