

Common Interest

The Official Publication of CAI-Connecticut

Vol. XIV: Issue 7 • 2019

CONNECTICUT CHAPTER
community
ASSOCIATIONS INSTITUTE

Inside:

**Aging Infrastructure
THE CONDO BUILT
ON “SOFT SOIL”**

**Eeeeeek!
LATE TAX RETURNS!**

**CONDO HORROR
STORIES
A Manager’s Perspective**

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Who Is CAI?

The Connecticut Chapter is one of 63 Community Associations Institute chapters worldwide. CAI-CT serves the educational, business, and networking needs of community associations throughout Connecticut. Our members include community association volunteer leaders, professional managers, community management firms, and other professionals and companies that provide products and services to associations. The Connecticut Chapter has over 1,200 members including nearly 150 businesses, and over 450 community associations representing 50,000 homeowners.



The materials contained in this publication are designed to provide accurate, timely and authoritative information with regard to the subject matter covered. The opinions reflected herein are the opinion of the author and not necessarily that of CAI. Acceptance of an advertisement in *Common Interest* does not constitute approval or endorsement of the product or service by CAI. CAI-Connecticut reserves the right to reject or edit any advertisements, articles, or items appearing in this publication.



To submit an article for publication in *Common Interest* contact Kim McClain at (860) 633-5692 or e-mail: kim@caict.org.

President's Message



Pam Bowman, CMCA, EBP

"The stories are similar, we don't have a plan, we can't afford it, we need to wait."

Scary Condo Stories seems to be the theme of many associations these days, which is too bad. Whether it be the three P's: Pets, Parking and People, or the overruns in budget items, overgrown landscaping and trees, driveways, sidewalks, and roadways. The stories are similar, we don't have a plan, we can't afford it, we need to wait.

The common premise amongst these items are the lack of standards of maintenance and operations for the Association. When communities can agree and maintain standards on windows and door replacements, chimneys and dryer vent cleanings, landscaping removal and replacement, tree pruning or tree removal, planning from year-to-year is made easier. Most owners can get on board knowing the consistency of a plan and what can be followed and adjusted when needed.

Putting things off creates the scary stories, telling the success stories is a much better outcome. ■

"Scary Condo Stories seems to be the theme of many associations these days..."



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From the Chapter Executive Director

**"What happens if you get scared
half to death twice?"**

~ Steven Wright



Kim McClain

Courtesy CAI-CT.

It's often difficult to find humor in scary situations. However, at times, after all the dust settles from an experience that has been particularly tense, or scary, it is possible to look back and find the circumstances to be amusing.

Watching your community fall apart around you is no laughing matter, however. We often get calls from homeowners and board members where the board is "too scared" to raise the common fees. If projects must be done for the well-being of the property and its owners, the resources to accomplish those tasks need to be found. Living in fear of a pothole that could swallow a tire or a roof that could leak severely after a big storm are all quite scary concepts. Yet, in some associations, boards and owners find it acceptable to look the other way. Do the problems ever improve by ignoring them? Not likely.

In this issue, our talented authors share some of their scariest condo encounters. No doubt, you may be able to relate to some of them. We hope that these examples offer a cautionary tale or two for our readers.

One of the best ways to avoid scary situations is to make concerted efforts to be well prepared. This requires planning and good planning skills are usually developed through education. CAI-CT is consistently your best source for education and resources to help you manage your association effectively. Plan to attend our next Condo Inc. program AND our Annual Conference. You know it will be interesting. What are you afraid of?

Enjoy the colors and beauty of the season! ■

People in the News...

Dave Pilon, CIRMS has recently joined a select group of fewer than 100 insurance and risk management professionals nationwide who have earned the Community Insurance and Risk Management Specialist (CIRMS®) credential from Community Associations Institute (CAI).

Dave has been an Insurance Advisor with Bouvier Insurance for over 17 years. He is a very active member of CAI-CT. Dave has chaired the Fall Fun and CAMMIEs committees. He currently serves as a delegate for our Legislative Action Committee and as a member of the Paradise Committee. He is also a frequent speaker at CAI-CT education programs. ■



Dave Pilon, CIRMS



Send Your Industry-Related News to kim@caict.org.

Errata Notice:

In Volume XIV Issue #6, we incorrectly identified the law firm with which Jonathan Chappell is associated. The correct name is Feldman, Perlstein & Greene, LLC. We apologize for the error. ■

JUMPSTART JANUARY –

Managers & Business Partners

Thursday, January 9, 2020 • 10:30 am - 2:00 pm

Snow Date January 16, 11:30 am - 2:00 pm

10:30 - 11:30 am

What You Say Can Hurt You

Beware of what and how you communicate issues and strategies in dealing with unit owners and boards. We'll discuss what to avoid stating in texts and emails to limit potential legal issues. Be prepared to discover how the expectations of instant response can create problems.

12:00 - 2:00 pm

Learnings & Surprises: Working with Contractors

The end result will likely be better if boards and managers develop strong communication with contractors. Learn why it is important to use a 3rd party engineer; the value of a checklist with the specifications clearly articulated; how to interview contractors; and why weekly meetings will pay dividends. We will also discuss what can happen if an association is not maintained.

