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MESSAGE FROM THE PRESIDENT

It is unlikely that any of us will ever forget the Year of 2020. While we have likely had our fill of pandemic-related restrictions, people continue to make the best of difficult situations.

Add to that the civil unrest related to the death of George Floyd and we find ourselves in times of great change and significant upheaval. It is likely that very few, if any of us, will ever have or ever again encounter the series of events that have taken place this year. Nonetheless, this industry and the people involved in it remain strong, committed, and energized to continue moving forward to make the best of otherwise difficult circumstances. It would be impossible for me to recap all of the change that has occurred since the beginning of the year or even since the last issue of this magazine came out or what the future holds.

What I do know is that I've seen the commitment of this industry, our Association, and the volunteers involved in keeping things running and of interest for our members. Our Chapter has done a monumental job in continuing to move forward with programming, social events, etc., to continue to provide value for our individual members.

The 2020 golf event was a rousing success and a welcome opportunity for members to get out for some fun, despite a little rain, lightning, and wind. Due to the work of the Golf Committee, Tim Bross and others directly involved in the event,



CHRIS JONES
Partner

Hellmuth & Johnson

I can say that it was the most fun I've had in some time.

Other events intended to bring people together and provide a moment of levity have taken place too including, but not limited to, the recent virtual Lip Sync Battle. Congratulations to the winners – Kari Ross and Karly Kauf – and kudos for having the guts to perform live in front of so many people. That type of event – in addition to educational resources – is the glue that holds this organization together.

Conversations between the Board and Tim Bross have included feedback from Tim that our Chapter is widely known as being one of the most successful Chapters in dealing with complications raised by the pandemic and other issues. We were one of the first organizations to successfully host a golf tournament.

We've built a reputation as a Chapter that continues to plug along with a high rate of member retention, as well as being relatively successful financially despite the difficult circumstances. That is due in large part to the efforts of Tim Bross, the Board of Directors, and all of the volunteers and other members who commit time, resources, and effort to the organization. Nobody is likely to forget 2020 and many of the events that happened within our organization will fade in the shadow of these monumental events. However, we should all be proud to be a part of this organization, to have continued to work to make it successful, and to provide opportunities for members to engage in the present and look toward the future with a steady hand and a devotion to each other. Kudos to all and thanks for building for the (unknown) future!!!

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Working from Home: The Habits, the Hurts, and the Healing

BY CARIN GARAGHTY

The property manager's job is inherently full of flexibility and mobility. We are out and about at properties, traveling to meetings, having coffee with a board member, and making calls and writing emails for hours on end. Some of our managers worked remotely before COVID-19 came around but for me, the corporate office was my working home base. Enter pandemic and suddenly, home became my working home base.

"Finally, I'm free!"

Was not my first thought. I knew I had to develop a different structure and I had to do it quickly. My work productivity would depend on it. With a tendency for easy distraction, staying up too late and struggling to get out of bed in the morning, I would need new and better habits – to "get up and snap to it" as if nothing was more urgent. This not only gets work done in a timely manner but leads to higher esteem for a job well-done.

And, holding onto self-esteem is important when working from home, where isolation can start impacting our appearance. Nobody sees our favorite old tee shirts or can see that it's been a week since we washed our hair. Our fashionable colleagues might fancy yoga pants every day, and the careful hairdos of others may become daily and unruly hairdos. Some are to the point where the only time they use a hairbrush and put on a nice top is for a Zoom meeting – but not bothering to put on pants.

After a while this can take a toll, and self-neglect erodes our self-esteem. And when we aren't looking, Isolation opens the door and ushers in its companion Loneliness. We are missing camaraderie around the water cooler and the coworkers who have become our friends. The unexpected and unwelcome solitude of working at home can be a gateway into depression. But all hope is not lost. Fortunately for us, there are folks out there who are looking out for others – entrepreneurs who want to help keep us from sliding into the depths of gloom.

There's a Site for That

While we're at home all day long, we're spending more time on social media, where there's no shortage of ads for products that promise to boost our physical, intellectual and emotional well-being. Is your Facebook feed full of ads for sleep-better, feel-better products like ergonomic pillows, weighted blankets, bamboo sheets, knee pillows and certified, all-natural, hand-made, cloud-stuffed whatchamacallits? Mine is! I would need a second bedroom if I wanted to try all the stop-snoring and sleep-deeper devices that can be found online these days.

But despite all the products designed to alleviate the homework stress, we miss our colleagues and that stresses us out, too. We simply are used to working around others. We are used to hearing their chatter, the ring of their phones and the clacks of their keyboards as we go about our workday.

Luckily, the white noise of the office is available to you at home. Familjen and Red Ripe Studios have created www.soundofcolleagues.com, where you can adjust the volume on the many sources of office sounds that are offered there, including "coffee machine," "keyboards," "printer," "open window," "office dog" and more. Reviews of the web site say that many who visit just keep it running all day.

The Sound of Colleagues really is quite soothing -- I've got it on as I finish this article. Relaxing. It's nice. In fact when I'm done here, I may do another thing that you can only do when working from home: Turn down the volume on the coffee and the phone, turn up the volume of rain on the window, and take a little nap at work.

