



DECISION PAPER

DATE May 17, 2021

TITLE:

Action to record liens against properties for delinquent assessment accounts.

RECOMMENDATION:

By Motion:

The Board of Directors authorize the recordation of liens against properties of members for which delinquent assessments, fines and fees are owed.

Property Account Numbers are included herein as Exhibit B.

BACKGROUND

Those Property Account Numbers listed herein as Exhibit B have outstanding delinquent assessment accounts including the 2021 Assessment. Under the current Civil Code 5673, the Board is required to specifically authorize the recording of assessment liens against members' properties; this responsibility cannot be delegated.

ANALYSIS:

The Tahoe Donner delinquent account policy prescribes the recordation of assessment liens against those members and their Tahoe Donner properties who have failed to bring their assessment accounts should their accounts remain delinquent after May 1, 2021. These actions are not only set forth in policy and governing documents but are authorized by state law.

Members who still owed the regular assessment as of March are advised of this pending action. They are also given notice of their right to address the Board regarding this contemplated action, and that their opportunity to do so would be upon request as part of the policy. All property account numbers listed herein Exhibit B have outstanding delinquent assessments including the 2021 Annual Assessment.

The Association contracts collections services with Platinum Resolution Services to assist in collections and foreclosure proceedings on properties with delinquent assessments have two or more years of delinquent assessments. They cannot perform collection services for fines; thus, the Accounting department performs the collection services on fines and related fees. The proposed action today authorizes staff and Platinum Resolution Services to record the property liens on delinquent assessment accounts.

OUTREACH:

Properties with delinquent assessments are notified by first class and certified mail of delinquent assessment(s) and pre-lien notice. Additionally, properties with delinquent assessments are sent a monthly invoice with balance due.





FISCAL IMPACT

Lien fees are applied to the property and are recovered at the time of collection. Platinum Resolution Services service charges varies depending on stage of collection; however, estimate for the collection of delinquent assessments per property is \$850. The cost of collection is recovered at the time of collection.

ALTERNATIVE:

The board has a number of alternatives:

1. The board may choose to direct staff to not authorize the new lien;
2. The board may choose to direct staff to modify collections processing.

ATTACHMENTS:

EXHIBIT A Resolution - Authorization to Proceed with Recording of Lien for Account Numbers (EXHIBIT B List of Delinquent Account Numbers)

EXHIBIT B List of Delinquent Account Numbers

Prepared By: Annie Rosenfeld, Director of Risk Management and Real Property

Reviewed By: Todd Martyn-Jones, Director of Finance, Accounting and Business Services

Board Meeting Date: May 28, 2021

General Manager Approval to Place on the Agenda: _____

