

Common Interest

The Official Publication of CAI-Connecticut

Vol. XVIII: Issue 7 • 2023

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**How to Deal with a
CONDO BULLY**

**Self Management
of Community
Associations**

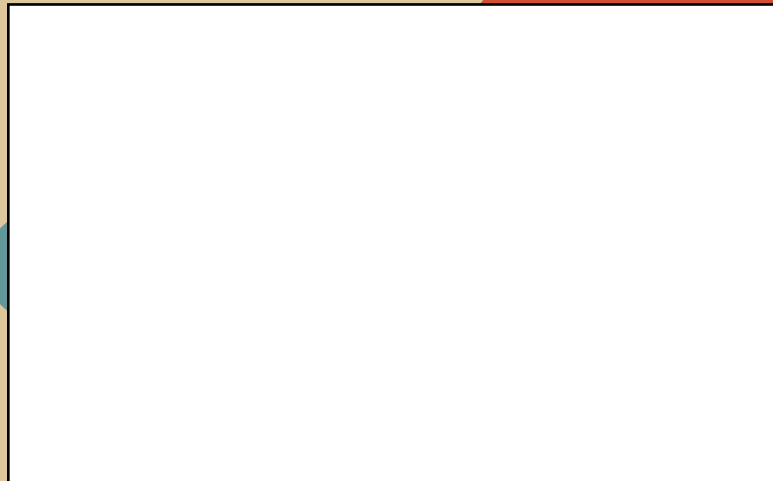
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Who Is CAI?

The Connecticut Chapter is one of 64 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 over 240 property managers, over 150 businesses, and over 800 community association volunteers representing over 80,000 homeowners.



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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



Frank Pingelski, EBP

"...I'm delighted to announce that our organization is thriving, with new memberships on the rise."

It is with a mix of nostalgia and enthusiasm that I write one of my final President's messages as we embark on another exciting chapter together. Time has flown by, and I can hardly believe how quickly my tenure as President of CAI-CT is coming to an end. However, with change comes growth, and I am thrilled to share some positive developments within our organization.

I'm delighted to announce that our organization is thriving, with new memberships on the rise. It's a testament to the value that CAI-CT brings to its members and the growing recognition of our vibrant community. To all our new members, welcome to the CAI-CT family!

Please save the date for our annual conference, which will be held on March 16, 2024. It is always an amazing gathering filled with learning, networking, and camaraderie. More details will follow, but make sure to clear your schedules and be ready for an unforgettable event.

Thank you for being an essential part of CAI-CT's journey, and I look forward to seeing you at our upcoming events. ■

CEO-MC



The 2023 CAI CEO-MC conference in Hollywood, Florida was attended by 270 property management company CEOs/senior management and 45 exhibiting vendors who discuss and share industry best practices and new services. Topics of discussion included: Insurance, Reserve Funding and Planning, Manager Burnout/Recruiting/ Training, Technology/ AI. Doug said; "it is a wonderful conference and a tremendous learning opportunity. Sharing best industry practices with the

leading CEO's across the country is invaluable. I look forward to sharing what we've learned with our team and clients and I'm certain Alan would concur."

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From the Chapter Executive Director

“There’s no harm in hoping for the best as long as you are prepared for the worst.”

~ Stephen King



Kim McClain

Courtesy CAI-CT

It has become quite apparent that between insurance risk and the likely legislation that will make ongoing maintenance, reserve planning and funding not just nice but very necessary that community associations are facing some significant challenges. Insurance costs are skyrocketing and decaying buildings and infrastructure will only cause those rates to be even higher in many communities. And, as we have been forecasting for a while, we will likely see legislation that will require associations to take aggressive steps to plan and fund capital improvement projects.

We recently held our popular Condo Inc. program with a great variety of board members in attendance. A big THANK YOU to Oronoque Village for hosting us! We bring our best and brightest speakers to help inform conscientious board members about important strategies for managing their communities. The day was filled with lots of questions and insights.

Do you have unit owners who are on fixed incomes? Was a question posed during the program. Just about every hand in the room shot up. The next question was: Does your association have fixed expenses? Needless to say, no hands were raised for that one.

It makes one wonder, how is it conceivable that in many association dues are not being appropriately increased on a regular basis — or at all in some cases — and yet association expenses continue to grow. The solution is often to neglect maintenance and keep kicking the can down the road. It seems difficult to accept the argument that some unit owners make about paying into a fund that may be used until after they move. Yet, they benefit from the use of the roof, roads, etc. during their tenure. It’s kind of like renting a car, driving it for hundreds of miles and then saying “nope, I am not going to pay for the use of that car.”