Carin Garaghty, CMCA, is a Community Association Manager with Cedar Management, Inc.

Life in a COVID World

BY CHUCK KRUMRIE

It's fair to say that the coronavirus pandemic has upended many if not most of the ways we go about our daily lives. Many of us are working from home. Many of us aren't working at all. Our thoughts and well wishes are to those who do not have and/or are seeking gainful employment.

We find ourselves at home, looking out our windows. In a Common Interest Community, we have more time to and have become more highly aware of things in need of doing. At the same time, we have become increasingly more irritable with the fact that the virus is still out there and that we have limited means to affect that. We are all in this together. Inasmuch as masking and social distancing are tried and true practices, we want to exert more control over our environments. We want to affect that which we can see and touch.

A special charge is put upon our Boards of Directors as they strive to strike the best balance between Larry the Cable Guy's ethos of "get 'er done" with the financial wherewithal of affording all of this. The money tree either died a long time ago or was never planted. Ordinarily, management will meet with Boards of Directors in the early part of the year to discuss the framework of finances vis-à-vis projects needing-to-be-done.

Slow but steady progress is the usual counsel. And that counsel is best abided even during these challenging times. It is appropriate to maintain that sort of level-headed thinking even as we all look out our windows more often.

A Common Interest Community is a non-profit corporation. This essentially means that the money it takes in from dues payments can be no greater than its expenditures. This may seem obvious on its face but it's important to remember. The Association has no credit card. It cannot do deficit spending nor can it print its own money, as does the federal government. Being a fiscal hawk, I am counseling my Boards to carefully review the projects they would like to undertake and ensure that the funds for any and every project are actually available. Money in the bank as op-

posed to money you assume to collect. It is no longer good enough to assume that a call-for-funds, aka a Special Assessment, may be completely successful.

In 2012 the Minnesota Legislature mandated that all members of MCIOA (the Minnesota Common Interest Ownership Act) shall operate on an accrual accounting basis, rather than a cash basis. Thus the financial reports management provides to the Board can be confusing, in that on an accrual basis, money owed is deemed to have been received, so to speak.

People are losing their livelihoods. In this situation, they will tend to themselves. As is appropriate, they will buy groceries, pay the rent or mortgage and keep the lights on. Dues to their Association will become secondary, if not tertiary. While the Association has a right to its dues, it must realize that it may become a lesser priority for some homeowners. That is just the unfortunate reality of living in a COVID world.



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There is no way to plan for this. There is no formula to calculate the percentage of dues not coming to be received. Legal counsel should be involved early in the pursuit of delinquent accounts. While the charge for such service is paid for up front by the Association, most governing documents allow for such to be billed back to the unit involved.

A judicious approach by the Board of Directors is always recommended. And an approachable attitude as well. In other words, not every delinquent account should be turned over for collections in machine-like style. There are those who refuse to pay their dues.

And there are those who meet with unfortunate circumstance and are suddenly unable to do so. Best counsel I know of is to treat all these individuals as well, individual cases.

My firm's business philosophy incorporates these three words: "Talk to me". If you're having trouble making your dues payments, let's talk. If you're falling behind a couple months, let's talk. All the Associations we manage want voluntary compliance with their homeowners. All Associations are communities of people who live together. We're all neighbors, simple as that. We all want the best for ourselves and others and we realize that we all have a contribution to make.

If you're having trouble making your contribution, please don't be ashamed to contact management. We are always here to help, especially in difficult times. The Boards with whom we work are willing to work with you. Whether it be a payment program or some other arrangement, a non-confrontational attitude is best to achieve the goal of the Association having the resources to fund the projects that need doing. But please remember, your Association does not run on free gas. It requires money to have the lawn mowed and the garbage collected. The vendors who provide these services have invoices to pay as well.

To our Boards of Directors: please consult your management team early and often regarding any project you wish to engage.

Management looks at the numbers every day. We understand what you can afford and what may have to be postponed. We are able to advise you as to how to proceed. Slow but steady progress.

Everyone is looking out their windows, seeing things needing doing. The best job management can do for you is to help you organize your priorities. I know, it is too easy to see everything which needs doing as a priority. Again, the thing about the money tree. It is our nature when we're all cooped up to want it All and want it Now. (Courtesy of the late, great Freddie Mercury.) This is part of the mental aspect of the virus' impact. Even if you're not ill from the virus, it takes a mental toll.

Wishing you all safety and health!

Chuck Krumrie, CMCA, is Broker and Owner of Urbanwood, Inc. in Minneapolis. Since 2005, Urbanwood has serviced smaller CICs in the Twin Cities metro area.



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Can You Mail It In for Your Annual Meeting?

Making the Case for Mailed Ballots

BY MATT DREWES

In the weeks and months following the publication of this magazine, many community associations have annual meetings circled on their calendars. If that applies to your association, or even if you have a board meeting or other member meeting you would like to conduct, until things change you likely have some challenging decisions to make. This article is to address the factors that influence those decisions, and to turn not only to a reminder of our prior discussion in this magazine but also some new options granted to certain communities that might be expanded to additional associations.

