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Riparian Rights and Your Common Interest Community

Navigating the Waterfront



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Reserve Funding During Covid-19

By **Jared Tunnell**, *National Cooperative Bank*

As a condominium or homeowners' association board member, how has your team funded capital projects during Covid-19? Has the pandemic hurt your ability to get projects completed? From a banker's point of view, after a brief lull during the first quarter of 2020, that outcome doesn't appear to be the case as many of our clients restarted plans for projects right away. In fact, our lending business to condominiums and homeowners' associations has been strong over the past twenty-four months. What's more, we have not seen much of an uptick in the number of delinquent homeowners due to Covid-19 within our existing loan portfolio.

Nevertheless, is there anything we as an industry should be concerned about related to capital planning and Covid-19? The short answer is yes. Read on for the financial impacts of Covid-19 boards and managers should be on the lookout for.

Concern #1

Negative Return on Reserve Cash

As most community managers and boards have probably noticed, interest rates offered by banks for reserve deposits are now significantly below 1.00 percent—often closer to zero. That's because the Federal Reserve has created a zero-interest rate environment in response to the unprecedented economic impact of Covid-19. This situation is likely to remain for the foreseeable future.

Why is this important? The cost of labor and materials for many projects a community may undertake has and will continue to grow at a much greater rate. Some estimates predict a 3 to 5 percent or greater increase per year depending upon the project type.

So let's say you are on a Board who has set aside \$75,000 to tackle a siding repair project. By this time next year, it could cost you \$78,000 (based on 4 percent labor/material inflation) and yet the cash reserves would have only grown to \$75,750 (assuming the average 1 percent earned on a CD). In this scenario - and countless others - you would lose around \$2,250 annually.

And what if your Board or community, like most, does not have 100 percent of the funds needed to complete capital projects over the next few years? That deficiency will further compound the funding deficit.

Concern #2

Delayed Impact on Residents

Covid-19 has had a significant and sudden impact on income levels for a great many people. Mortgage forbearance offered by many lenders expired in August 2021. The Mortgage Bankers Association estimates 1.1 million homeowners were in forbearance as of October 2021, and continues to decline from the highpoint of 4.2 million in May 2020. The Census Bureau's Household Pulse Survey from August 2021, indicates more than 7.9 million households are still behind on rent.

Again, what does this mean for you? It points to a possible delayed impact to communities as many of the programs implemented in 2020 have expired. Similar to the great recession, a spike in loan foreclosures and short sales would cause an increase in delinquencies that would take a few years to work through. Buildings with a higher concentration of investor-owned units could be especially impacted.

How can we mitigate these risks when planning for reserve projects?

To address Concern #1:

- Utilize a portion of your current annual reserve contribution for loan repayment to address necessary projects right away. Record-low interest rates mean the cost of borrowing money is often lower than project-related inflation as earlier explained.
- Kick the austerity mindset out of the board room and increase maintenance and homeowner fees annually based on input from engineers, contractors, and your property manager.
- Get a reserve study and digitize the information so it can be managed annually as projects are completed and additional funds are contributed.
- Depending on the complexity of your community, hire an engineer to review the property with the goal of augmenting the basic reserve study inspections and determine if there are any looming projects not yet identified by the study.



To address Concern #2:

- Audit the current owner vs. rental ratio of the community to see if you may be at higher risk of future delinquencies due to added economic strain on rental units.
- Partner with a collections or law firm to ensure any efforts to collect from residents are timely and in accordance with state and federal law.
- Continue to monitor the situation and be prepared to adjust upcoming budgets accordingly.

Even before the pandemic, creating a separate operating contingency fund (or "rainy day fund") was and remains a worthy best practice. Just as every personal financial planner recommends having a few months' worth of expenses set aside at all times in case of emergency, you should do the same for your community. Remember, reserve funds should not be used for operating expenses.

These are indeed unprecedented times, but you are not alone. The firms who specialize in providing services to condominiums and homeowners' associations are working with boards and managers every day. We are here to help.



Mr. Tunnell heads up NCB's lending and treasury services business for Community Associations. He has been involved in this industry for over 20 years, helping communities secure over \$500 million for capital reserve projects. In addition, over his career he has helped communities manage over \$1.5 billion in operating and reserve funds.

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Congratulations Becky Gehl, CPA

Promoted to Partner!

Rebecca (Becky) Gehl, CPA, has been a part of DesRoches & Company's journey for more than twenty years; specializing in providing tax, audit & accounting services to condominium and homeowner associations. She is essential in conducting our mission and helps us invest in our team with her compassionate leadership and direction. We heartily believe that our people are our most valuable asset, and she embodies that statement. She is deeply involved in the development and training of our staff, passing on her wisdom and knowledge to make the company stronger. Becky is as enthusiastic about her life outside of the office as she is about company growth. Her commitment to a work-life balance has made her an incredible role model for our entire staff. For all these reasons and more, it is our honor to begin the New Year on January 1, 2022, with Becky's promotion to Partner.





Goose Control

By **Greg Blackham**, Aquatic Specialist, *SOLitude Lake Management*

Resident Canada geese populations in North America are estimated at 4 million. Chances are that they have found your community pond. Even more likely is that the residents of your community consider them to be a nuisance — they can be aggressive, cause unsanitary conditions, and destroy property at a rapid rate. Their numbers have grown at an incredible pace over the last few decades and they are becoming a widespread problem in urban and suburban areas.

Don't get me wrong... I love geese, but they are not a great fit for ponds in developed areas. Before I discuss mitigation strategies I want to stress the first and most important rule in geese control. **DO NOT LET PEOPLE FEED THEM!** Feeding them creates an unhealthy relationship with humans, causes a slew of health hazards for the birds, and encourages them to return to a dysfunctional setting. You may not realize you have a geese problem until it is too late.

*Controlling nesting habits
is much less costly than
controlling already large
populations.*

Often, complete control can never be achieved, but a happy medium can be found by repelling the majority of the birds and discouraging further mating at your pond. Adult Canada geese can live more than 20 years and they mate every year, usually at the same pond. Their young generally return to their birthplace to reproduce as well. If, for example, four geese from every clutch survive to be mating adults, it does not take complicated mathematics to see how exponential



population growth occurs. Controlling nesting habits is much less costly than controlling already large populations. According to the non-profit organization, GeesePeace, the mating season occurs from February to early April and nesting starts in late March and goes through mid-May. Gosling maturing and foraging occurs between mid-May and early July, while molting, or the flightless period when geese shed their outer wing feathers and regrow new ones, occurs in the span from mid-June through early August. Pond hopping and foraging occurs the rest of the year from August through February.

There are limited control methods that can be started in the summer months, but now is the best time to plan out your overall goose control management program to start up in January or February. If you can successfully repel the mating couples from choosing your pond as a suitable nesting area, this will save you the most money. Discouraging geese from choosing your pond is dependent on the local environment. The couple needs to feel safe from predators before they will be comfortable building a nest. The following methods are, in my experience, the best ways of discouraging nesting and overall desirability for geese residency in general. Keep in mind that there is no silver bullet to discourage geese. Geese are highly intelligent and adaptive, so it is incredibly difficult to fool them for a long time. And to really expel them, you may need a professional management company or state agency to help out.