On another note, please be sure to read the article about Condo Bullies in this issue. We know that this problem has only worsened in recent years. International Stop Bullying Day is November 19, 2023. Perhaps some of the suggestions in the article can be followed to try to lessen bullying in the communities in our state.

Enjoy the Fall! ■

Thank you, Sam Tomasetti!

After many years of leading our efforts on our great magazine, Sam is stepping down as Chair of our Publications Committee. Sam has kept his steady hand on the Publications wheel and been instrumental in making our magazine an incredibly valuable resource for our common interest communities in Connecticut. Thank you, Sam, for all of the time and talent you have devoted to CAI-CT!



UPCOMING CAI-CT EVENTS

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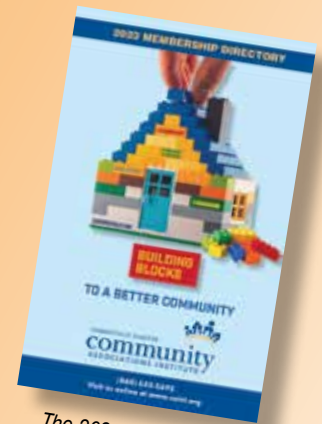


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The 2023 Directory

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Homeowners *Column...*



Eric R. Judge

Self-Management of Community Associations

By Eric R. Judge

Self-managing a community association might be a recurring dream or nightmare for many community associations. Various board members may have thoughts of how this approach may be strewn with frustration, happiness, overwork, potential savings, potentially higher costs, thankless efforts or maybe a more harmonious operation. In this article I want to provide a balanced framework of considerations for a community association contemplating such a path to apply for an ultimate decision.

Why?

What is the motivation for taking on this herculean effort? A community really needs to explore this question fully. Its answer to this question will ultimately dictate the correct measure for its evaluation of success.

For many communities it may be the idea of potential savings as there would be the elimination of the property management expense from the income statement. Surely, all owners would be excited to have a reduction in HOA fees. While other communities may think that they can do a better overall job in executing the required service tasks needed to address required work as they have been dissatisfied with how this task has been handled by a multitude of professional property managers. The primary driver of this thought is that with self-management of one's community association there will be a singular focused on tasks for its community versus the reality that the economics of professional property manager requires a property manager to have day to day responsibilities for 6 to 10 different community associations.

What are the primary services provided by a property manager?

- ✓ An experienced property manager
- ✓ Customer services staff to answer owner calls for community association repairs and complaints
- ✓ Networking of tradespeople (i.e., handyman, plumbers, electricians, roofers)
- ✓ Coordination of lawn, landscapers and snow removal professionals
- ✓ Maintenance of owner and residence records
- ✓ Bookkeeping services
- ✓ Owner web portals for notification and to pay HOA fees
- ✓ Providing community association resale packages



georgelerk/Stock/Getty Images Plus

- ✓ Walking the property to ensure that the common areas are repaired and well maintained
- ✓ Attend Board meetings
- ✓ Prepare all materials for monthly Board meetings and Annual Owners' Meeting
- ✓ Act as liaison between legal professionals and accountants

Financial Savings?

- What are the typical costs
- How much will actually be saved?

Depending upon the community association's size the costs can easily be from \$2,000 per month to \$6,000 per month for standard services. There are additional fees for such services as assisting with obtaining a bank loan for capital projects and for managing the process of disbursements etc. for the associated capital improvement projects. The overall cost savings can appear to be an attractive cost cutting target.

However, what will be the true savings of a community self-management? After all someone has to actually perform the property management tasks. While the dollars saved will be visible from viewing the association's income statement, the hours of dedicated work time from the association board may not be as readily visible. Consequently, what is really happening in this self-management scenario is that the entire community association board members or a select few will be dedicating more of their free time to community association work.

What are Some Considerations?

- Size of Community — Do certain communities more readily lend themselves to self-management? As it makes sense that the tasks emanating from a 20-unit community are drastically less than those from a 100-unit community.

[Continues on page 8.]



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HOMEOWNERS COLUMN...from page 6.