Speakers: Greg Zajac, EBP - *Building Renewal, LLC* and Scott J. Sandler, Esq., CCAL - *Sandler, Hansen & Alexander, LLC*

Managers - \$30 Member / \$60 Non-Member

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GOOD FOR 3.0 CONTINUING ED CREDITS

Condo Inc. I

The Business of Running Your Community

Saturday, February 1, 8:30 am - 3:00 pm

Snow Date: Saturday, February 8, 8:30 am - 3:00 pm
Wallingford

Do you serve on the board of your association? Are you considering serving? Whether you are a seasoned board member, a recently elected board member or unit owner seeking to understand more about how an association runs, this course is for you!

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SAVE THE DATE!

CAI-CT Annual Conference & Expo

Saturday, March 14, 2020

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Visit www.caict.org to register and for updated information.

DCP CAM Email

In a previous issue of Common Interest, Scott S. Sandler, Esq., CCAL, Chair of our Legislative Advocacy Committee provided a summary of the changes to the law that impact community association managers in our state. Recently, the Department of Consumer Protection (DCP) sent out a notice to all the registered owners of management companies. Please see below for the contents of that email communication. We applaud the DCP for being proactive in their communication to community association managers.

Dear Registered Community Association Manager,

This communication is to advise you that Public Act 19-177 went into effect on October 1, 2019. This new law amends the requirements for persons seeking and renewing a registration as a Community Association Manager.

What does this mean for your legal entity?

The new law stipulates that a Community Association Manager registration can only be held by an individual. Therefore, your current registration as a legal entity will expire on January 31, 2020 and cannot be renewed.

Any individual, employee or owner, who provides association management services for your legal entity would need to be registered. Association management services is defined as the following:

- (A) Collecting, controlling or disbursing funds of the association or having the authority to do so;
- (B) Preparing budgets or other financial documents for the association;
- (C) Assisting in the conduct of or conducting association meetings;
- (D) Advising or assisting the association in obtaining insurance;
- (E) Coordinating or supervising the overall operations of the association;
- (F) Advising the association on the overall operations of the association

This new law requires all individuals seeking a registration to supply the following documentation at the time of application:

1. State criminal background check
2. Federal (FBI) criminal background check
3. Proof of passing the Community Association Institute's (CAI) M-100 course
4. Proof of passing the National Board for Community Association Manager's (CMCA) exam

Application information and forms for Community Association Manager can be found online at:

<https://portal.ct.gov/DCP/License-Services-Division/All-License-Applications/Real-Estate---Community-Association-Managers>

If you have questions, send your inquiry to dcp.licenseservices@ct.gov.

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Individual Managers

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Statutory Snippet...

As of October 1, 2019, recent revisions made to the Community Association Manager law are in effect. One of the provisions includes the requirement for the license number included in any advertisements.

Sec. 20-457. Required and prohibited acts re certificate of registration. Penalties for violations. Expiration and renewal of certificate. (a) Each person engaged in providing association management services shall (1) exhibit his certificate of registration upon request by any interested party, (2) state in any advertisement the fact that he is registered, and (3) include his registration number in any advertisement. ■

JUMPSTART JANUARY

Managers & Business Partners

Thursday, January 9, 2020 • 10:30 am - 2:00 pm

Snow Date January 16, 11:30 am - 2:00 pm

10:30 - 11:30 am

What You Say Can Hurt You

Beware of what and how you communicate issues and strategies in dealing with unit owners and boards. We'll discuss what to avoid stating in texts and emails to limit potential legal issues. Be prepared to discover how the expectations of instant response can create problems.

Speaker: Kasey Burchman, Esq. —
Feldman, Perlstein & Greene, LLC

11:30 - 12:00 pm - **Lunch Break**

12:00 - 2:00 pm

Learnings & Surprises: Working with Contractors



The end result will likely be better if boards and managers develop strong communication with contractors. Learn why it is important to use 3rd party engineer; the value of a checklist with the specifications clearly articulated; how to interview contractors; and why weekly meetings will pay dividends. We will also discuss what can happen if an association is not maintained.

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Legally Speaking...



Adam Cohen, Esq.

Aging Infrastructure Horror Story: *The Condo Built on “Soft Soil”*

By Adam J. Cohen, Esq.

Long, long ago – in the late 1980s – a developer got municipal approval to build a condominium complex in an up-and-coming town in Connecticut. The location was made up of what structural engineers call “soft soil,” which refers to ground that may not be solid or dry enough to properly support construction. Apparently, no one at the time worried much about how serious a problem that might become.

Within a few years after the first unit was sold, significant cracks developed in the foundations of some of the units, as well as in the walls of the units’ living areas. Patches came undone soon after they were completed, and the problems spread. A few years later, structural distortion was plainly visible in ten units. Even windows and door frames started to no longer work properly.

The association formed committees and hired experts for advice on what to do. They concluded that uneven foundation settling caused by the soft soil was to blame, but that the worst of it had passed and further settling was unlikely. Still, the owners of the affected units were understandably upset, and some sued. The association agreed to pay for past and future superficial repairs in the affected units and to compensate their owners for reduced resale values, in exchange for permanent releases from any responsibility to undertake major foundation work.

