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The Census Consensus: Community Associations Must Cooperate With Census Workers

James H. Hazlewood, Esq. and Jason E. Smith, Esq.

Every ten years the United States government conducts a census to gather information about the number of people in our country. Its primary purposes are to adjust the number of Congressional delegates per state, which are tied to population, and to guide the flow of federal dollars to state and local governments based upon their populations.

The census process works like this. The government mails a census form to every household with a prepaid return envelope. Paid census workers then visit all of the households that failed to return the census form. The census workers may visit every non-responsive home up to three times and attempt to reach the occupants by phone three times.

In the last few days, census workers have been hitting the pavement across the country, and many of our clients and management friends have been approached by census takers seeking information about the occupants of properties in their communities. The burning question is whether or not the community association or management has a legal obligation to assist the census workers.

Community associations and management are, in fact, required to assist census workers. The federal law states that any "manager . . . or agent of any hotel, apartment house, boarding or lodging house, tenement, or other building, [who] refuses or willfully neglects . . . to furnish the names of the occupants of such premises, or to give free ingress thereto and egress" to the property is in violation of the federal law and subject to fines of up to \$500.00. 13 U.S.C. §223. This law clearly would apply to condominium buildings. The law also would likely apply to gated communities. Associations and management (and guards at guard gates) must allow census workers to enter a gated community. Obviously, access to a non-gated single family residence neighborhood with an association will not be an issue.

The federal law also provides that agents or persons in charge of "any business... or organization of any nature" can be similarly fined if they refuse or neglect to answer census questions relating to the organization "or to records or statistics" in their official custody. 13 U.S.C. §224. Therefore, if there is an on-site or off-site management office, we recommend that member information be provided to the census workers so that they can try to complete their jobs of contacting the occupants. You would not have to provide phone numbers, but you do need to assist in connecting names to addresses.

If you have any questions about the census and its impact on associations, please contact James Hazlewood or Jason Smith in our office.

Please contact any Carpenter, Hazlewood, Delgado & Wood attorney if your Association is interested in this amendment process. Please ask about special pricing for this resale assessment amendment.

Carpenter, Hazlewood, Delgado & Wood, PLC.
1400 E Southern Ave. Suite 400 | Tempe, Az 85282