- Age of the Community — A newer community should have minimal work orders to start. The common area maintenance might only consist of cleaning, mowing, landscaping and snow removal.
- How well maintained is the community — A community which replaces common area items within their useful life and has a well-planned maintenance schedule for common areas (i.e. roof replacements, elevator maintenance, paving of parking lots, etc.) will be much less work than one where that has not been the situation.
- Skillset of Community Association board - Does your community happen to be one with an unfair share of retired tradespeople, active tradespeople or other professions with skillsets typical in managing a community association. If so, do they have time capacity for more work?
- Tradespersons network — There is a need to have an extensive list of reliable and capable tradespeople interested in working in your community. Recently, these people have had more work than they need. As such, it has been more challenging to get multiple bids or to get certain specialist to come do work as it is needed.
- Budget management skills — will this task be outsourced? If so, it will have an ongoing cost?
- People management skills — Do all board members act professionally? Certain boards without the right behavioral constraints and without the buffer of a professional property manager could create an unpleasant meeting atmosphere which owners want to avoid versus wanting to participate.
- Software skills — will the community have to hire these services out so that the owner data and owner websites will be maintained?
- Basic Knowledge of Community Association laws — Does your community association board members have sufficient experience such that it is aware of basic community association laws? Will this deficiency lead to owner related lawsuits?
- Bookkeeping knowledge and software — Who will track all expenses, compiling them and provided them to an accounting professional with a community association specialization?
- Customer support resources — How will owners contact the association to report work orders or other issue?. Will you have a dedicated person, telephone number and system to track them? Or will you incur the costs to outsource them?

- What is time commitment needed and is availability amongst Community Association board members?
- Backup resources — is there a sufficient number of board members willing to participate? Reliance on one person may lead to issues when people have personal emergencies, become ill or need to be out of town.

To Be Self-Managed or Not to Be?

I hope that I have gotten neurons firing for those that might be seriously considering self-managing their community association. While the potential savings or other qualitative gains may be tempting, serious consideration needs to be made of a communities’ actual abilities and resources to do such.

As a real estate investor, I have been involved with two community associations communities which were self-managed. The other 9 community associations in which I have invested have been professionally managed. While the insights which I gained from them have informed many of the considerations highlighted in this article, I truly believe that the ultimate discussion and decisions need to be ones based on a particular community and its needs, resources, skills, desires, and goals.

I would hope that this article prompts a self-managed community association to write about the pros and cons of their experiences and to have that article followed by a property management organization sharing how it and its peers bring value for all the services which they provide to community associations. ■

Eric R. Judge is a board member in multiple communities, and a real estate investor located in Glastonbury, CT.

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Legally Speaking...



Adam Cohen, Esq.

In a Tax Foreclosure of a Condo Unit, the U.S. Supreme Court Rejects Equity Forfeiture

By Adam J. Cohen, Esq.

In 14 of our 50 states, laws are on the books that say when authorities foreclose real estate for unpaid taxes, the government is entitled to keep the full auction proceeds - even beyond the owner's debt obligation. Enabled by laws emphatically known as "surplus retention statutes," counties, towns, and cities can use those excess funds - a forfeiture of the owner's equity in the property - as essentially "profit" to supplement their unrelated budgetary items or for other statutory purposes.

A May 25, 2023 ruling of the United States Supreme Court put an end to this practice. The case was brought by a 94-year old Minnesota woman who stopped paying real estate taxes on her condominium unit when she moved into a senior community. The county foreclosed her condominium unit and, under Minnesota's "surplus retention" statute, kept the full \$40,000 in resale proceeds even though her tax debt was only \$15,000. She argued that the forfeiture of the \$25,000 difference constituted an unconstitutional taking of her equity in the property. Two lower courts rejected her claims.

The Supreme Court unanimously reversed those rulings. Citing precedents dating back to the Magna Carta as well as the earliest federal laws and a majority of states today, the Court explained that the law protects a delinquent taxpayer from losing more than is necessary to satisfy her debt. The Court distinguished one of its own rulings from the 1950s, relied on by the lower courts, in which the right to claim back the surplus had a deadline which the owner missed - since Minnesota's statute allowed no such opportunity at all. Notably, surplus forfeitures in all other types of tax collections as well as foreclosures by private creditors were prohibited under Minnesota law - "[t]he State now makes an exception only for itself, and only for taxes on real property." The county also argued that the property owner had "abandoned" the condominium unit, which the Court rejected as untrue and since the statute did not hinge on abandonment anyway. The Supreme Court concluded that keeping the \$25,000 of excess proceeds was indeed an unconstitutional taking, and that "[T]he taxpayer must render unto Caesar what is Caesar's, but no more."