Meanwhile, the developer started building the complex’s next phase of units. Aware of the foundation problems in the original units, the developer worked with a structural engineer to design the foundations, which the town approved despite concerns expressed by other engineers. Again, these new units experienced similar problems within a few years after they were sold: cracks in the foundations and walls, patches which quickly came undone, and inoperable windows and doors.

The association again consulted with professionals and made the needed repairs each time problems were discovered. Although the association had always been fully transparent to the community about the foundation problems and the measures being taken to address them, owners trying to sell their units were not always as forthright with prospective buyers. Consultants, insurers, government agencies were little help. Even if the association paid millions of dollars to totally redesign the foundations, there was no guarantee that doing so



“Within a few years after the first unit was sold, significant cracks developed in the foundations of some of the units, as well as in the walls of the units’ living areas.”

would permanently solve the problems. The owners of affected units demanded action, while the owners of unaffected units didn’t want to pay for it. Repair and maintenance expenses continued to mount... and then the second round of lawsuits began.

Two of the lawsuits were tried together this year against not just the association but also the town, the developer, and the developer’s engineer. The plaintiffs alleged that the association allowed the other defendants to cause the problems and was obligated to implement a solution regardless of cost because the foundations were common elements. The association argued that the two-year and three-year statutes of limitation for the unit owners’ claims had expired because the clock started running the day the plaintiffs bought their units many years earlier. The plaintiffs responded that the association’s repair obligations could never expire because they were ongoing and were in fact reaffirmed every time the association made minor repairs.

The court agreed with the association. It held that, under both the association’s declaration and the Common Interest Ownership Act (CIOA), the association was only required to maintain, repair, and replace com-

[Continues on page 10.]

Financially Speaking...



Daniel Levine, CPA

Eeeek! Late Tax Returns

By Daniel Levine, MBA, CPA

Introduction

Following the theme of this month's issue this article is going to look at one of the scariest accounting pitfalls out there: the annual income tax return! While knowing the rules and complying with the laws can be daunting in and of itself, a more frightening situation can be if an association files their tax return late. This article will look at association filings in general and the implications of filing a return late. Specifically, we will be looking at this from the perspective of an association that commonly files under code section 528 of the Internal Revenue Code (IRC).

Association Taxes in General

Associations are corporations and therefore a corporate tax filing must be done annually. While there is no exemption from filing a return, there are ways to help simplify filing or exempt income from tax. Most common interest communities can elect to file their income tax filing under section 528 of the Internal Revenue Code. This greatly simplifies the filing, but as stated is an election and is one that isn't automatically claimed by the association for being common interest community. Claiming the election is done by filing a timely filed Form 1120H (including extensions). However, there are times when an association does not make this election timely by filing the return late. So, the question becomes what happens then?

Why Wouldn't the Election be Claimed?

There are a few reasons why the election would not be claimed. The first reason is that the criteria for the election would not be met. There are three tests a common interest community must pass to be able to file under IRC 528. One deals with revenue, another expense, and the last deals with what percentage of the units are considered residential. As this article is focusing on the impact of losing the exemption, the impact on those who do not qualify for IRC 528 will not be analyzed.

For those associations that meet the criteria of IRC 528, the most common reason that typically causes the election to be lost is that the return is not timely filed. This can happen for a variety of reasons. Perhaps it is due to a management switch and the filing falls through the cracks, perhaps an association becomes self-managed after being professionally managed and this annual requirement is not understood, or lastly the board member who usually did the filing moved



Giulio Fornasar / iStock/ Getty Images Plus

"...there are times when an association does not make this election timely by filing the return late. So, the question becomes what happens then?"

or transitioned off the board and it is overlooked. Regardless of the reason, losing the election can bring with it a potential tax nightmare.

What Happens if the Election is lost?

When an association loses the ability to file under IRC 528 it then reverts to being filed under the rules contained in IRC 277. When this happens the presentation of the return and tax theory also change. Under IRC 277 the association no longer worries about exempt vs. non-exempt income, but instead must classify income and expense as membership or non-membership income. Tax is due on any non-membership income like IRC 528, however under IRC 277 if an association has membership profit, they will pay tax on that income as well unless they invoke certain procedures which may only defer the tax and require documentation to substantiate. This may result in a larger than anticipated tax liability for federal purposes.

Not only could there be a larger federal liability, not claiming IRC 528 election causes the association loses the exemption for state income taxes and could result in tax at the state level. Since the return

[Continues on page 10.]

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FINANCIAL...from page 8.

is being filed late, there is now a potential for interest and penalties to be levied on the past due tax amounts owed to both the federal and state jurisdictions.

Finally, with filing under IRC 277 the preparation becomes much more complicated. Moving away from the one-page Form 1120H under IRC 528, IRC 277 requires filing Form 1120 which includes balance sheet presentation and various other information that the paid preparer (or board preparer) would have to complete. The additional analysis and application of tax law would all increase the cost of preparation to the Association.