The most effective and natural goose

repellent is: Tall, thick, vegetated buffer around the pond. I am not talking about a little strip of scraggly vegetation. You need a buffer at least 3 feet tall by 2 feet wide for this to be really effective.

Some less natural but also effective goose

repellents are: Monofilament line completely enclosing the perimeter of the pond or area you are trying to repel. The line should be set at about 12 inches high. Even better than one line, is two lines staggered about 6 inches vertically. Monofilament line in a grid over the surface of the pond. The closer the lines in the grid, the more success you will probably have. The line should be about 12 inches above the surface. Unfortunately this is unattractive and less effective than buffers.

The least effective repellants are: Noise

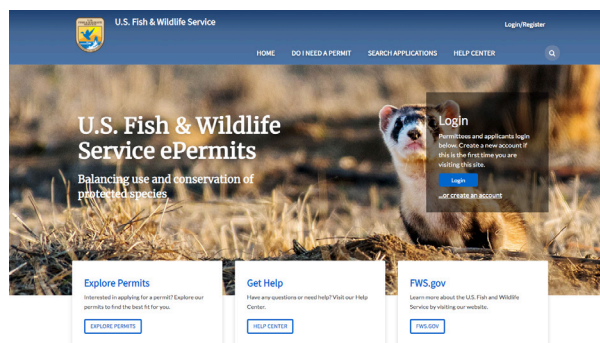
emitting devices: horns or cannon blasts, balloons, flashy tape or lights. Predator decoys: dog, wolf, or coyote models, owls or alligator heads. There are many products being sold that tout high success rates but I have seen very few with much long term success. When using scaring techniques, like the wolf or owl decoys, the scaring device needs to be moved every couple of days. If they see the same "predator" in the same spot for about a week, it will not be effective once they determine it is not a threat.

The most effective way

to expel and repel Canada geese from your pond is through the use of trained border collies. These dogs, under direct supervision of a trained professional, can completely scare away the birds. The process is very rigorous and intense at first as the dogs need to completely convince the geese that this pond is dangerous. Border collies possess a rare talent of being able to perfectly simulate a wolf or other predator by crouching down and staring at the geese as if to attack. As the birds flock to the pond for sanctuary, the dog is then boarded into a boat convincing the geese that the water is not safe either. The dogs need to do this 2-3 times a day for a few weeks until the geese leave and then periodically after that when geese try to return.

Repelling geese should not be done during their molting phase. Geese molt their feathers in late June and for approximately six weeks are flightless. It would be inhumane and ineffective to try and scare them off during this time because they have nowhere to go. You may need to herd them away from sensitive areas during this time, but you should seek guidance from the state or a professional before doing so. If you cannot discourage mating couples from residing on your pond late winter through early spring, then your next step is to consider nest and egg control.

Canada geese nests and eggs are protected by federal and state regulations and you will need to get a permit before destroying or tampering with any eggs or the nest. The permit is very simple and can be done online at <https://epermits.fws.gov>. Before registering, you should train the person who will actually be adding the eggs and familiarize yourself with the proper procedures.



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MANAGEMENT OF CANADA GOOSE NESTING

Canada geese are one of the most readily recognized birds in the United States, and they are enjoyed by birdwatchers, sportsmen and women, outdoor enthusiasts and citizens. However, in some areas, Canada geese can damage property, impact agriculture, pose disease threats, and present public safety problems. An integrated damage management program which includes a variety of safe, practical, and effective techniques usually provides the best relief from Canada goose damage. The integrated approach should include banning the feeding of waterfowl, habitat modification, harassment, control of nesting, and in some cases, legal sport control of nesting, and humanely implemented harvest (goose hunting). The purpose of this document is to describe the techniques and methods associated with management of Canada geese associated with damage to all areas nesting. The information is applicable to all areas nesting. For additional State-specific recommendations and guidance on Canada goose damage management methods, contact the APHIS Wildlife Services (WS) office in your State or call 1-866-4USDAWS.



Canada Goose

Canada Goose Nesting – The Basics

Resident Canada geese are well-adapted to human dominated landscapes, and they nest in a wide variety of locales – some in very close proximity to people. Goose nests occur near sidewalks and entryways of homes and other buildings, adjacent to paths and roadways, and on rooftops and porches. They are also found in more traditional areas, including parks, farmsteads, and other open space. The resident goose nesting season occurs as early as late February through mid-May, with most eggs hatching during early May. Both birds of the pair attend the nest. Once all eggs have been laid (approximately 1 egg per day is laid with 2-12 eggs in a complete clutch and 5 eggs as the average), incubation begins and the male remains close by. Eggs are incubated for 28 days. In southern states, goose nesting may occur slightly earlier than in northern areas. As the nesting season passes, geese gather into flocks and congregate in open areas for the molting period. During the molt, resident geese lose their flight feathers and remain flightless during mid-June to early July. Molting geese also flightless since they have not yet developed their adult feathers that will enable them to fly.

Canada Goose Populations

Two behaviorally distinct types of goose populations exist in most parts of the country: resident and migratory. Resident, or non-migratory Canada geese, are those that nest within the lower 48 states and the District of Columbia during March-June, or that reside there during the months of April-August. However, some resident geese will migrate short distances during the summer prior to molting while others may migrate during the fall/winter depending upon the

severity of the weather. There are an estimated 3.6 million resident Canada geese in North America (2008). Migratory Canada geese move between breeding grounds in Canada and overwintering areas in the US, but do not nest in the lower 48 states.

- Spray oil on each egg with a hand-held pump action sprayer
- Spray oil on each egg with a pressurized backpack sprayer



One Method of Oil Application to Canada Goose Eggs

Puncturing—It is not necessary to mark the eggs to be punctured; however, an individual may prefer to mark the eggs so they do not need to be handled frequently in your hand, brood against the egg, hold the egg. Best results are obtained by placing the sharp point of the probe against the pointed end of the egg. Once the probe passes through the shell, place its tip against the inside of the shell, and with a circular motion, the puncturing tool will pierce, not pick, the chickenhurdle nesting tool, tie to connect the foot to a lanyard or string, use of bright-colored flagging tape attached to keeping track of it while you are working and from nest to nest.

The only accepted methods of adding the eggs are shaking, puncturing and oiling. Oiling is the most effective and humane method and is done with 100% food grade corn oil. A good resource for these procedures can be found at http://www.aphis.usda.gov/wildlife_damage/downloads/canada_goose.pdf. By adding eggs and correctly destroying nests, the mating couple no longer has any particular attachment to your pond for the duration of the season. Using border collies during this time (but before summer molting) is highly efficient and should be done if the community is serious about controlling their resident geese.

As with all successful programs, Canada geese control begins with proper community planning. To be done right, the community needs to be well-educated and armed with the right tools for long term success. There are many state agencies and professionals that can help you develop a management strategy. Contact your State Wildlife Service Agency or local pond management professionals to learn more about local regulations, effective strategies, and helpful tips on geese control.



Greg Blackham is an Aquatic Specialist at SOLitude Lake Management, an environmental firm specializing in the sustainable lakes, stormwater ponds, wetlands and fisheries management. Learn more about this topic at www.solitudelakemanagement.com/knowledge.