In light of current circumstances, you may decide that the challenges, obstacles, and practical reality will require you to postpone your next meeting. In the words of Winston Churchill, you may choose to “Keep calm and carry on” as you are, until as Gerald Ford might say this “long national nightmare is over.” But if you are intent on finding a way to continue, maybe inspired by the words of Kansas (© 1976 Kirshner),

*Though my eyes could see I still was a blind man
Though my mind could think I still was a mad man
I hear the voices when I'm dreamin', I can hear them say*

Carry on my wayward son . . .

there are potentially expanding options available as I'll explain below.

As a lawyer, I write this article under the assumption that community associations will seek to comply with pending Executive Orders regardless of varying perspectives on existing recommendations, guidelines, executive orders, or other directives, or the contents thereof. These include Governor Walz's Executive Order 20-81, issued July 22, 2020, which is to remain in effect until the peacetime emergency declared in the Governor's Executive Order 20-01 is terminated, or is otherwise rescinded. Note that according to guidance issued by the Minnesota Department of Health, the requirement to wear face coverings

while in all “public indoor spaces” applies to interior common areas of community associations. (See <https://www.health.state.mn.us/diseases/coronavirus/facecoverfaq.html>.) And outside the community itself, public libraries, schools, community centers or church meeting spaces in which communities frequently gather for their meetings are likely to comply with these requirements. In addition, EO 20-81 refers to the guidance provided at <https://staysafe.mn.gov> for information about safe practices all Minnesotans are to follow during all phases of Minnesota's “re-opening” process, which includes maintaining a minimum of six feet between people who are not from the same household. This rules out even those meeting spaces that might otherwise have permitted a large gathering because there simply isn't adequate space to accommodate the suggested distance between attendees. Executive Order 20-83, dated August 26, 2020, now also notes that “During the COVID-19 pandemic, in-person meetings conflict with established guidance from the Centers for Disease Control and Prevention and the Minnesota Department of Health [that] encourages everyone to avoid in-person gatherings when possible.”

I previously wrote about how community associations might use video and phone conferencing capabilities to provide an avenue for accomplishing meetings that might otherwise be in violation of executive orders or deemed not advisable, if your association should determine that postponing its annual meeting is simply not an acceptable option.¹ To be clear, associations are non-profit corporations and as such are required to conduct annual meetings, and your bylaws and/or declaration may even specify the date or month when this should occur, but in light of present conditions there are circumstances that are likely to warrant an adjustment to those practices. In that earlier article I delved into a variety of protocols you may have to observe, as well as limitations and

¹ See *Remote Meeting Requirements as Promoted by Men Without Hats (a/k/a The Safety Dance)* <https://cdn.ymaws.com/www.cai-mn.com/resource/resmgr/images3/2020/MCL-Special-Edition-2020.pdf>, pp. 8-10.



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prerequisites that may apply both in terms of providing electronic notices and attempting remote meeting options like conference calls or live video conferences. One of those limitations is that electing board members has historically been written into governing documents as a procedure that must be conducted only by in-person meeting.

There also is an option to use proxies. Most governing documents (typically the bylaws) will permit the board of directors to authorize and provide rules for the use of proxies. Proxies can be drafted not only to count toward a member's attendance at a meeting, but can even direct the holder of the proxy to vote in a particular manner. This could include identifying the specific candidate for whom the proxy holder must cast that particular vote. In ordinary circumstances, attending an annual meeting by proxy and attempting to decide in advance on a particular candidate may not be ideal. Invoking a large number of proxies would mean that many fewer members will attend the meeting. But these are not ordinary circumstances. On the other hand, giving proxies to certain individuals will mean that those members must attend a meeting in order to give them effect. The number of people at the meeting may be smaller, but there may still be guidelines or Executive Orders in place that continue to present a challenge to do so in a compliant manner. Nevertheless, proxies are a tool available to associations to conduct business, and you may find they are worth considering in your community.

There is also some additional potential good news provided under Executive Order 20-83, mentioned above. This provides an exemption from the in-person

board election requirement for certain communities, but for now this good news is limited to cooperatives or cooperative associations organized under Minn. Stat. Chapters 308A and 308B. After observing that such organizations are required to conduct annual meetings and that directors are to be elected at these in-person member meetings, the August 26th Order cites to a prior Executive Order that specifically authorized corporate shareholders have the option "to hold remote meetings and avoid gatherings during the COVID-19 pandemic." This new Order then extends similar flexibility "to members of cooperatives and cooperative associations" by specifically enabling them to elect directors via mailed ballots, "even if not authorized by the relevant articles or bylaws."

The same rationale underlying this special dispensation for cooperatives would apply in community associations governed by Chapters 317A and 515B where their own governing documents don't permit voting for directors by mail. It is therefore possible that by the time you read this a new Executive Order will have been issued to that effect. But without such clear guidance, a condominium, townhome, or single-family association would have nothing but an argument. There would seem to be some fairly compelling legal and logical points to be made, but for now an association would have to hope that it could make a strong case just for the chance to "mail it in."