Conclusion

As can be seen, missing this annual deadline can have consequences. Not only could there be an increase in the potential tax owed to the federal government, but it can also bring about state tax liabilities, and increase professional costs to the association to now comply with the law. However, it is an easy problem to avoid! An association can avoid this problem by making sure a professional is hired annually to handle the tax preparation, or through a checklist to track once a year deadline like the tax return or filing Form 1099 MISC. ■

Dan Levine, MBA, CPA is a Certified Public Accountant at Tomasetti, Kulas, And Company P.C. Dan has extensive experience with tax and attestation services to condominium associations from all around Connecticut. Dan is an active participant in CAI-CT related programs and can be found presenting accounting best practices at these events throughout the year. Dan is also a member of our Legislative Advocacy and Next Generation Committees.

LEGALLY SPEAKING...from page 7.

mon elements which it was required to insure – and that “foundations” were specifically excluded from the lists of insurable common elements. Therefore, the association had no duty to make any repairs at all for problems related to the foundation settling, and as a result, the plaintiffs had waited too long after buying their units to sue.

Does this horror story have a happy ending? The answer depends on your perspective. The foundation problems themselves obviously have not been fixed, although the association had always tried to do the right thing to the extent possible. The effect of the ruling is that each unit owner will have to deal with the effects of “soft soil” individually, or at least will not be able to force all of the other unit owners to pay for them. Although the court’s specific holding was that the claims were time-barred, its rationale would seem to preclude lawsuits even by brand-new owners. And this horror story is not over yet because the ruling is under appeal. ■

Adam J. Cohen is an attorney with the Law Firm of Pullman & Comley, LLC headquartered in Bridgeport, Connecticut. As the Chair of its Community Associations Section, he represents and gives seminars to condominiums, tax districts, and other communities in matters ranging from amendments of governing documents to revenue collection strategies and commercial disputes.



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Christopher E. Hansen, Esq.

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Fall Fun

Fall Fun got switched up a bit this year and we included a “Flash” education session with eight different topics. Many of the ideas presented were new to a fair number of us. A great deal of information was presented in a short blast of time.

After the education program ended the fun began! Our great DJ from last year returned and spun lots of great tunes for the evening. The food was great and the beverages were flowing. We want to do a special shout out to Dave Pilon from Bouvier Insurance who was willing to spend some time on the dance floor with a few of the people who were brave enough to get some energy going.

Our wonderful Fall Fun Committee did a great job of organizing all the many details that go into making this event truly fun. We appreciate to all that they do!

Fall Fun Committee

Carrie Mott - *Bouvier Insurance - Chair*
Mea Anderon - *Crystal Restoration Services of Connecticut*
Licia Ciotto - *Reficio Company / United Cleaning & Restoration, LLC*
Bill Jackson - *BELFOR Property Restoration*
Doug Miller - *Schernecker Property Services, Inc.*
Mike Montgomery, CMCA - *White & Katzman Management, Inc.*
Greg Roberts - *Westford Real Estate Management, LLC*
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(left) Patty Coleman &
Craig Leppla, CMCA -
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(below) Suzanne Rourke, CMCA
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(above) Roy Hamilton - BELFOR Property Restoration; Catherine Luciano, CMCA, AMS, PCAM - Connecticut Condominium Connection, LLC; Audrey Emanuel - FMI Paint & Chemical, Inc.; Mea Anderson, EBP - Crystal Restoration Services of Connecticut; Chris Carney, EBP - BELFOR Property Restoration

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(above) Bill Jackson, EBP - BELFOR Property Restoration

On Solid Ground: The Benefits of Proactive Budgeting & Maintenance for Your Pavement

By Bill Bombara

Your asphalt parking lot is usually one of your biggest investments right after your roof, and sometimes one of the most neglected. When pavement is new, the future planning for pavement maintenance is sometimes overlooked or forgotten. Even as the pavement ages, it can be easily forgotten about, with the only focus on liability issues (severe potholes, for example). Protecting and extending the life of your pavement gets you the most benefit from your investment, and that process starts with a good plan and timely maintenance.

The Basics

Typically, an asphalt mix is composed of 5% asphalt and 95% aggregate. It is heated to over 300 degrees so it can mix effectively with the aggregate and then placed in layers. Asphalt is designed as a flexible surface, so it can bend and absorb heavy traffic loads. From the day it is installed, it begins to age and has a variable life cycle.

Underneath the asphalt layers lie two critical sublayers of aggregate and subsoil. These layers together provide two critical functions in the life span of the application. First, they provide a solid foundation and help to limit frost heaving which causes cracking. Second, they keep the water moving across the surface by being properly pitched.

In the end, for the best and most enduring asphalt application, the simple rule is to apply asphalt in the proper thickness, with plenty of aggregate, on a rock-free, solid soil base.

Northeast Weather and Pavement

Mother Nature is the greatest enemy of your pavement. Everyone knows the distinct contrasts of our four seasons. Winter represents the greatest challenge to an asphalt surface, as sub-zero temperatures can cause significant contraction in the pavement design. Moisture received through un-protected cracks will freeze and expand causing the asphalt to split further. Moisture in the sub surface can also cause larger rocks to heave and crack the pavement even more. Add the pounding of tires and snow equipment to the freeze and thaw cycles, along with new surface water from melting snow entering the cracks, the developing of potholes is likely.