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Major Flood Coverage Changes

By **Jessica Knutsen, CIC, EBP, CIRMS**, USI Insurance Services

The National Flood Insurance Program (NFIP), managed by the Federal Emergency Management Agency (FEMA), enables homeowners, business owners, and renters in participating communities to purchase federally backed flood insurance.

Why are the October 1, 2021 changes important?

New rates for all properties insured through the NFIP go into effect nationwide on October 1, 2021. FEMA is pairing state-of-the-art technology with NFIP's mapping data to establish a new risk-informed rating plan—Risk Rating 2.0, the largest change to the program in 50 years.

Risk Rating 2.0 uses the latest actuarial practices to set fairer, risk-based rates that better reflect a property's true flood risk. All NFIP policies—including single-family homes, multi-unit, and commercial properties—will change over to the new rating system.

Over the last 50 years, FEMA has collected \$60 billion in NFIP premiums, but has paid \$96 billion in costs (including losses, operating expenses, and interest). Taxpayers and policyholders are adversely impacted when the program does not generate the revenue needed to pay claims. Risk Rating 2.0 will help put the NFIP on solid financial footing by creating a more stable program that is accountable to taxpayers.

What is the schedule for the new rating methodology?

FEMA is conscious of the far-reaching economic impacts the pandemic has had on the nation and existing policyholders and is taking a phased approach to rolling out the new rates.

Phase I

New policies beginning Oct. 1, 2021, will be subject to the new rating methodology. Also beginning Oct. 1, existing policyholders eligible for renewal will be able to take advantage of immediate decreases in their premiums.

Phase II

All remaining policies renewing on or after April 1, 2022, will be subject to the new rating methodology.

How should we budget for this change?

The new rating plan will comply with statutory caps, preventing significant premium increases by offering a glidepath discount to existing policyholders and new homeowners buying homes from existing policyholders. Existing statutory limits on rate increases require that most rates not increase more than 18% per year. We have specific information for this change—please contact your insurance agency to learn more.



Jessica has been practicing insurance for 15 years. She is a Vice President at the USI Community Association Insurance Practice. She has built expertise developing Risk Management Plans and insurance programs for community associations. Jessica

holds the Certified Insurance Counselor (CIC) professional designation, the Educated Business Partner Distinction (EBP) and the Community Insurance & Risk Management Specialist® (CIRMS) designation administered by Community Associations Institute (CAI). She was recognized as the 2020 Educator of the Year by the Washington Metropolitan Chapter of CAI, and she currently serves in the CAI national Business Partner Council in an At-Large position (Insurance Broker). She can be reached at Jessica.Knutsen@usi.com



Legal Counsel's Perspective on 2021 Year in Review

By **Deborah M. Casey, CCAL®**, Partner, *Vandeventer Black LLP*

If hindsight is 2020, then it would be reasonable to expect that 2021 would be a year determined by the pandemic. When the world locked down seemingly overnight, technology was how we continued to conduct business, socialize and communicate. We were catapulted out of our malaise to use technology and had to adapt to virtual and socially distanced ways to work and live. While many were able to make the transition almost seamlessly, for others it exposed wide and glaring gaps in knowledge and resources. It remains a challenge to our communities and society to fill these gaps.

Conducting business by electronic means has an upside that I had hoped for in 2001¹ and had reason to foresee

last Spring². Everyone became more accessible. Suddenly, it was much easier to participate when travel time, scheduling conflicts and logistics were not a factor. We saw our neighbors, co-workers and colleagues in their homes with families, pets, and as real people where many may be more relaxed and comfortable.

The presence of frequently changing Executive Orders and health agency guidelines, which required us to be nimble and flex quickly, subsided and eventually ended with the roll out of COVID-19 vaccines. The vaccines raised new and important issues about what a return to work and gatherings may look like and require. We are still figuring out the new normal.

No doubt portions of our economy were severely affected, but the collections problems many thought would afflict community associations did not bear out. What was not as clear in the making were the supply chain and contractor shortages, and corresponding price increases. We could foresee that there would be many legislative changes to address board and member meetings, voting, and other uses of technology. The 2021 new laws facilitate doing business by electronic means and overcome limiting language in governing documents. While the devil remains in the implementation, the changes are no less sweeping.

The sweeping legislative changes are not all pandemic-centric either. The early legalization of marijuana for personal use and right of persons 21 and older to cultivate up to four marijuana plants per household is highly publicized. The right of Associations to restrict smoking not only in the common areas/elements, but in condominium units and attached dwellings in POAs by rule will ignite strong positions. The expanded jurisdiction of the Court of Appeals, effective January 1, 2022, to most civil litigants, is groundbreaking. The expansion will provide an appeal of right to most civil litigants from cases from the Circuit Court that will undoubtedly affect community associations. The time to enforce judgments obtained after July 1, 2021, has been drastically reduced. The treatment of requests for accessible parking as a reasonable accommodation, even if it requires a physical modification (such as a curb cut or restriping) for which the Association bears the cost, will impact association budgets.

While the pandemic-focused changes were predictable, and other issues affect the bottom line, the collapse of Champlain Towers South in Surfside, Florida on June 24, 2021, was unthinkable. "This tragedy is going to reverberate through all community associations for years to come. Every community resident, board member, manager, and business partner will be asking questions of themselves, of each other, and of you." Skiba, Tom, CAE. "Introduction: Rising from the Tragedy, Champlain Tower South June 24, 2021". *Common Ground Magazine™*, September/October 2021. <https://www.caionline.org/CommonGround/magazine/Pages/Rising-from-the-Tragedy.aspx>. Accessed 29 Sept. 2021.

It is a rally cry, a wake-up call and alarm bell that our industry hears and to which it is responding. CAI understands the responsibility it has as the only organization in the nation dedicated to community associations. The stakeholders have coalesced to study the situation, propose solutions and make changes so this never happens again. Community members, volunteer leaders and their advisors are engaged asking the questions, having the discussions and making the hard decisions. Risk management and active planning

will mitigate the uncertainty and challenges with insurance. We can expect that state legislatures and local governments will heed the call. The stakes are no longer merely financial, theoretical or something to push down the road. Safety and lives are at risk. With the stakes so high, hope abounds that we learn from this tragedy, no longer succumb to political pressures and act responsibly.

And while our community associations, larger communities and industry come together for the good and welfare of its members, we can also hope that the same will spread to other areas of community life. Civility and respect are needed to discuss differing views and make decisions for the common good. It will require diversity and inclusion, awareness and education.

As communities examine and shore up their physical structures, it is also important to examine and make sure the legal structures that establish community associations and govern rights and responsibilities, i.e. the governing documents (Declaration, Articles of incorporation, Bylaws, rules, guidelines, and policies) are up to date with the law, regulations, best practices, technology and desire of the community. Careful and expert document review is required to determine what changes, improvements, updates and overhauls are needed. This is a tedious, but worthwhile, project.

There is much work to do, and the challenges are great. What was once considered impossible, insurmountable or unfathomable has happened. The rapid changes throughout the pandemic and the associated costs and lessons learned have taught us that we can adapt and improve.