Here in Connecticut, the law has never allowed surplus retention after a tax foreclosure. In fact, the Supreme Court even mentioned a 1796 Connecticut law which protected an owner's equity in land forfeited for taxes in this ruling. Today, when a Connecticut municipality forecloses tax liens nonjudicially, it is only entitled to retain the tax debt as increased by interest, fees, and the costs of conducting the auction. The municipality cannot take title itself unless no member of the public offers a bid which at least equals that amount. The surplus is kept in a separate account for six months while the owners and lienholders have a last chance to pay the debt, and if they do not, it is then deposited with a court which decides



how to distribute the money amongst them based on their legal priorities. This usually means the former lienholders are paid first, and the former owner gets the remainder.

Although the Supreme Court's ruling would allow a state to impose a time limit on when the taxpayer can claim the surplus funds, Connecticut's statute does not do so. If no one claims his share of tax auction proceeds within 90 days (or three years for a judicial foreclosure), it escheats (transfers) to the State Treasurer's Office, where it remains available to eligible claimants forever.

In addition to fully protecting the owner's equity, Connecticut also provides a robust procedure for challenging the valuations of property used to assess taxes before they come due. Appeals to local boards of assessment appeals followed by actions in the Superior Court offer significant options for relief, should the owner be entitled to it. Cases are typically heard by judges without a jury, most of whom have significant experience with property valuation issues. If the court determines that the municipality has overvalued the property, it orders the value reduced, resulting in a lower tax liability.

While taxes, like death, may be inevitable, a fair process and decent treatment as to how municipalities assess and collect property taxes are the hallmark of Connecticut tax and lien foreclosure law. The Supreme Court's ruling will now guarantee protection against equity forfeiture nationwide.

The case is *Tyler v. Hennepin County*, *Supreme Court of the United States*, Docket No. 22-166. ■

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 internal and commercial disputes.



Statutory Snippet

What happens if I suspect a member or members of my condo association of having a conflict of interest?

Connecticut adopted a law placing expectations and restrictions on executive board members of condo associations. The law (PA 11-195) makes it illegal for an executive board member or an individual seeking election to such a board from accepting any item of value in exchange for good favor.

Many condo associations are structured as non-stock corporations. As an officer, board members are obliged to discharge their duties in good faith, with the care an ordinarily prudent person in a like position would exercise under similar circumstances, and to do so in a manner in which s/he believes to be in the best interests of the association.

Source: Connecticut Department of Consumer Protection – Condominium FAQ

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Financially Speaking...



Daniel Levine, CPA

Audit Trail Documentation: Is Your CD Information MIA?

By Daniel Levine, MBA, CPA

When going to work on an audit, part of the process involves reviewing source documents that support the transaction activity and financial statement assertions being made by management. A component of this is reviewing bank statements. While it would be expected that this would be a simple process, there are times where hurdles are encountered in this process that slow down the audit field work. This article will look at the importance of bank statements and provide some common issues that can stem from an association's records and statements.

Full inventory of statements

The first issue that is encountered typically is that statements are missing. This can pose an issue for any audit, specifically when relating to the reserve fund. An audit looks to better understand transactions during the year, and which fund an expense is responsible for. Being able to trace cash movements is important in this regard. Not having that detail will result in questions or a delay in the audit while documentation is obtained. Most banks will send statements monthly and a monthly bank reconciliation should be performed. As a result, a board should review their monthly board packet to ensure there are no gaps in bank statements, otherwise their financial statements could have a material error in them.

Having all the statements is also important from a fraud perspective. In a time of climbing interest rates many associations have opted to move some liquidity into certificates of deposits (CD). Unlike a normal bank account, these CD's may not receive a monthly statement unless requested. If the association isn't receiving a statement regularly, they have no way to ensure that the asset still exists and that the funds are still there. I have encountered times where an association will only receive an updated balance at the time of the annual renewal on the CD. An entry is made then to update the value of the CD. If there is ever a bad actor at the association, there would be no way to know if those funds were misappropriated prior to that renewal in that situation. In a worst-case scenario imagine that the funds were to be stolen one month after opening by an authorized signer who then moved from the community. No one would have any notification until the renewal came up and nothing was there.

Setting the fraud issue aside, not receiving statements relating to items like a certificate of deposit could pose other issues. For example, with large certificates with high interest rates, not recording interest income could pose complications when the association files its tax returns. Many



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“Having all the statements is also important from a fraud perspective.”

associations elect to file Form 1120H as part of their tax filing. A component of taxation under this form is that interest income is taxable. If the association isn't regularly updating its balances due to a lack of statements, then it could be under-reporting its taxable income. This could come with interest and penalties if discovered or ultimately reported on the return after an extension was prepared or if it was amended.