As much as spring provides a welcome relief from the freeze cycle, it too offers significant challenges to the integrity of your pavement. As the ground starts to thaw, the melting process and spring runoff saturate the ground with water, trapping some of it near the surface until the ground has completely melted. Just as in winter, the excess water will pool in cracks and potholes, exacerbating deterioration even further.

Lastly, while most damage is done in winter and spring, summer and fall offer additional challenges. The ultraviolet (UV) light of summer can dry the natural heavy oils in asphalt and cause it to become brittle and susceptible to cracking. And autumn, can easily provide heavy rains and early frosts, which can flash freeze and cause cracking.



“Asphalt is designed as a flexible surface, so it can bend and absorb heavy traffic loads.”

A Condo or HOA Board has the task of running the business of an association and usually comes from a collective of differing experience and backgrounds. Their strength is usually their combined knowledge and vision, and with that, the development of a budget for the Association. With the help of your property manager and/or contractors' advice, you provide a vision and plan for future expenditures as well as manage the daily surprises and issues of your buildings, roads, and sidewalks.

Planning a budget with an asphalt maintenance line item is not only smart, it's fiscally responsible. Timely and scheduled maintenance can significantly increase the service life of your pavement. Pavement begins to age from the day it's installed. Cracking and deterioration are inevitable, but the damage grows exponentially when left alone. Getting advice from your pavement maintenance contractor by means of a Pavement Management Plan (PMP) can keep you ahead of the small problems that lead to bigger ones. Taking all these issues into consideration, we strongly recommend a PMP, a process which includes 4 steps:



A Responsible Plan for Your Pavement

1. Information Gathering: Collect as much information about your property and pavement as possible, including the installation construction plans, maintenance history, previous estimates and invoices on work proposed or completed.

2. Pavement Assessment: Next, assess the property and keep a video or photo record of your visits (memories can fade or trick you!), in particular any trouble spots which might need repair. The assessment should be part of your annual checklist on the property and kept in a running document for comparative and trend analysis.

3. Budgeting: This is the most critical aspect of the plan. Nobody likes to spend money on repairs, but in this case, we believe in the adage that “you don’t save money trying to save money.” Research shows that it is far more cost effective to invest in maintenance than repairs, and to that degree, we suggest the following schedule:

- ✓ Pavement Assessments every year
- ✓ Crack Sealing every 1-2 years
- ✓ Pothole and pavement repairs as needed
- ✓ Sealcoating every 3-5 years

4. Modify the plan as needed: As with all plans and initiatives, you will grow and become more skilled with your budgeting and analysis as you work with the plan. Adjust as necessary and let history be the predictor of the future.

And finally, just a word on the price of forgoing maintenance.

While budgets are always tight, the research on the subject is quite conclusive: proactive maintenance extends and protects your pavement asset, and in the end is the cost-effective choice. More critically, the research also shows that once pavement surfaces begin to crack and pothole, its deterioration (and the commensurate cost to repair it) accelerates quickly. Conversely, the ability and the option for simpler repairs diminish just as quickly, leaving only the options of expensive repairs or very bumpy rides. ■

Bill Bombara is General Manager of M&S Paving.

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Manager's Column...



Reggie Babcock



Rich Wechter, CMCA

Being Practical, Part LVIII Condo Horror Stories — *A Manager's Perspective*

By Reg Babcock and Rich Wechter, CMCA

In this column we tackle various topics of interest to association Boards of Directors with the intent of imparting practical advice. This issue's column is offered as part of the theme of this issue: Condo Horror Stories.

In an effort to avoid discouraging future property managers from entering this field and unit owners from serving on their respective boards, we will refrain from drafting a “War and Peace” style article with nothing but horror stories. Instead, we are simply noting three horror stories that will demonstrate how difficult our world of condos really is. We will then offer a few suggestions to prevent these horror stories from ever being more than a bad nightmare.

Horror Story #1-The Battling Board

To paraphrase the late Rod Serling, imagine a world where utopia has been achieved. People from all different backgrounds and persuasions working in harmony, respectful of all opinions and ideas, and coming together in one voice on issues facing their respective communities. Now wake up and find yourself as a property manager in the middle of a nightmare where board members are yelling at each other, slamming objects onto tables and losing their temper in the most egregious manner possible. Welcome to reality: A board meeting more like the WWF than an episode of Mr. Rogers Neighborhood. There is no excuse for such an eventuality, yet passions, egos and agendas tend to increase the likelihood that such a setting is closer to reality than the utopia we all strive for.

How to Avoid Horror Story #1

We offer the following suggestions to avoid the “Battling Board”:

- Provide a Code of Conduct for board members and follow it without exception;
- Encourage board members to follow the script for board meetings by sticking to the agenda;
- Discourage board members from grandstanding in front of unit owners and tenants;
- Keep the Open Forum limited to hearing comments from unit owners rather than attempting to convince them of the righteousness of the position of the Board or a particular board member;
- Remember that board members can disagree but once a decision is made, the decision of the board must be respected, especially by board members who opposed a particular decision;
- Keep the board meetings short. The longer the meeting, the more that can go wrong;



id-work / DigitalVision Vectors / Getty Images

“...wake up and find yourself as a property manager in the middle of a nightmare where board members are yelling at each other...”