Matt Drewes is a Partner with the DeWitt Law Firm and a past President of CAI-MN.

Note: The information in this article is provided solely as general information and not as legal advice. Your receipt, and even your use of this information, does not establish an attorney-client relationship. Readers are urged to speak with a qualified professional in the appropriate arena, including a property manager, accountant, insurance agent, or attorney, who focuses on community association law, when making decisions regarding a specific issue.

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The Nuisance Next Door

Noise, odors, hoarding, and other nuisances can turn a once-idyllic community on its head. There's a remedy for everything.

BY PAMELA BABCOCK

NEIGHBORS CAN BE GREAT. Some still show up on doorstops with a serving of food and sympathy during tough times. Some will pick up your packages and mail while you're away or help you with minor repairs and maintenance. Some are perfect for chatting with while walking the dog and can be a sounding board for ideas, worries, and life's challenges. Some become best friends.

Neighbors also can be nuisances. Some interrupt your sleep with floodlights aimed directly at your windows. Some party loudly late into the night. Some stink up the place by smoking. Some are hoarders whose stuff overflows into common areas, and some threaten to retaliate against those who complain about them.

Nuisance neighbors can turn a once-idyllic community on its head. They can affect the well-being and safety of homeowners and, in the worst cases, may ultimately diminish the appeal of the community and affect property values.

As millions of Americans have been quarantined because of the COVID-19 outbreak and the country faces an inevitable recession, some experts fear neighbor-nuisance problems will only escalate, particularly among neighbors who never seem to get along anyway.

"I've got two homeowners who just hate each other and have this tit for tat kind of thing going on and ramp it up each time," says Scott D. Weiss, an attorney with Ortale, Kelley, Herbert and Crawford in Nashville, Tenn., and a fellow in CAI's College of Community Association Lawyers. "And now that they're going to be home more, it could get a lot worse."

Some association attorneys say they've seen an uptick in nuisance cases over the past few years, and they don't expect the problem to end any time soon.



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"I can honestly say that in more than 30 years that I have been doing this work, we have more enforcement actions pending now than we have in the past," says David C. Swedelson, a senior partner with SwedelsonGottlieb in Los Angeles.

He blames the tone and tenor of political discourse in the country over the past several years. "I just think a lot of people are taking a cue from some of our leaders and becoming more aggressive. They're not willing to say, 'OK, association, I'll fix this problem.' They're saying, 'You can't tell me how to live in my unit.' And they're fighting more."

WHAT'S A NUISANCE?

Nuisances are generally defined as conduct that interferes with another owner's or resident's quiet enjoyment of their home or unit. That can include activities that create conditions that are hazardous, noxious, or

offensive, or a violation of a law. Association governing documents typically contain some language in the covenants relating to nuisances, although it's generally not very specific.

There are a number of remedies available to community associations to address nuisances.

"Every set of documents I've seen contains a general nuisance provision," explains Donna DiMaggio Berger, a shareholder with Becker in Fort Lauderdale, Fla., executive director of the Community Association Leadership Lobby, and a CCAL fellow. Berger says one of the first things she does when updating a client's documents is to expand the definition of what activity fits within the definition of a "nuisance."

Boards need protocols as well as specific criteria in their governing documents to define and address nuisance activity, according to Berger. Other tools in the arsenal to combat nuisance activity include the ability to impose fines, suspend a violator's common area use rights, and pursue arbitration, mediation, or litigation, Berger adds.

Swedelson encourages associations to review their rules, fine policy, and enforcement that has taken place at least every two years. "Many associations don't have a problem until some new bad apple moves in. All of a sudden, associations realize that the rules are antiquated, their fines are too low, and they're not a deterrent," Swedelson says.

Activities deemed to be nuisances also should be subject to consistent and uniform enforcement. Don't go after an unpopular owner for shouting and whooping it up while pedaling on her exercise bike but then tolerating tone-deafening behavior from someone who is well-liked or even worse, a board member.

"Consistency is key," Berger says, adding that it's also important to consult with association legal counsel.

WHAT'S THAT RACKET

Noise, including that from the bass on a neighbor's surround sound system, intimate relations upstairs, or footsteps shuffling overhead, still is a top hit on the nuisance list.

Swedelson says he thinks noise complaints may even be on the rise, thanks to how easy it is for someone to buy and install hard-surface flooring.



"They take their carpet and padding out and put the flooring down with no underlayment and no sound-proofing," Swedelson explains. "The next thing you know, the association gets complaints that the person below can't sleep because of all the noise."

Usually, noise complaints can be solved by bringing the neighbors together. Alternative dispute resolution, for example, sometimes quiets the issue.

WHAT'S THAT SMELL?

As laws surrounding the use of marijuana are relaxed, smell complaints are sprouting up more frequently, particularly in condominiums since odors can travel via HVAC systems or open windows.