Bank reconciliations

A bank reconciliation is a common control on financial reporting that is typically done monthly. What a bank reconciliation does is take a monthly bank statement reported by the association's financial institution and compare it to what has been recorded in the association's accounting system. Items that match are marked off in the system as reconciled to the bank statement. This means those items appear in both places and are substantiated by a third-party record. However, there are times when these two documents don't match and usually happen in two ways.

The first way is that there is activity recorded in the associations accounting system that doesn't have a corresponding entry on the bank statement for that month. This is ok as there are typically timing issues at the start and end of each month with how fast a bank can process activity as compared to the association recording the information in their records.

[Continues on page 22.]



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Autumnal Adventures 2023

Our Annual Fall fun certainly has a big following! The amazing combination of being on a farm at a brewery with a food truck that prepared New Haven style pizza, a great education program and lots of fun people added up to a great event.

Axe throwing was back! (The safer kind.) More people took part in this entertaining activity.

Our fabulous Fall Fun Committee created a truly fun evening. We are truly grateful for all their dedication!

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More photos on the next page...

Fall Fun, continued from previous page.



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Chas A. Ryan, Esq.

Bank Loans for Capital Improvements

By Chas A. Ryan, Esq.

Often, it seems community associations find that, despite their best efforts, they are often short on funds when it comes to tackling major repairs and capital improvements. An entire division of the banking industry has now entered the business of lending money to community associations so that they can complete needed repairs and improvements without having to issue costly and often controversial special assessments. While some association governance documents empower their Board to negotiate and obtain these loans, many do not address the issue at all. Even association governance documents that do address lending often have careful wording that requires consultation with a legal professional for most associations. Either way, it is a best practice for your association to seek qualified legal expertise to guide the association through the lending process BEFORE the first loan inquiry is made.

The first issues that the association will face are highly technical. They include:

- Does the Board of Directors have the authority to take on debt in the form of a loan on behalf of the association? If not, what authority must the Unit Owners provide?
- Have the notices, proxies and/or ballots been properly drafted?
- Are the minutes accurate and do they include the necessary actions?
- What about existing mortgagees of the individual units within the association?
- Do they have to be in agreement with the association and given a vote before a loan can be considered? Some banks have their own inter-

“Does the Board of Directors have the authority to take on debt in the form of a loan on behalf of the association?”



aleksi/E+/Getty Images Plus

nal requirements that exceed those found in the Common Interest Ownership Act (CIOA) and/or the Association’s Documents.

For these reasons alone, a qualified community association attorney experienced with community association lending should be consulted.

Finally, once the technical obstacles have been dealt with, there are other requirements of the lender including a legal opinion rendered as to the association’s readiness and compliance with the bank’s loan. Lenders are looking for a legal opinion that the association’s documents allow for the loan, the association has complied with the recruitments in the Bank’s commitment letter and that the association is in compliance with local, state, and federal laws. This includes the Common Interest Ownership Act amongst others. This legal opinion needs to come from an attorney specializing in the practice of community association law. ■

Chas A. Ryan, Esq. is a partner in the law firm of Pilicy Ryan & Ward. Chas is the President-Elect of the CAI-CT Board of Directors and serves as the Chair of the Legislative Action Committee and is a member of the Conference and Education Committees. He is a frequent speaker at CAI-CT education programs.

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Pet Waste Pickup: A Year-Round Responsibility

In today's world, time is a precious commodity, and of all of the things on the average pet owner's to-do list, chances are picking up after the pooch is down there towards the bottom, especially during the fall and winter months when it's so easily overlooked.

But as unpleasant and time consuming as it may be, keeping pet waste off the ground is an important neighborly responsibility held by all residents with pets, all year round.

Community managers take note: The waste resident pooches leave behind is more than just a gross and unsightly nuisance – it is an environmental pollutant and a human health hazard. When left unattended, pet waste is a detriment to local soil and water quality, and also presents a number of potential health dangers to families and their pets.

Implementing a comprehensive pet waste management plan can put community pet waste problems to rest in no time. When it comes to pet waste management plans, the most effective strategies are multifaceted, involving regular common area cleanings, the introduction of pet waste stations into the community and resident education.