- Keep discussions on point and brief;
- Make decisions and move on. You cannot convince all board members on all issues;
- Respect the opinions of your fellow board members; and
- Be prepared to take flack for unpopular but necessary decisions.

Horror Story #2-Eyes Bigger than Association Bank Accounts

It is easy to see what is missing or lacking in a condominium association. Old roofs, old siding, beat-up roads are just a few examples of the conditions that many associations face. The horror story for such associations occurs when multiple conditions exist that require prompt and comprehensive attention but cannot be addressed due to inadequate funds and, most regrettably, such a poor reserve position that a loan is beyond their reach. In such a situation, residents are faced with immediate concerns and no money to pay for such work. To add to this horror story, picture an association where the Board attempts to resolve this dilemma by raising revenue to an extent necessary to address even a small number of these conditions, only to have a community reject efforts to raise revenue, placing the community in a death spiral with no way out. This is the horror story most feared by property managers.

How to Avoid Horror Story #2

We offer the following suggestions to avoid this horror story:

- Maintain sufficient revenue for both operating and reserve expenses;

[Continues on page 22.]



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Timothy Wentzell, P.E.

TECHNICAL EXPLANATIONS

This column appears in each edition and is intended to touch on technical topics of general interest to common interest associations. Topics will be of a general nature, but I will also accept and respond to questions from readers. On occasion, it will be guest authored when topics can best be addressed by experts in other fields.

A Few Of My Condo Horror Stories

*The Following are From A Few Years Ago When
the Snow Seemed To Never Stop*

By Timothy Wentzell, P.E.

After the calls started coming in, “How much snow is too much?” First one property manager then a couple more with the same question. My response I suspect was that of a typical engineer. I explained that buildings built since the advent of building codes were typically designed with a design basis including the snow loading required by building code. In Connecticut, interestingly enough, the Building Code varies from town to town. Most of the municipalities in Connecticut have a code design load of 30 pounds per square foot. However, in the case of snow this can be complicated as the density can vary greatly depending on the type of snow. The density varies whether it’s light and fluffy or whether the water content is high, but more importantly over time the compaction from the snow above it can significantly increase its density. In the latest storms in Connecticut some rain or freezing rain was mixed in as well, further complicating the answer. A typical snow as it falls is usually in the range of 8-12 inches of snow per inch of water equivalent. The design load of 30 pounds per square foot then correlates to approximately 6 inches of water. This would relate to between 48 and 72 inches of snow, hence if all the snow that had fallen this winter remained on the roof, it could be at or above the design criteria. So it is difficult when you tell people that if their building was designed properly, had not experienced deterioration from leaking or other rotting, was not subject to incorrect construction, in most cases we had not quite reached that criterion yet; however, with the caveat that certainly winter was not yet over.

Then the first failure call came, it was a condominium association garage building which collapsed with a full complement of cars inside. Upon reviewing this garage, the failure mechanism was fairly obvious. The garage was constructed of typical rafters with occasional ties across the bottoms which were merely nailed into the side walls. It appeared first two nails simply got pulled out of the wood allowing the walls to separate, and this failure likely rapidly repeated itself along the length of the building. Then came call after call both night and day to look at an assortment of buildings both pitched and flat roofs, and of course attempt to advise people at that point whether their buildings should have the snow removed or whether structural concerns exist. This determination is complicated by the concerns expressed earlier in this article about age, deterioration, or possible construction defects. It is made even more dif-



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*“...in the case of snow this can be complicated
as the density can vary greatly depending on
the type of snow.”*

ficult in some cases such as structures that are, for example; 100-year old converted factory buildings which were constructed before the period of any adopted building code. Interestingly, one enterprising complex, when I explained the difficulty in determining the snow weight, advised that they would call me back as they were in the process of melting down a square foot of snow and weighing it, which interestingly turned out to be quite similar to our estimate.

One of the more significant calls came in one morning around 5:30. Having cell phones is not always a blessing. The call was for a fairly large condominium complex at which the Fire Department had decided for the sake of safety to remove about 150 residents out of the building because of concerns about noises that residents had heard and then subsequently finding some cracking in the support structure when reviewing the attic structure. As I was driving to the complex, first I heard on the radio that the engineer was on his way, at the next news broadcast I heard once again the engineer was on the way. As I was approaching the exit ramp near the complex, the third report was that the engineer had arrived. Go figure. I figured they were either psychic or I was no longer needed. Upon arriving the Fire