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Deborah M. Casey, CCAL® is a partner with Vandeventer Black and serves on the firm's Executive Board and Chairs its Community Associations law practice. She has represented Virginia community associations for more than three decades. Debbie is a Fellow in the College of Community Association Lawyers and is listed in Best Lawyers in America for Community Association law.

1 Casey, Deborah M. "Voting and Election Issues In Community Associations". CAI's Journal of Community Association Law, Vol. 5, No. 1, January 2002.

2 Casey, Deborah M. "Technology for Community Associations in the Midst of Coronavirus". Currents, Quarter 1 2020.

Accessory Dwelling Units



POLICY

CAI recognizes the need to provide more affordable housing opportunities in the United States. At the same time, CAI supports the rights of residential common-interest communities to reasonably regulate the development and placement of accessory dwelling units within their communities. In many parts of the United States the need for affordable housing is acute. Governmental regulatory bodies seeking to provide affordable housing opportunities must simultaneously recognize that need to ensure that roads, schools, availability of adequate parking, and other necessary services ensuring public safety, including those provided by the community association, are adequate to meet any additional burden resulting from an increase in the density of dwellings and population.

CAI supports legislation that recognizes the core principle of self-governance and equitable sharing of common property and the expenses necessary to operate the community association housing model, while simultaneously permitting, but not mandating, that affordable housing be constructed on single family lots. In most states developers submit site plans for local approval, which relies on adequate infrastructure being constructed to support the project. Where adequate physical infrastructure does not exist, it must be supplemented without burdening the

association and existing owners with additional expense. Legislation allowing the construction of affordable housing units within an existing common interest community must provide an association with equitable means to assess owners of new housing the additional expenses reasonably determined to result from the impact of occupants of accessory dwelling units within the common interest community without the need to amend declarations or bylaws.

As each residential common-interest community is unique, legislation should recognize the need for a particular community association to develop reasonable rules and regulations for accessory dwelling units consistent with that community's unique design, development, and operation. Such rules and regulations would necessarily include restrictions upon the design, materials used, size and location of accessory dwelling units. These rules and regulations may include, but are not limited to, prohibiting multiple dwelling units within one structure, setting reasonable density limits in communities, conversion of existing property improvements, vehicle and parking restrictions, the installation of additional amenities to support these additional dwellings, and the ability of a community association to establish equitable sharing of the incremental costs associated with the additional occupancy. CAI does not support legislation that prohibits community associations from adopting reasonable rules governing accessory dwelling units.

BACKGROUND

Accessory dwelling units come in many different forms across the country. An accessory dwelling unit may be a smaller, secondary, independent residential dwelling unit located on the same lot as a stand-alone (i.e., detached) single-family home in a community. Accessory dwelling units may also be known as granny flats, accessory apartments, in-law apartments, family apartments, room rentals, garage and/or basement conversions, patio enclosures, or secondary units and serve as a cost-effective alternative to increasing housing supply. These forms of housing continue to grow in popularity to keep up with the housing demand in residential neighborhoods, to provide affordable housing options, and to promote intergenerational living opportunities. In some localities the cost of housing has become unaffordable to existing residents, and those employed in a municipality such as firefighters and law enforcement officers, teachers, municipal workers, nurses, and other essential workers. This type of housing model also facilitates efficient use of existing housing supply and infrastructure, as well as improves homeowner cash flow. As the need for affordable housing options continues to grow, zoning policies are being revised to allow for the development of accessory dwelling units.

Historically, approvals granted to developers by local planning officials limit the amount of parking, open space, and other important amenities to support the original anticipated occupancy of the community, but not additional structures or occupants not envisioned when approvals were granted.

As a result, community associations experience practical issues when accessory dwelling units are added to existing



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common interest development communities that have rules with a valid purpose created to preserve the intended purpose and design characteristics of the community. Under certain circumstances, accessory dwelling units may create many unintended adverse consequences in a community, including but not limited to, parking issues, alteration of intended design, overcrowding of residents and structures, overtaking common facilities and amenities, and increasing traffic congestion, all without a mechanism to reallocate assessment allocations to account for changes which would create an associated burden upon the community.

RECOMMENDATION

CAI supports legislation that recognizes the core principle of self-governance and co-ownership of common property and the community association housing model. CAI encourages policymakers to engage industry stakeholders, including community association homeowners, board members, volunteer leaders, and business partners, on this issue. Further, CAI believes crafting legislation and regulation should always take place in an open and transparent manner, providing the opportunity for comment by all interested parties.

Community Associations Institute (CAI) recognizes the need for affordable housing in the United States and supports

the rights of residential common-interest communities to reasonably regulate the development of accessory dwelling units within their communities.

CAI opposes legislation that prohibits community associations from regulating the addition of accessory dwelling units without allowing for reasonable rules and restrictions.

CAI supports legislation that allows an association to develop reasonable rules and regulations requiring consistency with the common plan or scheme of the subdivision where accessory dwelling units are located within a community, including restrictions upon design, size, and location.

CAI supports providing a community association's board of directors the ability to use discretion in adopting uniform, reasonable individual assessment increases to offset the additional costs created by an accessory dwelling unit.

Approved by the Government & Public Affairs Committee January 11, 2022. Adopted by the Board of Trustees February 9, 2022.



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Community Events During COVID-19

at Sajo Farm Condominium Association

By **Nancy January & DeAnn Williams**, *Sajo Farm Condominium Association*

It has been wonderful to be part of such a welcoming and fun community here at Sajo Farm in Virginia Beach! Throughout the last year and a half, we have had to operate a little differently when it comes to events due to the COVID-19 pandemic.

Our Fall/Winter events for 2020, were a little unique while we followed the CDC guidelines. Halloween, we were able to host a little parade around the center of our community, where both children and adults were able to show off their costumes to the neighborhood and say hello to their friends, while keeping proper social distancing and mask wearing. At the end of the parade, each child was allowed to grab a lollipop out of the display pumpkins.

For the holiday season, we forewent hosting a community party. Instead, we invested our social committee funds into additional decorations for the community and created a "Light Up the Night" event. We encourage all house to participate in a decorating contest and chose one night, where the neighbors could walk around and vote for their favorites. This was a huge hit!

As we entered 2021 and vaccines became available and CDC guidelines changes, we were able to start putting more fun activities together:

- We hosted an Easter Egg Hunt where we divided the children up by their ages to hunt in different areas of the neighborhood and had a photo area setup with the Easter Bunny.
- We created a new event called, "Sajo Forum," where someone from the neighborhood was asked to present and tell us a little about themselves. This was a wonderful way for the adults to mix and mingle over food and drinks (BYOB) and get to know interesting information about those in the community. This is now becoming a quarterly event. We have so far had the privilege of hearing from the retired Director of the Marine Corp Band and retired head of Cancer Research at St. Jude. This event is adult only.
- For the 4th of July, we received a visit from our local fire department, who gave a presentation to the kids about fire safety while they enjoyed popsicles and climbed on the trucks.