Many times, unattended pet waste is the result of circumstance rather than bad intentions. Forgetting to bring a bag for the waste or running out of bags during the walk are the most common reasons why dog walkers leave waste on the ground.

By installing and maintaining pet waste stations in your community, you get a simple, affordable and effective solution that is greatly appreciated by residents. When determining the number and location of stations, consider the density of homes, areas where dog owners tend to congregate and the natural foot traffic patterns throughout the grounds. The goal is to make it easy for dog walkers to pick up a bag at the beginning of their walk and easy for them to find a place to dispose of it at the end.

Keep in mind that even with pet waste stations installed in the community, occasional full-fledged common area cleanings are still recommended as well.

Depending on the type of community and scope of the problem, cleaning common areas may require walking the entire grounds to scoop up waste and other litter. In other cases, the issue will centralize itself in a few locations, commonly referred to as “hot spots.” These locations are where waste tends to accumulate more frequently than others. Identifying hot spots and keeping them clean can work to curb



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“Implementing a comprehensive pet waste management plan can put community pet waste problems to rest in no time.”

the problem immediately and also help prevent it from spreading.

The final piece of the pet waste management puzzle is community education and awareness. When residents understand the importance of picking up after their pets and they see the community supporting pet waste pickup, they become far more likely to participate and support the cause.

Educational initiatives can be as simple as periodically publishing a community map outlining the location of pet waste stations so that residents are reminded of their presence and can plan their walks accordingly.

If you have a pet waste issue in your community, consider installing pet waste stations, performing common area cleanings and providing residents with information on the importance of pet waste pickup. For communities with lots of dog owners, it is always a good idea to consult a specialist to put together a comprehensive pet waste management plan. ■

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Manager's Column...



Rich Wechter, CMCA

Being Practical, Part LXXXIX How to Deal with a Condo Bully

By Rich Wechter, CMCA

In this column, I tackle various topics of interest with the intent of imparting practical advice. In this issue's column, I discuss an all too frequent issue for most community associations: the Condo Bully.

A. Setting the Table on this Topic

An unnamed individual once stated with respect to bullies the following: "Anyone who has to devalue another person is insecure. Stop fearing bullies and toxic people, they have nothing more than big mouths and sad, lonely hearts." The author Susan Abrams Milligan once noted about understanding bullies, "Bullies do what they do for self protection. This is often because manipulation (i.e., humiliation, intimidation, and isolation) are the only way they know how to cope with their lack of self worth. Having power over someone has in some way served them temporarily in the past. However, having power over another, taking someone's power or giving power away is always temporary because it is an illusion. This is why bullies continue doing what they do over and over again. It's a dysfunctional addiction that society is now recognizing and insisting that it is no longer acceptable." In the world of community associations, bullies come in all different shapes and sizes and from different aspects of the community. They may be a board member, non-board unit owner, tenant, manager, vendor or even a consultant. They may be a long-standing member or a new arrival at a community association. In any event, their actions and words can easily be described as bullying

B. How to Deal with a Community Association Bully

I offer a few suggestions for dealing with community association bullies of any kind:

1. Make sure that you are properly identifying someone as a bully. Having a disagreement with someone does not make them a bully. Having a strong opinion on a matter does not make someone a bully. The label "bully" is one that must be used carefully and judiciously. No one should be considered a bully if the shoe does not fit.
2. Once reasonable people can conclude that someone is a bully, you should avoid personal contact with them as much as possible. This is sometimes unavoidable due the position or role that the "bully" has in the community.



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"Indeed, bullies succeed because they can generally intimidate others into submission."

3. Avoid engaging in a verbal or written battle with a bully on your own. You will never win them over and you just encourage them to continue their diatribes. Facebook is the worst venue, in the opinion of this author, to have any running dialogue with a bully.
4. When contact is necessary, stick to the facts and just the facts.
5. Do not, however, be afraid to disagree with the bully out in public. Indeed, bullies succeed because they can generally intimidate others into submission. "Hitting a bully in the stomach" with the truth, especially in public, can take the steam out of a bully rather well.
6. Many bullies use the "bully pulpit" to get others on their side. The more the facts are out in the public sector, the less persuasive a bully is.
7. Seek guidance and help from others in the community association. You are not alone.
8. If the bully is a member of the Board, seek out other board members for help and guidance along with the community association manager.

[Continues on page 22.]

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MANAGER'S COLUMN...from page 20.