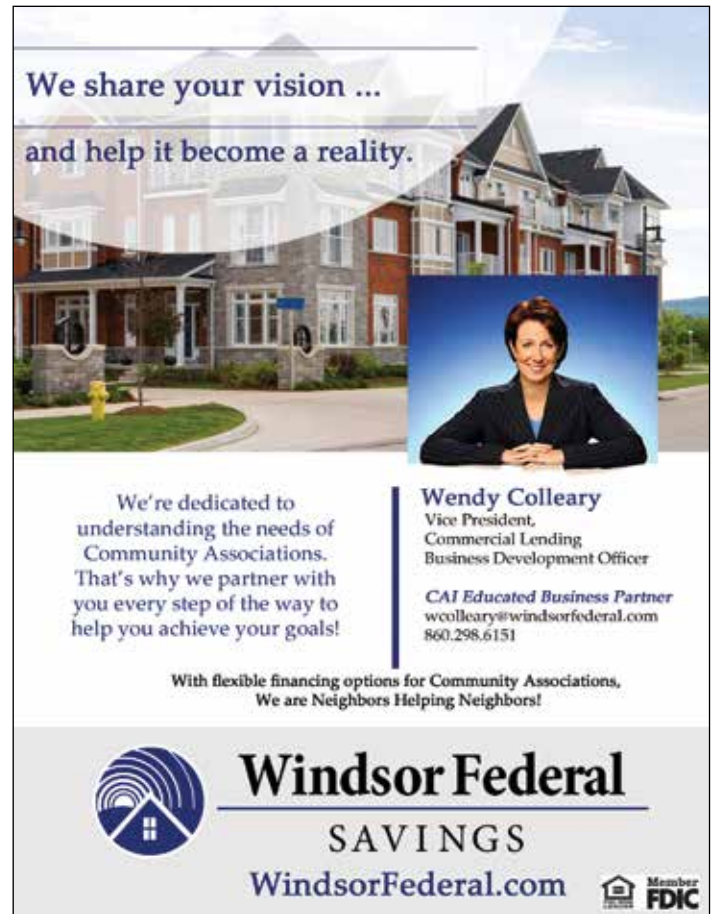
Department directed me to the second building, not the one that they had already temporarily condemned, and then I proceeded into the attic to review concerns that the local building official had. Interestingly, their concerns were not the same as mine. I found diagonal compression truss members with over a three-inch sideways deflection, which concerned me greatly. The Fire Department was also concerned that because of wind blown snow the snow on this side of the roof was approximately 3 feet deep. Certainly, deciding to force more people out of their homes is never pleasant but facing the alternatives I felt I had no choice but to temporarily condemn this building as well, forcing approximately another 150 people to live with relatives or at local hotels. Through the quick work of the property manager and association president, two companies were in place with a large work force shoveling the roof within hours. One of the roofs was completed by late the next day allowing those residents to return, and everyone in both buildings were home in time for the Super Bowl the following day.

The calls then continued all weekend including the start of the gas station canopy calls. Some were repairable, but one I had no choice but to tell them to keep the service station closed until the canopy could be removed. In between was an assortment of issues ranging from building trusses, where sections had been removed for one reason or another, along with numerous calls where residents had called town officials who had advised them instead to contact us. Usually once the snow was removed we could often allow them to either return or in some cases to even remain in their homes. Most memorable may be an inspection of an apartment complex where an extremely sweet, elderly lady hugged me tightly when I told her she wouldn't need to sleep in a hotel that night after she found new cracks in her walls and ceilings.

Now that the event is over and as I'm watching intently as the snow melts, I think back on the different cases when I was forced to make a rapid review of a very complicated building structure, and as I would lay awake at night worrying that I missed something or even whether I mere-

ly inconvenienced people because I was being too conservative. Perhaps like the 100-year rainstorm which recently appears to be happening on approximately a four-year cycle, the code snow loading for Connecticut likely is incorrect as well and should be re-evaluated. ■

Please address any questions or areas of interest that you would like answered in future columns to Timothy Wentzell, P.E., e-mail: ConnPropEng@cox.net.




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You Ask Mister Condo, Now Mister Condo Asks You!

Every issue of *Common Interest* features an “Ask Mister Condo” Question submitted by a reader of the Ask Mister Condo website at <http://askmistercondo.com>. There are often many reasonable suggestions and solutions to condo questions. Mister Condo is asking you to participate and share your wisdom with the world. Review the question below and submit your answer in an email to askmistercondo@askmistercondo.com. Look for your answers in future issues of *Common Interest*. Here is this issue’s Ask Mister Condo question:

J.L. from Litchfield County, Connecticut writes:

Dear Mister Condo,

Is there a rule that states or can we have in place that an investor who does not live on site is not allowed to be on the board? Also, if so, can it be placed into our new condo rules and regulations we are in the process of redoing?

— — —

In a previous Ask Mister Condo column, you were asked to help a reader with the following question:

W.P. from New Haven County, Connecticut writes:

Dear Mister Condo,

I am a condo owner and am getting reports from our water utility company that bills are not being paid (several months late and \$100’s in late fees). What would be the best way to address this?

Mister Condo replies:

W.P., I am sorry that your association isn’t paying its water utility bills in timely fashion. Regardless of the additional monies owed in late fees, I would think the community is at risk for having its water service shut off. As a unit owner, all you can really do is alert the Board to the problem and ask them why this is happening. Are unit owners paying their fees in timely fashion? Was there an unexpected

expense that has caused the association to be delinquent in other areas? Whatever the reason, racking up late fees doesn’t benefit anyone in the association, including Board members. As is always the case, the volunteer leaders within the association are elected by unit owners such as yourself. If they aren’t getting the job done, it is time for some new leaders. All the best!

