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Differences between an HOA and a POA

- [Anchor: Corey Lazar](#)
- Mar 3, 2026

CHARLOTTE COUNTY, Fla. (WINK) — A Charlotte County couple is sharing a warning about living in a property owners' association (POA) community. They advise potential homeowners to understand the rules and enforcement capabilities of a POA before moving in.

Michael and Linda Ecker found their ideal home in Deep Creek, Punta Gorda. Their house falls under a POA, which they initially believed would enforce strict standards among homeowners.

Michael Ecker said, "Okay, so it's, I understand there's somewhere about 34 or 3500 properties, so it's quite large." He added, "You have to get approval if you want to paint your house on the color. You're supposed to get approval to do just about anything outside the house."

However, their confidence in the POA was shaken when issues with a neighbor arose, and the enforcement seemed lacking.

"We're on our third year, and it's never done," said Michael.

Attorney Mark Wagner explained the difference between a POA and a homeowners association (HOA).

"Generally, a POA, or a property owners association, is a much broader type of management. Usually, it encompasses mixed-use developments, residential developments, commercial developments or a combination," said Wagner.

The Eckers filed complaints against their neighbor, citing large holes in the yard, torn-up grass, and unapproved potted plants on the driveway.

Michael described the situation: "Well, it's been a little difficult, because the situation has been going on since '22, our first complaint to the POA was in September of '23, they come out, they make certain improvements, and the rest of it just ignored."

Linda further explained, "I thought it was all going to be taken care of, and I didn't need anything, so I gave that to the CAM, had a discussion with her, and it was supposed to start being taken care of. And within a few days, I got a phone call asking me if I would just ignore it. Yeah, and that's how it's been going."

The POA is composed of an elected board, a community association manager (CAM), and inspectors. Linda expressed her frustration, "Nobody seemed to come over and get her to do, finish what she was told to do, to comply with their rules."

Wagner noted, "POAs are not governed by the Florida HOA act, whereas Florida HOAs are governed by the Florida HOA act." He continued, "It's a contract, so to the extent that a party is breaching that contract, you have the right to enforce it."

The homeowner next door acknowledged the complaints and said she and the POA have developed a plan to resolve the issues.

"And he'll say, you know, you gotta put some grass down here, and so forth and so on, and then there's a bigger spot there. You gotta cover that," she said.

The Eckers hope the situation will be resolved soon.

The Eckers told WINK Anchor Corey Lazar that they feel the POA has not been to their neighbor's property since January to make sure the issues are being taken care of.

Corey reached out to the Deep Creek District 23 POA, and the Community Association Manager issued this statement:

"The Section 23 POA has been actively monitoring this property, as it does with any property in Section 23, regarding potential deed restriction violations. This is standard operating procedure for deed restriction enforcement as published on the POA website."