Secondhand smoke from tobacco and, more recently, cannabis can greatly impact a neighbor's quality of life and, depending on the design of units and soundness of construction materials, "make a neighboring unit uninhabitable," Berger says. The problem can be particularly bad for residents with underlying health issues that are worsened by the presence of smoke or families with children.

"With the COVID-19 pandemic afoot, secondhand smoke has become even more of an issue as people have been forced to work from home and shelter in place," Berger adds.

Trying to seal up HVAC equipment sometimes works. The only alternative may be to institute a

no-smoking-inside-your-unit policy. “We’ve had to put that in place a couple of times,” says Steve Cousino, CMCA, AMS, a senior association manager at Caribou Property Management in Middleton, Wisc.

Colorado was the first state to legalize both medical and recreational marijuana. Late last year, owners of a Denver condominium unit complained about the smell of cannabis emanating from the unit below.

The association prohibits smoking of any kind in common areas but doesn’t restrict smoking in individual units. Board President Chuck Halaska says the board explored whether something could be done between the floors or if a room air purifier would staunch the stench. It also pondered whether there might be a construction defect affecting the entire building, leading to the potential for similar complaints down the road.

This complaint was easier to smoke out than most. The association hired a building envelope specialist who, armed with a laser-thermometer gun, determined that the smell was traveling because of bookcases installed by the previous owner in the air space between the interior and exterior wall. The bookcases were an intrusion into a common element and done without association approval, Halaska explains. The smell was so strong because the bathroom exhaust from the smoker’s unit was just below where the bookcase had been installed in the unit above. “Temperature readings indicated outside air was coming in through the bookcase, thus allowing in the offensive smell,” Halaska says.

The complaining owners plan to remove the bookcase, reinstall insulation, and seal the interior space from the outside. “Experts say that should fix the problem,” he notes.

WHAT’S THIS STUFF?

Hoarding, particularly troublesome in condominiums with shared hallways and HVAC systems, can lead to noxious odors, pest or rodent infestation, and fire dangers.

Cousino has been dealing with a hoarder at a 24-unit Madison, Wisc., condominium for a few years. When he contacted the local health department a couple of years ago, he was told there wasn’t any health danger, but that was before a major mouse infestation. A pest control company treated all of the units but couldn’t access the hoarder’s, so mice are still a bit of a problem, albeit not as bad.

The building dates back to the 1950s and doesn’t have fire sprinklers or a central alarm system. Cousino recently asked the local fire department to inspect individual units to ensure occupants have installed the proper fire and smoke alarms. He hopes fire officials might be able to force the hoarder to clean up her act.

Berger says most hoarding problems revolve around mental health issues, so it’s important to tread carefully.

WHOSE CAT IS THAT?

While they may have good intentions, residents who feed feral cats are another frequent nuisance.

“People love animals, but when you have 200 cats living in the back of a condominium common area, that is obviously a health risk,” says Edward Hoffman Jr., cofounder of Barrow Hoffman law firm in Warminster, Pa.

Weiss, who is a past president of CAI’s Tennessee Chapter, was recently contacted by the manager of a Clarksville single-family community about a cat colony. As with all nuisance complaints, he asked the manager to gather evidence, such as pictures or video from a doorbell camera, exterior security camera, or cellphone.

In most cases, Weiss advises associations to write a letter to the person advising them of the nuisance. If there’s no response after two or three letters, then he recommends that the matter be turned over to the association attorney.



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Weiss typically sends a cease-and-desist letter to the owner with a couple of pictures “showing them in the act.” If the person is witnessed repeating the violation, Weiss often files a court order demanding the person stop. If the person violates the order, they’ll be in contempt of court, he adds. Photographs can be helpful evidence if he has to file a lawsuit.

Weiss doesn’t recommend that managers or board members talk to the person directly: “You don’t know who you are dealing with, what their mental state or background is, or what is going to set them off,” he says.

PURSUING SOLUTIONS

Most agree that many nuisance complaints arise simply because two neighbors just can’t get along.

“There’s always one or two people who just seem to have a big chip on their shoulder. Everything makes them mad, and they lash out,” Cousino says. “For the people I hear from all the time, I think it’s something deeper that’s making them mad or upset, and this is one way they can release it.”

Last year, Weiss dealt with a situation in a single-family subdivision where a resident complained that another neighbor’s dog was barking incessantly. It turned out that the man was actually “going over and taunting the dog by kicking the fence,” Weiss says. “Just stupid, childish types of things.” He asked the complaining homeowner to provide written statements from three other homeowners who also felt the dog was a nuisance as a condition of him getting involved on behalf of the association.

“I did this because I wanted to be sure that this complaint was legitimate and not merely a homeowner who has an axe to grind with his neighbor,” Weiss explains.

After receiving a statement from just one other owner, he and the board decided the association would not intervene. According to the governing documents, the complaining owner has the right to hire his own attorney and enforce the nuisance provisions.

“A lot of times, it comes down to people just want someone to listen to what they have to say,” Weiss adds.

What other solutions can associations pursue? Unfortunately, there’s no one-size-fits-all approach.

“Just as every nuisance is different, the solutions must be customized as well,” says Berger, who adds that it’s important to determine why the nuisance is occurring in the first place.