- We hosted a community photo contest where our neighbors submitted photos and neighbors voted for their favorite.
- Our community participated in National Night Out. This event occurs annually and is a chance for communities to put faces to the police department that serves. We ordered pizzas and community residents brought desserts. We thanked our VBPD and they allowed tours of their patrol cars that the children absolutely loved.
- We closed out the Summer with a kid's back to school ice cream party at the pool and an adult only Luau.
- For the Fall/Winter season, we decorated the tree area on our walking path and have volunteers dressed up for a Haunted Forest event.
- We celebrated Thanksgiving by hosting a Chili Cookoff and Turkey Trot.
- The Army/Navy game was streamed outside the clubhouse for residents to watch and cheer together.
- We hosted both Children and Adult holiday parties to round out the year.



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RIPARIAN RIGHTS

and Your Common Interest
Community Association

By Jeffery A. Hunn, Esq. & James T. Lang, Esq., Pender & Coward, P.C.



Virginia is fortunate to have thousands of square miles of water and coastline. However, waterfront property is not unlimited. It is also in great demand because people value waterfront access rights and the pristine views that come with it. Waterfront property with a pier or dock brings great joy to the family that enjoys recreational boating.

Virginians who own residential or commercial waterfront property worked hard and paid a premium for that bundle of property rights known as “riparian” property rights. Indeed, the Virginia Supreme Court in 2012 wrote that the “riparian nature” of waterfront property “is often a substantial, if not the greatest, element of its value.” Studies show that buyers pay approximately 45% extra for oceanfront property, with lake and riverfront properties commanding a premium of about 25%. Although people could save a lot of money by purchasing that non-waterfront property across the street, they pay the higher price because they want the land plus the riparian property rights. These riparian property rights are a package of the following five specific benefits available to waterfront property owners under Virginia law.

1. The Right to Enjoy The Natural Advantages Conferred Upon The Land By Its Adjacency to The Water

Our clients often tell us that the view of the water, as seen from their waterfront property, is one of the greatest natural advantages that comes with owning waterfront property. Waterfront property owners also attach great importance to recreational amenities, such as swimming, fishing and boating. We also routinely advise our clients on whether they can stop others from swimming, fishing and boating in the water next to your waterfront property. The answer depends on whether the property is on a lake, pond, creek, river, bay or seashore. The answer depends also on ownership of the land beneath the waterbody (i.e. the subaqueous bottom or bottomland).

2. The Right Of Access To The Water

Riparian property rights protect the waterfront property owner's ability to operate a boat at the property by providing him or her a right of access to the water. This right specifically includes a right of way to and from the navigable part of the waterway. Having access from the shore to the line of navigation is an important part of riparian property rights.



3. The Right to Build a Pier or Dock Out to The Navigable Part of The Water

Riparian property rights also protect the waterfront property owner's ability to operate a boat by providing him or her the right to build a pier or dock. This is important to the waterfront property owner because oftentimes the water closest to the shore is too shallow for a boat. The waterfront property owner overcomes this problem by "piering out" to the deep water. Once the pier or dock is built from the shore out to the deep water, the waterfront property owner can tie up his or her boat at the pier or dock without ever having to operate the boat in any water other than deep water, and then conveniently walk from the boat to the waterfront property.

4. The Right For the Size of Your Property to Expand Through a Natural Process Known as Accretion

The waterfront property owner owns land with fixed boundaries as to the upland or "fast" land. The waterfront boundary at the shoreline is quite different. It shifts under the influence of the water which can deposit extra soil along the shoreline in a process known as accretion. When this happens, the size of the waterfront property grows larger. Conversely, the influence of the water can remove shoreline soil in a process known as erosion, resulting in a reduction in the size of the waterfront property. Sea level rise is another factor that can shrink the size of waterfront property. The one thing we know for sure is that water is dynamic and the property boundary of a waterfront property changes over time as the shoreline changes. Waterfront property owners typically want to install a bulkhead, revetment or other defensive structure to guard against erosion of their shoreline. Virginia's new "living shoreline" law (took effect July 2020) discourages these strategies in favor of living shorelines.

5. The Right to Make a Reasonable Use of The Water as It Flows Past or Washes Up on the Land

During earlier times in Virginia a riparian owner would use flowing water in a river as an energy source to drive a water wheel that operated a sawmill or a gristmill. Today, water might be withdrawn from a river or stream to irrigate crops or to water cattle. Another modern example is an electric power generating plant, built next to a river, that withdraws river water to cool equipment inside the plant and returns the water (after it has been heated) to the river. The withdrawal of surface water may require a Virginia Water Protection permit from the Virginia Department of Environmental Quality.

As you can imagine, the rules built around riparian rights can be complicated, especially with respect to Common Interest Community Associations on the water. Associations with property on the water can be significantly affected by these laws. Owners must also consult the Association's Governing Instruments to determine what rules, regulations and restrictions exist with respect to the water around the property. On numerous occasions our waterfront property law attorneys and our common interest community law attorneys have been asked to help a waterfront property owner who discovered only after purchasing a nice piece of waterfront property that the riparian property rights are owned by someone else or that he/she could not build the pier they wished to build. Finding that you are unable to build a dock for your boat is bad enough but what makes it worse is that the standard forms of title insurance typically provide no coverage for this type of problem. We recommend consulting a waterfront property law attorney when considering the purchase of waterfront property.

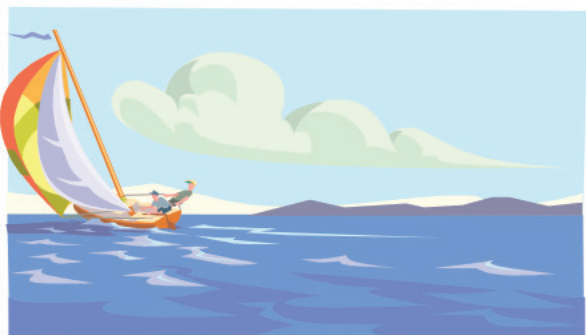


Jeffrey A. Hunn, Esquire is a Shareholder with the law firm of Pender & Coward, P.C. He is a member of the Community Association Practice Group and concentrates his practice in the areas of Community Association Law. Jeff is an active board member of the Southeastern Virginia Chapter of the Community Associations Institute (SEVA-CAI).



Jim Lang is a Pender & Coward shareholder and former COO of the firm. He focuses his practice on protecting Virginians who live, work and play on the water, especially in proceedings before the Virginia Marine Resources Commission (VMRC). Before joining the firm in 2005, Jim completed a 25-year career in the U.S. Navy.

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8 Characteristics of a Great Board/Management Company Relationship

By **Tom Willis**, *Association Bridge LLC*

There are seminal moments in our lives and careers. One of mine was circa 1985. I bumped into a board member of a condominium for whom my maintenance company had completed some projects. The question she asked me that lovely spring day on a bustling city sidewalk 35 years or so ago changed the way I approached business and I am certain it led to both my entry and inevitable exit from the community management business... "Tom, how come we can't find a good management company? Are there any of them out there?" My mind raced as I thought through the three they had fired, all of whom I thought were among the better companies that I had worked with as a contractor. I gave her a tactful answer, but one she did not expect to hear. More on that in a moment.