9. If the bully is a member of the management team, seek guidance from the Board or someone higher up in the management company.
10. If the bully is a vendor or consultant, the Board needs to remind them that they provide service to the community association at the pleasure of the Board.
11. If the bullying crosses the line of civilized behavior, seek advice of legal counsel.

C. Conclusion

For some of us, we have been dealing with bullies our whole life, whether in our neighborhoods, businesses, social activities, sporting activities, or elsewhere. They are a fact of life and nothing I have noted above will eliminate bullies from anyone's world. However, I hope that my suggestions will, at the very least, offer some guidance and positivity in how one approaches community association bullies. I offer one more quote which sums up this article and my thoughts and suggestions about bullies from the great Mark Twain. "Anger is an acid that can do more harm to the vessel in which it is stored than to anything on which it is poured." ■

Rich Wechter, CMCA is Senior Vice President at Westford Real Estate Management, LLC. Rich is a member of the Legislative Action Committee, Golf Committee and Publication Committee and is also a member of the Legal Symposium Task Force.

FINANCIALLY SPEAKING...from page 12.

A check mailed on the last day of the month most likely wouldn't be cashed that same month. In this case, the association's bank account will reflect a higher balance than the books. The reverse occurs for a common charge check received by an association at month end. The unit owner's ledger may be updated to reflect the payment; however, the bank may not have processed the deposit yet. While these examples are common, items shouldn't linger on a bank statement for multiple months. If a check hasn't cleared in two months, an inquiry of the vendor should be done to determine whether it wasn't received or if a new check should be issued.

The second type of difference is when a bank statement has activity on it that doesn't match what's in the association's records. These types of transactions usually result from a fee or interest income which are not items an association would generate a transaction for in their day-to-day accounting system data entry. When receiving a statement, the association can update their records to reflect these payments or challenge the financial institution if they appear incorrect.


Preparing a monthly bank reconciliation allows for an association to check its data input and ensure their records have all activity that has been reported to the bank contained within which helps satisfy the completeness assertion relating to its financial statements. The completeness assertion reflects that the financial statements include all the economic activity of the association, which is an important assertion to comply with.

However, circling back to the previous point about statement inventory, a bank reconciliation can't be done if a statement isn't received. This poses a problem as more associations utilize bank reconciliations as a form of internal control to catch and detect misstatements. If this procedure can't be done it is essentially a deficiency in controls and any deficiency could possibly lead to fraud or material error in the financial statements.

Conclusion

Bank statements are a common item for all businesses. However, many procedures both internally and externally (audit) rely on them being received. They are an important control over the financial accounting of an association and therefore an association should make sure it has access, or in its files, all the bank statements as possible. ■

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 frequently.



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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.

Elevator Evolutions

By Timothy Wentzell, P.C.

If you live in a 60 – 100-year-old building or manage one, you may have concerns about how your elevator works, and whether it will continue to provide reliable service. Elevators are one of the more interesting parts of a building system. In many old buildings, elevators are a wonderful example of the innovation that occurred during the early industrial revolution. Many of these old elevators evolved over the years from what was once a two-rope control system where an elevator operator would actually pull on one rope or the other, or both, to provide lift, lowering, or braking. Over time these elevators slowly evolved to an electric control system where buttons designating individual floors were substituted. A non-skilled operator could now push a button and the elevator would go to the correct floor. These intermediate age elevators were merely directed to the floor but had no direct positional feedback. Because of this lack of positional feedback, temperature, load in the elevator and humidity could affect where they would stop. In some cases, in very old elevators, it could be many inches away from the stop point but without any feedback this was considered acceptable and even common. If one now steps from an elevator that may be five inches below the level of the floor they've stopped at, we would be shocked. But this was common practice for many elevators of this intermediate era, especially ones that were converted from the original manual controls.

To most of us when we step into an elevator, we assume something makes them go and we assume it's reliable and safe, while still somewhat magical. I recently got into an elevator with my young daughter whom when she saw the name on the stoop in the elevator, Otis, she excitedly stated, "How interesting it was that the elevator at her school was also named Otis". She thought it was quite funny that this building would have given the same name to their elevator. However, in practice there were many companies that made elevators in the early days of the elevator evolution. Over time most of them



"To most of us when we step into an elevator, we assume something makes them go and we assume it's reliable and safe..."

have combined, leaving relatively few players in this market. It is quite interesting how many of these old machines combine so many amazing features of the early industrial revolution. For an engineer going into the machine rooms for these old elevators can be somewhat like your own special tour of the Smithsonian.