Last year, she was contacted by a 55-and-over community in Miramar, Fla., where an elderly woman had been sleeping in the common areas at night, and the board wanted to pursue it as a nuisance.

“I delved a little into why this was happening, and we learned that the woman was being abused by her spouse and was choosing to sleep on the sofa in the lobby to avoid her abuser,” recalls Berger, who worked with local law enforcement and family members to resolve the problem.

Pamela Babcock is a writer and editor in the New York City area.

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Common Ground, May/June 2020

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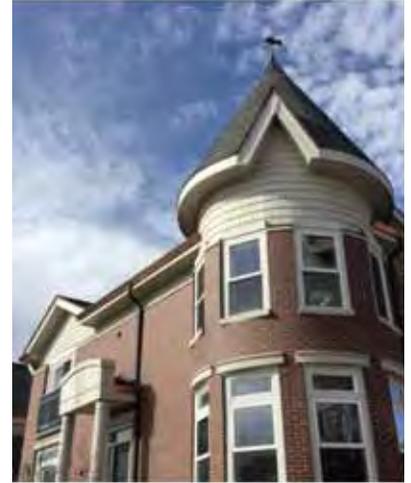
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2020 Golf Tournament Recap

BY TIM BROMS

Despite a wet start, CAI-MN'S 14th Annual Golf Tournament was a great success – even with the adaptations required due to COVID-19! From bag lunches to hand sanitizer and gator masks, everyone did their part to help ensure a safe event for all.

Thank you to our many sponsors and those companies that donated raffle cards and merchandise for the swag bags. Your generosity is most appreciated!

Special thanks to the Golf Committee – we couldn't have pulled the tournament off without you!!

Tim Broms is the Executive Director of CAI-MN.



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JIM ROSVOLD, CMCA, AMS, PCAM
Association Operations Manager
Omega Property Management

Describe your job duties generally.

I'm responsible for delivering Omega's management services to our homeowners association clients. I hire, train, and supervise Omega's Association Managers and I also manage a small portfolio of homeowner associations.

How did you find your way into community association work?

I was elected to my association's board in 2003. The recession forced me to look for a new career and our manager, Dave Stendal, asked me if I had ever considered association management. I explored the possibility and what I needed to learn to be an effective manager, earned my CMCA and then joined Omega's team in 2012.

What do you like best about your work?

No two days are the same. There is a lot of variety in what we do and that keeps the job interesting.

What do you like least about your work?

The many nights away from home and family spent at meetings. Short, productive meetings come with the job, but meetings that drag on past two hours is one of the reasons for high manager turnover.

Why did you decide to get your PCAM designation?

Our former manager at Pathfinder Village, Andy Andrews, earned his PCAM around the same time I was working on my CMCA. He encouraged me to go for it someday. As I learned more about CAI and the various credentials, I decided that it was something that I wanted to earn to show my dedication to our industry and my commitment to our clients and my continuing education and improvement.

Would you recommend others seek a PCAM designation?

Why?

Yes, it is another great way to show you have the commitment, experience, knowledge, and integrity to help your clients operate and maintain great communities.

Has having the PCAM designation been helpful in your career?

How?

I'm probably Minnesota's newest PCAM, earning it in January 2020 before COVID-19 shut down the Case Studies, so it's still early in the game. The designation also helped Omega earn our AAMC credential this year. I know the credential will be helpful going forward.

Many people are afraid of the Case Study - what would you tell them?

When I left the Case Study I felt really good about the paper. An hour later on the way to the airport to fly home, I was questioning my sanity. You will experience joy, pain and every emotion in between while you write the paper. The biggest challenge is that you will have 30 days to complete the Case Study. You need to be ready for that and make it your #1 priority. I was fortunate that my employer gave me adequate time to work on the Case Study while my fellow managers covered most day to day duties for me. Time management during those 30 days is crucial. Also, it is imperative that you find someone to proofread your paper and give them enough time to do this.

What is your biggest accomplishment (outside of getting your PCAM designation)?

Managing the buildout and relocation of our family pizzeria and bar in 2008. We self-managed that project and I learned a lot!

The PCAM (Professional Community Association Manager) designation is the highest achievement those serving in the Community Association industry can attain. It involves rigorous coursework along with a case study. Those who have earned the PCAM speak of a very challenging but ultimately rewarding experience.

With a desire to better know the people behind the acronym, the Editorial Committee sent a questionnaire to all holders of the PCAM. Following are two such responses. Thank you to everyone who has contributed. The Editorial Committee looks forward to receiving further responses, which will be shared in upcoming issues of Minnesota Community Living.



SARAH CRAWFORD, CMCA, AMS, PCAM
Vice President of Association Management
Gaughan Association Management

Describe your job duties generally.

I oversee the day to day operations of the company which includes, but is not limited to: sourcing employees, training employees, software review and implementation, new business development/marketing, board trainings, team building activities, company budgets and forecasting and stepping in to assist community managers and board members as needed.

How did you find your way into community association work?