As a young entrepreneur, I had begun to immerse myself in the study of leadership. I started working with community associations a couple of years before that fateful exchange. I became fascinated by the dynamics of volunteer boards, their communities, and the managers who served them. A few short years later, in a joint venture with a management company, I entered into a contract to provide part-time, on-site management for a small condominium. Eventually, I left my business and dove into management full time for the next 30 years. I had the privilege of working with some great managers and boards. For much of my career, I was also the company's designated "Fixer." If it was messed up, my job was to find a way to make it work. Of course, I was not always successful, but it was the best business

education I could have received. Along the way, I saw the great, the good, the bad, and yes, the ugly. Stepping away from the management business and working with clients from the community association field in a different capacity and in different markets has reinforced for me how unique communities can be. At the same time, I see common principles, fundamentals, and practices that produce results. So...here are eight characteristics that exist in the most successful and sustainable board/management company relationships.

1. Shared Expectations: The working relationship between a board and management company can be very dynamic and fluid. Times change, technology changes, society changes, people change, volunteers change, and properties age. These factors all may impact expectations. An agreement for management services provides a basis for expectation and accountability. It also needs enough flexibility to address the variables inherent in the relationship. COVID has been a testament to this. Who could have anticipated the workload and process changes that the pandemic would require? Agreement on contract terms and ensuring that these are in harmony with the board's goals is crucial to a sustainable and successful relationship, which leads directly to our second characteristic.



2. Communication: In my management days, I would receive the occasional phone call from a board member along the lines of: "Would you be interested in sending us a proposal for management? Our company is horrible." These days, the question is: "Can you help us find a new management company?" My first answer has remained the same. "Have you spoken to company executives?" Astonishingly, 90% of the time, the answer has been no! Changing management companies is a big deal. It can take far less time and effort to repair a damaged relationship than it would to make a change. Talk about it, set clear and reasonable expectations, see if it can be fixed. If not, then it's time to move on, but not before.

Management companies can bolster the relationship by maintaining periodic executive-level contact with volunteer leaders, especially when the players change. This may be after annual meetings, changes in board liaisons, and any time there is a manager reassignment. Likewise, new boards are wise to get on the same page with the management team as soon as possible during these transitions. Don't let the relationship fall off the rails!

At their core, business relationships are human relationships. Just like in our personal lives, we get busy, make assumptions, and don't always get the message right. Communications suffer and issues fester. The electronic age makes this a bigger challenge. Consumer expectations for immediate gratification (the Amazon effect) have challenged all customer service industries. Businesses can rely so heavily on technology to gain efficiencies that they adopt a transactional mindset without realizing the negative long-term impact on the relationship. Zoom meetings are great for efficiency, but we miss the cues that the full human interaction experience provides. Tech and society will continue to change, but some things remain the same. Community management is a relationship business. Relationships require effective communication. And it needs to go both ways.

3. Mutual Benefit: All sustainable business relationships are mutually beneficial. A zero-sum game benefitting the client will inevitably lead to poor management performance. A company that can't make a profit will fail. Historically of the real estate management niches (commercial, rental, and community associations), community association management is the least profitable. A review of the history of the industry and market pressures helps one to understand how we got here. The full story would be an article all by itself. The net result is that community association management as a professional field has become increasingly commoditized. Profit margins are always tight.

This can lead to the zero-sum game benefitting the company, which is likewise unsustainable. Unintentional service creep can happen slowly over time with managers and boards losing focus on contract specifications. A manager may lose focus of contract out of sheer work volume and when the board is unaware and seems happy with their performance. Regardless of intent, the reality of this situation is that the relationship is being abused and could end badly.

In the end, the old axiom is true. You get what you pay for. The logical corollary should therefore be that you should pay for what you get. Maintaining awareness of and regularly revisiting contract specifications for any adjustments to meet the needs of the community are the keys to ensuring mutual benefit.

*You get what you pay for.
The logical corollary should
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4. Flexibility and Reasonableness: Great service companies will go above and beyond from time to time. Community management is such a dynamic field that a manager will inevitably see the need to do something technically outside of their scope. They want to make their clients happy and just take care of it. But there is a danger of an unintentional death spiral.

I've seen this play out many times. Management agreements typically include provisions to charge for work outside the scope of defined routine services. Many managers fear a negative reaction from clients and shrink back from noting that a requested service is a billable item. Sometimes, the assignment is completed and that's that. Everyone is happy. But sometimes, the requests keep coming. The manager becomes overburdened. The task list gets longer and longer. The board grows increasingly dissatisfied, and the manager grows increasingly resentful. All the while, more times than not, the board has no idea that they are making unreasonable requests because the manager never said a thing about the contract terms.

When there is healthy communication about the best way to handle non-routine services, boards can make business decisions to allocate funds that allow the company to bring in the resources necessary to accomplish the task or facilitate service by an outside party. Reasonable boards understand that a set-price contract cannot be a blank check. (See Mutual Benefit and Communication)



5. Get Out of the Box: Fundamentals and time-tested principles apply to every relationship, but every situation is unique. One of the most valuable skills board and management companies can have is the ability to see things as they are and recognize when glue diligence ("that's the way we've always done it!") needs to be replaced by due diligence, which may involve finding a non-standard solution. This is where my experience noted in the introduction had such a profound impact. The board member complaining about perfectly good management companies didn't have a performance problem. She had a system problem. She lived in a 27-unit condominium with a seven-person board and half a dozen or so active communities. Most unit owners were retired. I loved that community because it had such a remarkable commitment to volunteerism. If you lived there, you were on the board, a committee, or both. However, the volunteers had no context to see how much management work was being generated by all that activity. They were NEVER going to be satisfied with the level of time and attention a portfolio manager could give them under the terms and price of a standard management agreement. They needed to adjust the system, adjust expectation, or both.

Without analysis, we easily default to assuming that people stink. Just fire them and get somebody new. If you can't see whether you have a performance problem, a system problem, or some combination thereof (usually the case to some degree), you'll always be answering the wrong questions. Wise board and management companies invest the time to make the determination and have the creativity and flexibility to change the system if needed.

6. Clarity on Roles: The board's highest and best role to benefit their communities will always be to lead. It sets the culture, goals, and standards for the community and its management. Everything a professional management company does can be grouped in one of two baskets – supervisory or advisory. Most boards have no problem rightly holding management accountable for the supervisory tasks it performs on behalf of and at the direction of the board. Highly functioning boards allow management to assist and guide as it fulfills its role. This allows the relationship to function at its highest level – as a partnership. This can involve helping volunteer leaders to translate strategies that worked in their professional or personal lives into the context of community associations and the statutory requirements, governing documents, and best industry practices that apply. Both parties may need to check their egos at the door: Board members might have to recognize the realities of an organization slightly outside their area of expertise, while managers who may passionately recommend a particular path have to recognize that the board is the boss and responsible for the decision.

Ideally then, as a leadership body, the board sets the targets (Why, What, and When), taking into consideration feedback and recommendations offered by professional management. Leadership gives management the



resources to accomplish the resultant goals and delegates the details (How) to them. In that paradigm, management can focus on getting things done and reporting to the board. The board can focus on gauging results instead of getting bogged down in the process. For the board to stay out of the weeds and maintain a bigger picture focus, management must demonstrate competence and proactivity, and be willing to be accountable.

That said, there may be factors that make a certain level of “co-management” ideal. Communities that are blessed with volunteers who have subject matter expertise and time may allow them to successfully achieve more without having to pay more for management. Also, small associations suffer from the inequity of scale, requiring more time and attention than their management fees can reasonably command and making the co-management model more likely.