Did you know that you can now subscribe to the weekly Ask Mister Condo newsletter? Go to <https://askmistercondo.com/subscribe/> and you’ll get Mister Condo’s sage advice delivered to your Inbox every Monday! Follow Mister Condo on Facebook or Twitter and get daily updates on current questions delivered right to your phone, desktop, or tablet. Since 2012, Mister Condo has been politely offering some of the best HOA and condo advice to readers just like you! Join in the friendly conversation at the website or on Twitter, Facebook, and LinkedIn. Visit us at <https://askmistercondo.com>. There’s plenty to talk about! ■



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MANAGER'S COLUMN...from page 16.

- Prioritize what has to be replaced/repaired/maintained, etc.;
- Add to the reserve account(s) each year no matter what;
- Educate the community and the boards on fiscal management;
- When necessary, special assess with or without a loan. Obviously, if the amount of the special assessment is high, a loan will likely be the only avenue for a community; and
- Work really hard at reducing operating expenses.

Horror Story #3-Property Managers and Management Companies Crushed by Residents

We wish to note at the outset that we are figuratively, not literally commenting on residents crushing property managers and management companies. Indeed, we are pointing out the horror story that occurs from time to time, especially in larger associations where residents bombard property managers and management companies with all forms of communications (e-mails, text messages, phone messages, letters and more recently, social media postings). The duplication of message in these cases is so large that it can and does bog down our fellow brethren in performing their daily duties. Our time is precious and every minute counts. It is so frustrating when we are spending all of our time repeating the same communication rather than dealing with the underlying issue itself.

How to Avoid Horror Story #3

We offer the following suggestions to avoid this horror story:

- When you receive a multitude of responses on the same topic, send out a mass communication on that subject, noting in that responsive communication that you did receive multiple responses to the original communication which warranted a global response;
- Draft and send communications to the community with enough detail to reduce the number of communications back to the management company; and
- In selected mass communications, advise that individual communications will not be sent.

Conclusion

As previously noted, we could fill this entire issue of *Common Interest* with horror stories in painstaking detail. However, we believe that these three horror stories present clear and real situations that boards and property managers face all the time and that the suggestions set forth in this article will hopefully reduce the occurrence of these horror stories. While we cannot guarantee the elimination of these conditions, we hope that this article will aid property managers and boards in coping with them. ■

The authors work for Westford Real Estate Management, LLC. Reg Babcock is Chief Operating Officer & General Counsel and Rich Wechter, CMCA is Senior Vice President.

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Property managers face many challenges related to energy use and maintenance. Domestic hot water (DHW) systems might not be working to full potential; older HVAC equipment may be consuming more energy than you think; and fluctuating space temperatures and hot water consumption might be taking up your maintenance team's time.

Eversource's Multifamily Initiative can help you identify energy efficiency improvements in the dwelling units, common areas and exterior of your property that can streamline operational costs, reduce energy use, and improve resident comfort. An air-tight exterior, efficient lighting, and energy-saving technology can also make your building more marketable to potential buyers or renters. Rebates, incentives and financing options are available along with technical assistance for upgrades.

Stamford's market-rate Fountain Terrace Condominiums recently participated in the initiative. The 200-unit Fountain Terrace upgraded to LED light bulbs and new lighting fixtures across the common and exterior areas of the complex, completed no-cost weatherization measures in all dwelling units, installed state-of-the-art HVAC controls, and switched from a steam-based boiler plant to high-efficiency condensing hot water plant. These upgrades will save Fountain Terrace approximately \$50,000 in annual energy costs, an average of \$229 per unit, and nearly \$1,000,000 over the next 20 years. Thanks to the Multifamily Initiative, Fountain Terrace also received nearly \$266,000 in incentives to complete the work.

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"Property managers face many challenges related to energy use and maintenance."

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ENVIRONMENTAL TIP**How to Slay Energy Vampires in your Home**

Energy vampires are evil ghouls that suck electrical power from appliances when they are not in use and take a big bite out of your wallet.

For example, cellphone chargers that are left plugged in after your phone is disconnected consume .26 watts of energy — and 2.24 watts when your phone is fully charged and still connected. When you consider all the other appliances and electronics that are plugged in and not in use, it's easy to realize why these energy vampires could add an extra 10 percent to your monthly utility bill.

How to Eliminate the Vampire

1. Unplug!

If you have an extra TV or some other electronic device or appliance, e.g. coffee maker, etc. you don't switch on often, you should consider unplugging it completely until the next time you actually use it.

2. Plug Your Appliances Into Power Strips.

Power strips let you shut the power flow on and off. This allows you to control the power usage of clusters of devices so that they're not consuming electricity when you're not at home.

3. Reduce Idle Time.

By setting your computer to sleep mode, or stopping a game and powering down your video game console instead of leaving it on pause for an extended period of time, you can save more on your energy bill.

4. Make Smart Upgrades.

When electronics and appliances need to go to the graveyard, you will save on energy costs in the long run by replacing them with ENERGY STAR devices.

Visit EnergySaver.gov for more tricks to save energy and money.

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