I applied and interviewed for a job as an activities coordinator at a large scale property in Prescott, AZ. I was hired instead as a community manager with no knowledge of what that actually meant. Within months I was taking my M100 course and living the exciting life of a community manager.

What do you like best about your work?

I've always liked digging into projects to find the "fix" or make the process more efficient. I also enjoy providing educational opportunities to our clients.

What do you like least about your work?

The hardest part of this job/industry is the negativity that we deal with on a regular basis. People do not call the office to tell us how green the grass is looking or how the pool is the perfect temperature - they call because they have a problem that needs to be resolved.

Why did you decide to get your PCAM designation?

The path to my PCAM was probably largely driven by my competitiveness. I came into the industry at a young age and wanted to prove myself to both my coworkers and competitors.

Would you recommend others seek a PCAM designation?

Why?

I would recommend that others seek the PCAM designation. The benchmarks to earning this designation give you a well rounded perspective of the industry. Participating in the various classes along the way not only provide you the opportunity to learn and implement best practices within your own company but also allow you to bounce ideas off of other attendees and learn from their experiences.

Has having the PCAM designation been helpful in your career?

How?

I believe that having my PCAM designation has been helpful in my career. It not only gave me a competitive edge for promotions in previous companies but has helped me to lead Gaughan Association Management to being awarded the AAMC designation.

Many people are afraid of the Case Study - what would you tell them?

I found the Case Study to be very interesting. The experience and prerequisites for the Case Study are key. As long as you are actively participating in the site tour, interviews and know how to read the governing documents you will have all the information you need. The only thing to be scared of is your own procrastination.

What trait do you appreciate most in other people?

Honesty/integrity.

What is your favorite season and why?

I have always loved summer. There is something about being on the water with the sun beating down - it is the ultimate stress relief.



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Budgeting Amidst a Global Pandemic

BY AARON OSOWSKI

Autumn is quickly approaching and the first fallen leaves signal the end of the busy summer project season for community managers and board members and the beginning of that fabled annual tradition: Budget Season.

However, the ongoing COVID-19 pandemic is sure to throw a proverbial wrench in many an association's operating and reserve budgeting plans. Although recovering slightly in June, the unemployment rate in Minnesota is still hovering at around 8.6 percent.

Due to this economic uncertainty, many homeowner associations may have decided to postpone large capital improvement projects that had been planned for 2020. With no clear economic recovery in sight, it may not seem feasible to complete that huge asphalt project or replace the roofs or siding next year.

What all community managers and board members know is that it's our duty to preserve the long-term structural and financial health of the association. So oftentimes, postponing these large capital projects is not ultimately in the best interest of the association. How to strike a balance between funding these needed projects and not draining your homeowners' bank accounts?

Pursue Financing

If your association is looking to start a large capital project next spring and you're unsure if you either a) have the reserve funds set aside to pay for it in full or b) need to fund the project in whole or in part through a special assessment and you're uncertain your ownership would be able to pay in full by the spring, taking out a loan or a line of credit are great options.

Rates are still low at the moment and financing would give your association the flexibility to have homeowners pay their assessments over time, if possible.

Start a Special Assessment Conversation Early

If your planned or deferred capital project in 2021 requires a special assessment of the ownership, make sure you communicate that likelihood as soon as possible to homeowners. If your Governing Documents require a certain percentage of owners to approve a special assessment, the board may find it advantageous to do some PR work and knock on doors to convince their neighbors to vote to approve it.

Allowing owners the option to pay in installments over time, especially in our current economic situation, is advised, but only if your association is able to cover initial down payments to contractors through financing or reserves.

Prioritize Projects

We all know you can't just decide not to replace asphalt that's been destroyed or siding that's 30 years old. Those projects are non-negotiable. What you can do is smartly plan your association's more discretionary projects – i.e. landscaping, signage, common area decorations, etc.

If you have plenty of leftover funds in your operating budget, a carefully planned discretionary project could help boost morale among your ownership. It shows the board cares about the aesthetics of the community even amidst trying times. However, don't break the bank to get these projects done, especially if they're larger planned reserve expenses.

Other Concerns When Budgeting

Insurance

If your association has an insurance renewal coming soon, talk to your agent or shop the policy around to other carriers to see what a renewal quote would look like. With the abundance of hail damage claims in Minnesota over the last several years, many carriers have either left the HOA market or are increasing their premiums or wind/hail deductibles.

Whereas some associations may have had wind/hail deductibles as low as 1-2 percent a few years ago, now the norm is around 3-5 percent. Be aware of this when budgeting for insurance and looking for policies. You also need to adequately communicate with your owners to ensure they have proper building and loss assessment coverage on their HO-6 policies.

Exterior Repairs

It might be tempting to trim sections of the budget you don't think you'll use to try to avoid a larger increase in dues. Exterior repair costs, however, are oftentimes unpredictable and arise when you least expect them. You can't always know how much you'll need to spend on them in a given year. Give your association a healthy buffer when it comes to exterior repair budgeting. You'll thank yourself next fall when you start budgeting for 2022.