7. Get Things Done Without Being Pennywise and Pound Foolish: It is important to remember that a key role of a manager is to facilitate, not necessarily to do. A manager’s area of expertise is the administration of the community, governance, and business aspects of community associations. As such, they may maintain professional designations such as CMCA®, AMS®, PCAM®, and LSM®. If they were also credentialed professional engineers, insurance brokers, architects, or licensed lawyers, associations would never be able to afford them. Yet, some boards expect managers to provide opinions and services outside their area of expertise, usually to save money. Wise boards understand that there are times when bringing in specialists is an investment. Wise managers, especially those with high levels of subject matter experience, know how to leverage that knowledge and put their boards in a position to make good business decisions.

Managers may feel pressure to have all the answers and assume they are expected to have all knowledge at the top of their heads. As a wise man once observed, it's perfectly acceptable to say, “I don't know,” if it is followed by a comma and not a period. “Can I get back to you on that?” can be the best answer a manager can give at the moment.

Wise boards allow space for a manager to provide accurate information. Wise managers don't wing it. This leads us to the final, and perhaps the most crucial characteristic of great board/management company relationships.

8. Trust and Respect: I was thrilled to get an “Aha” moment when I was introduced to a principle that was so simple, so profound, and so applicable to community associations. The basic premise of Steven M.R. Covey’s *The Speed of Trust* is this: When trust is present, things happen quickly and cost-effectively. When it is absent, everything takes longer and becomes more expensive in the long run. Trust is everything. It underpins all the other seven characteristics. Boards need to trust that their managers are advocating for them and acting in their best interest. Managers and management companies need to trust that the board is dealing fairly and reasonably with them. Trust begets respect. Both are essential to any highly-functioning relationship.

“*Trust begets respect. Both are essential to any highly-functioning relationship.*”

There is far too much negative media about community associations. Certainly, there are bad players out there, but I am proud to be part of a field where so many dedicated people are working to get it right. Whenever I hear a negative comment about boards, I always take the opportunity to share that my experience has been that the vast majority of volunteers I’ve worked with serve for all the right reasons. That is particularly impressive considering how many goofed up situations I’ve been asked to jump into. The same goes for managers and management company executives. Those that stick with the industry tend to be incredibly dedicated professionals with a servant’s heart, qualities that are all too rare these days. When community volunteers and the professionals who serve them choose to fulfill their responsibilities in a collaborative way and to an elevated level, it has a positive impact on the quality of life and investment of every community member. It is always worth the effort.



Thomas L. Willis, PCAM has spent more than 30 years of his life serving community associations. A hopelessly curious soul and leadership studies junkie, he remains fascinated by the good, the bad, and the ugly that he’s seen through the years. He uses it all to fuel

his professional mission to create spaces where community association leaders and the professionals who serve them make excellence and find fulfillment, setting the stage for community members to love where they live.



Understanding How to Use Your Reserve Study

By **Zach Shephard**, *Giles Flythe Engineers, Inc.*

Imagine a brand-new community. Everything is bright and clean. The pool and clubhouse sparkle. The stormwater pond is visually pleasing and home to various aquatic wildlife. The roads are smooth. Everything is in tip top shape, and the HOA fees are low. Wow, this is great, this is almost too good to be true! Well, it just might be too good to be true. This unsuspecting homeowner, if they stick around for a while, will realize that the clubhouse needs to be painted, and the roof replaced, and the pool resurfaced, and the pond banks repaired and dredged. The average costs of just these items combined is approximately \$100,000. This will either be paid from the association reserves, a special assessment, or a loan. With HOA dues purposefully kept low to help sell more homes, the likely scenario is a special assessment, but this can be avoided.

Lets talk about Capital Reserves

Capital reserves is a separate account the HOA has for those large expenses that don't happen every year. Examples could be major repairs to the stormwater pond, asphalt paving or concrete repair, roof replacement or building painting, and significant pool repair. Things not included would be landscaping, maintenance, utilities, insurance, etc.

It's beneficial to have a reserve account, because there are a lot of expenses that aren't required annually, and therefore aren't included in the annual budget. And with the board members having the fiduciary duty, it is their responsibility

to manage the finances in such a way that will benefit the community. Not saving at all, or unplanned spending doesn't usually benefit the community. The natural question to ask then is, how much do we need to be saving? Well, it depends on the community and the different assets each one has, but generally, there are two methods of figuring out how much to save. Method 1 is to guess. If you and your community are currently in this boat, you're not alone. However, we've found that almost no one guesses correctly. The best way, Method 2, is to have a Reserve Study completed.

Legal Requirements

Per the Property Owners' Association Act, Section 55.1-1826B of the Code of Virginia, the board of directors shall: "Conduct at least once every five years a study to determine the necessity and amount of reserves required to repair, replace, and restore the capital components". In other words, in the state of Virginia, a reserve study is required every 5 years. It is possible that the association declaration imposes a stricter requirement, in which case the declaration should be adhered to.

So, what is a Reserve Study?

Simply put, it is a study of the HOA's future capital expenses as it relates to their capital reserve account.

It is usually completed by a third-party consultant to help the community better estimate their future capital expenses (e.g., roof replacement, exterior building repair/painting, road maintenance, drainage improvements). The consultant performs an on-site inspection, measuring the amount and size of components, as well as evaluating the current condition. They perform an analysis of historical information about the community and previous capital repair projects. After this, they determine when and how often repairs will likely be required, so it's sort of like a schedule for non-annual maintenance/repair items. Another useful thing about a reserve study is that it not only provides the estimates, but a general evaluation of the condition of the association's assets from an outside expert's perspective. The financial analysis of a reserve study will look at the current balance of the reserve fund and the reserve contribution rate. Using these numbers, as well as adjusting for inflation and average return on investments, the study will estimate the year-end balance in the reserve fund for each of the next 20 years. Based on those balances, recommendations may be made to better fund the reserve account to ensure it is adequately funded. Most people find that a reserve study is a useful long-term budget or maintenance guideline tool, helping them better prepare for future expenses while avoiding special assessments. And knowing that your association is in good financial standing allows the HOA to invest reserve funds efficiently.

Best use of the Reserve Study

1. Follow the funding alternatives.

With significant increases often being recommended, we regularly encounter associations that assume the reserve specialist doesn't know best; So instead of following the recommendations, no changes are made. This hurts the community much more than increasing dues, because now funds will not be available when needed and capital repairs will continue to be delayed. This opens the door for deterioration of assets and could significantly lower property values. Avoiding to follow the recommendations could put the association in a very rough spot.

2. As a guideline, not written in stone

While the reserve study consultant attempts to be as accurate as possible in their analysis, the estimate for when and how often repairs will likely be required is exactly that, an estimate. Many factors are involved when estimating 20 years into the future. Some things may need earlier replacement, while others may last longer.

3. As fire starter

If your only reason for conducting a reserve study is to fulfill the statutory requirements and you have no intention to follow the recommendations, we encourage you to douse the printed reserve study in lighter fluid and stand back after lighting on fire. We wish your community the best of luck.