We are often involved in upgrading elevators for these beautiful old buildings. It should be noted that upgrades are the norm because elevators are almost never completely replaced, which increases the complexity of this task. Decisions have to be made with regard to what components can stay, if what stays can be correctly integrated with the new systems, with what time this upgrade takes, and its ultimate cost. This is often compounded by the fact that an elevator upgrade can also include cosmetic options, in particular cab finishes. With many of the beautiful old buildings and churches that we deal with the cab finishes may have been polished brass, copper or ornamental stonework which can complicate an upgrade significantly. New elevator finishes involve selecting lighting, how the walls are finished, floors and of course keeping in mind the overall total weight, which also affects the carrying capacity of an elevator. This is due to the fact that upgrading an elevator is complicated enough, but changing the old load carrying capacity of an elevator would be extremely complicated as one would need to be able to certify that the building structure is capable of a greater load carrying capacity. All of this is compounded by, like so many other building projects, the difficulty in code interpretation. Codes certainly change over time for all building systems, but elevators seem to have their own niche in the world of code interpretation. For example, recent code changes imply that individual infrastructure of an elevator system, if not being upgraded, do not invoke all requirements of a new elevator system. This would imply, for example, if the machine room walls were not being moved, that this room would not need to meet current code requirements. Likely, this could apply to

[Continues on page 26.]

ENVIRONMENTAL TIP

Mind the Gaps:

Locate and prevent drafts throughout your home

One of the fastest and easiest energy saving improvements you can make is adding, replacing and increasing weatherstripping around gaps in your home. Check areas around windows, doors, and places where utilities enter your structure as they are prime sources for letting in cold drafts. When you find the gaps, add the most appropriate insulation for that area. For example, sealing a garage door involves different weatherstripping than would be used for a window. When sealing cracks in your foundation or windows, find caulk may be the better option.



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TECHNICAL EXPLANATIONS...from page 24.

the elevator shaft. However, like in so many code interpretational situations, this can be significantly compounded by the individuals interpreting these codes. This can complicate what can be accomplished and at what cost when one elects to upgrade their elevator systems.

While cost is always a factor in any capital improvement program but unlike so many programs where timing can be an inconvenience, in an elevator upgrade, downtime can almost be the most important criteria as carrying bags of groceries up the stairs in a singular elevator building can be even far more important than the cost of these upgrades. This needs to be factored into an upgrade program as well. All of these items make an elevator upgrade an especially challenging task, both with the individuals that live in the building needing an elevator upgrade and the property manager managing such a building, and from our end the engineering aspects of these elevator upgrade projects. ■

Please address any questions or areas of interest that you would like answered in future columns to Timothy Wentzell, P.E., Connecticut Property Engineering, 630 Governor's Highway, South Windsor, CT 06074 (860-965-1910) (e-mail: ConnPropEng@cox.net).

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Ask Mister Condo!

You have questions! Mister Condo has answers! Every issue of *Common Interest* features an “Ask Mister Condo” Question submitted by a reader of the Ask Mister Condo website at <https://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 and Mister Condo’s answer below. Do you have anything else you’d like to add to this question or answer? Comment online at <https://askmistercondo.com>.

Proper Reserve Funding Levels for a Planned Urban Development (PUD)

D.M. from Hartford County writes:

Dear Mister Condo,

We reside in a small PUD consisting of 28 homes. Can you tell me the minimum required long-term reserve distribution amount as a percentage of HOA fees? In addition, could you tell me the average long-term reserve percentage of HOA dues in the state of Connecticut? Finally, is a small HOA required to have both a short-term reserve fund and a long-term reserve fund?

Mister Condo replies:

D.M., PUDs (Planned Unit Developments) are a bit unusual as far as HOAs are concerned. They are typically treated as individual homes and not condos or HOAs, even though they often own land or amenities in common. Reserve Funds in traditional condos or HOAs are usually required by their own governing documents and funded at the discretion of the association. The FHA has minimums set that the association must meet if federally backed mortgages are going to be available to unit owners. PUDs do not typically have such requirements for mortgages so there really isn’t any reason outside of good financial practices to fund the Reserve Fund at a certain percentage. My advice is for you to review your governing documents and fund the Reserve for both short-term and long-term expenses. The alternative will be to issue special assessments any time the association needs money for these known upcoming expenses. All the best!

Did you know that you can subscribe to the weekly Ask Mister Condo newsletter? Go to <https://askmistercondo.com/subscribe/> and you’ll get Mister Condo’s best 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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