There might be a whole lot of uncertainty still floating around right now, but with careful planning and keeping long-term goals in mind, your association can weather the storm and emerge stronger on the other side of this pandemic.

Aaron Osowski is a Community Manager at Sharper Management.

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Reminders for Ongoing Association Operations and Personal Protection In the Age of COVID

BY CHRIS JONES

Even though the pandemic continues, most people have found a means to adjust to the “new normal” that is affecting everyone in the community association industry, the associations and the owners that populate them. We may be exhausted by the various restrictions, effects, and other repercussions of the coronavirus and the subsequent actions taken to prevent the spread, but we do need to remain cognizant of how to do that, even if there are differences of opinion on what exactly that means. For community associations, unit owners and property managers, that means continuing to take steps to protect its members, as well as its property on a number of different levels. While the scope of this article is not sufficient to outline each and every point, there are a number of areas where associations should continue (and begin to do so if they have not already) steps to address security and personal safety issues within their buildings.

Certainly, the first place to stop is the guidance issued by the CDC (CDC Guidance). There is a specific guidance for “shared or congregate housing,” within which the CDC includes condominiums and other multi-family buildings in that definition. That guidance is comprehensive and provides many different pieces to maintain safe operations and is crucial for community associations in continued efforts for building and member protection. Community associations (and other multi-family/resident) have unique needs and challenges.

There are a number of specific issues that associations should consider paying particular attention to in ongoing efforts to respond to and manage the coronavirus issues within their buildings and membership. Some of those issues that impact associations include the following:

- As with most HOA-related actions/issues, the first place to look before doing anything is the association’s governing documents (declaration, by-law, rules and regulations, etc.). Those documents provide necessary guidance (and restrictions) on things a community association may need or want to do with regards to operations, member actions and/or management of units and common areas. While there may not be specific COVID-19 related provisions, many general terms could affect or govern steps taken to respond to these issues.
- Prior editions have included information about remote or virtual meetings and that will not be repeated here in details. But as the pandemic continues on, this is a good reminder to consider changes to how business is conducted for members and boards and whether changes need to be made to governing documents to facilitate such change.
- Similar to that, social gatherings should be continually evaluated especially those seeking to occur indoors. As the recommendations and restrictions continue to change, how these occur will need to as well. Stay abreast of the changes and adjust whether and how any community gatherings are done. Outdoors is typically better and easier to pull off but as the weather begins to turn cooler (yikes!) usage of indoor facilities may be more common. Do so with the current situation front of mind.
- As things somewhat opened back up in late spring/early summer, many associations (and members) began to proceed with construction projects in and around buildings. Continue to manage access to and from the building by outside vendors (cleaning companies, maintenance, repair companies, etc.). Create and maintain processes and protocols



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for outside vendors working in and around the grounds. As for the COVID-19 “plan”, request information on steps they will take to protect the owners and residents, ensure proper cleanliness and sanitization while working. In these times, most vendors will have and be happy to provide such a plan and outline.

- Limiting access into/out of and within certain areas of a building can have a potential effect on fire codes and/or city ordinances. If there is a desire to limit or “funnel” foot traffic, as is done in many commercial establishments, attention should be paid to ensure compliance with those requirements as may be needed. If there is a question about whether access points can or should be limited, checking in with city building departments or other officials may be wise.
- Much has also been written already regarding opening of, access to and usage of amenities, such as pools, fitness centers, etc., within associations and the process around that does not need to be repeated. But, as this is an ongoing and fluid situation, a scheduled evaluation of these aspects should be part of the owner/board/management standard operating procedure. Adjustments should be made based on the latest data and guidance to maximize safe usage of these areas.

- Post the updated/current CDC guidelines and/or fact sheet (CDC Fact Sheet) around the grounds and buildings, where applicable and/or appropriate. Keeping current on the latest guidelines ensures that owners and others entering the building are aware of the standards and protocols in place to best protect the community. Communication is key to avoiding issues or misunderstandings in operations, usage, etc.

The purpose of this article is not to serve as a directive on a particular action or to claim to know the future of any particular outcome of the pandemic. Nor is it intended to take into account the differences of opinion as to the appropriate response to the current pandemic situation. The article is merely intended to provide community associations with some information that can assist them in evaluating what works for any particular situation and what potential steps may be worth considering.

We’re all going through this together and working to keep some degree of normalcy in our lives. Balancing the safety issues with common sense and community spirit can be the best “remedy” available to us in these unique times.

Christopher R. Jones, Esq., is a partner in the law firm of Hellmuth & Johnson and 2020 President of CAI-MN.



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Virtual Lip Sync Battle Recap

BY TIM BROMS

The Virtual Lip Sync Battle competition held on August 4th drew participation from six CAI-MN members – some enlisting family and friends as backup. Congratulations to all of the performers and specifically the Grand Prize winner Kari Ross from Gaughan Companies and the People’s Choice winner Karly Kauf from Smith Jadin Johnson, PLLC.

A video highlighting the individual performances can be found at: https://www.cai-mn.com/general/custom.asp?page=video_library.

Special thanks to the Social Committee for hosting such a fun event and thank you to the following program sponsors:



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