FAQ's

1. What happens if we don't do everything on the estimated timeline?

- As stated above, it's ok not to follow the reserve study estimates to a T. Generally speaking, delaying repairs or maintenance allows more funds to be accrued, while moving repairs forward reduces available funds sooner and may cause the delay of other repair items due to the lack of funds.

2. How are costs estimated?

- Construction costs are available from many sources. We use various online resources as well as RSMeans Building Construction Costs data. However, we have found the best source to be the hundreds of quotes we oversee annually during construction projects involving roof replacements, building painting, paving projects, fence installations, pool & tennis court resurfacing, etc. This way, we have the most accurate cost estimates in the same general area as the subject community.

3. Is inflation included in the estimates?

- Yes. The long-term annual inflation rate according to the Consumer Price Index averages approximately 3.0%, while more recent construction rates have increased more rapidly than 3% annually. Therefore, we currently use approximately 3.5% annual inflation rate in our reserve studies.

4. Isn't increasing dues bad?

- While spending more money each month may be considered bad by many, increasing dues actually allows maintenance of a community to stay current. This, more often than not, means that the community remains desirable to potential buyers. We recommend following the advice of the reserve specialist on whether or not to increase the association dues.

5. How often should we have a reserve study completed?

- Statutory requirements say a maximum of every 5 years. CAI recommends between 3 and 5 years. We have found that these recommendations are sufficient to help most associations plan for capital asset repairs.

6. What is the best way to increase dues?

- In order to attempt to match inflation as well as be "fair" to all community owners despite when they purchased their home, increasing in small increments annually seems to be the best approach to increasing dues. Also, this style of increasing will typically fall within the amount that doesn't require a majority vote from all members. That said, we

recommend following the guidelines for increasing dues according to the governing documents of your own association, as some do not allow for annual increases.

7. What's wrong with Special Assessments?

- The special assessment puts the burden of capital repairs on the current owner. Ideally, a property owner would be contributing to reserves as they use common elements. For example, if John Doe buys a condo in 2005 and sells it in 2020, he would have used 15-years of the roof life. Ideally, he would have been contributing to that portion of the roof replacement cost. After Mr. Doe sells his house, the association determines the roofs need to be replaced in 2021 and there isn't enough money in reserves to pay for it. The new owner of Mr. Doe's condo gets a "Welcome to the Neighborhood" basket immediately followed by a notice of a \$5,000 special assessment to fund the roof replacement of the condo he just bought.
- The special assessment process is burdensome. The process will typically require a vote of full membership to approve. If it is a large assessment, an association will typically give members a period of several months to a year to make payments. This process will often further delay much needed capital repairs.
- Special assessments are generally seen as a surprise and undesirable by property owners. We've never heard a homeowner say: "I sure am glad we have a \$5,000 special assessment this year and did not plan or save money in reserves to pay for this roof"



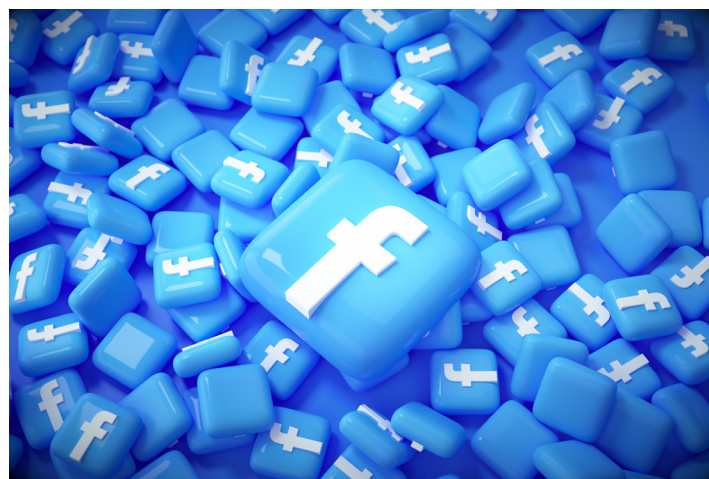
Zach Shepherd is a reserve specialist and professional engineer with Giles Flythe Engineers, Inc. He attended NC State University and received his BS in Civil Engineering with an emphasis on Structures. He has completed numerous reserve studies for residential communities, and gets excited about helping communities get on track with their long-term savings plan. He can be reached at zach@gfengineers.com or (757)434-0020



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WE NEED YOU!

As a 501(c)6 not-for-profit organization, our committees are essential to our success. We rely on dedicated volunteers to put together our annual programming, each one an integral part of the process. Check out the committees that are currently recruiting new members, and contact a chairperson to let them know you'd love to be a part of the magic!



Membership

This new committee's focus is helping our members get the most out of their experience with CAI. They serve as the welcome wagon for new members, and brainstorm fresh ideas to keep the Chapter's existing membership engaged.

This committee meets on Wednesday every other month, year round.

Kellie Dickerson, CMCA®
kellie.dickerson@53.com



Social

Networking is a major component of what our Chapter provides, and this committee makes the party happen! Volunteers will research potential venues and plan our quarterly social events. Developing sponsorships and promoting attendance are key functions of this committee as well.

This committee meets one Friday a month, year round.

Carol Lare, CMCA®, AMS®, PCAM®
manager@glenwoodca.com

Leslie Paul
office@aaapoolservices.com



Communications

If you think being on the magazine committee means you need to write for the magazine, think again! This committee curates the content you see here in *Currents*. They determine what the hot topics for our readership are, and reach out to the subject matter experts to get the articles written. If you're also a writer yourself, that's a bonus, but certainly not required! Eventually this committee hopes to expand the Chapter's digital footprint by developing a blog, podcast, or other useful media.

This committee meets one Wednesday a month, year round.

Kimberly Niesel, CMCA®
kniesel@solitudelake.com



Programs

Education is the heart of our Chapter's mission, and this committee keeps that heart beating. They work together to develop the topics that will best serve our homeowner & manager members, and connect them with the most qualified presenters out there! Committee members work with presenters and staff to schedule, promote, and run our monthly education.

This committee meets one Thursday a month, year round.

Sally Stamper, CMCA®, AMS®, PCAM®

sally@mckowncontracting.com

Anita Loonam, CMCA®, AMS®, PCAM®

aloonam@unitedpropertyassociates.com



Golf Classic

The Chapter's annual Golf Classic is a signature event that we look forward to every year. While it is *technically* a golf tournament, it's heavy on networking, relationship building, and fun! Being on the committee involves helping our business partners select the sponsorships, signing up teams, and planning the activities of the day. "Working" the event is a must - but it's the most fun we've ever had at "work!"

This committee meets one Friday a month from May to September, sometimes more frequently as the event gets closer.

Austin Scanlon

scanlon236@gmail.com

Sherry Robinson, CMCA®

srobinson@theselectgroup.com



CA Day Trade Show & Education Expo

This committee plans our annual Community Association Day. From choosing a theme to decorating the exhibit hall, this committee designs the perfect day for our attendees. They assist our business partners in purchasing exhibit space, and choosing the sponsorship level that works best for them. They promote and encourage attendance at the event, and volunteer for a variety of roles throughout the day.

This committee meets one Tuesday a month from May to March, sometimes more frequently as the event gets closer.

Shannon Lee

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Steve Townsend, CMCA®, AMS®

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