

Common Interest

The Official Publication of CAI-Connecticut

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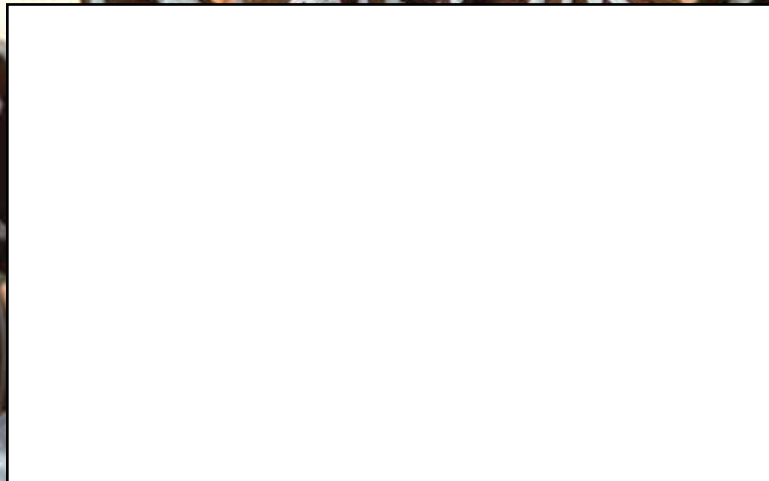
**New Federal Reporting
Requirements Apply to HOAs and
Their Officers**

**Planning Around
Higher Interest Rates**

**Notice & Hearing:
What to Know**

Winter Reminders

...and more!



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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 over 240 property managers, over 150 businesses, and over 800 community association volunteers representing over 80,000 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



Frank Pingelski, EBP

“The experience I’ve gained and people I’ve gotten to know as a result is a great gift I’ll never be able to repay.”

It’s bittersweet to be writing my final president’s message. What an amazing opportunity to have been on the CAI-CT board for the last 7 years. The experience I’ve gained and people I’ve gotten to know as a result is a great gift I’ll never be able to repay. We’ve had a lot of laughs throughout it all and I wouldn’t have changed it for anything.

So much has changed in the world around us and I appreciate everyone on the board and committees that has contributed to leading the organization through uncertain times and providing guidance and confidence where possible. When you are going through life’s trials, there is no better feeling than looking to your left and right and realizing you’ve got an army of people fighting, unwilling to give up.

I wanted to extend a special thank you to Kim McClain and Ellen Felix. You are the backbone to the organization and it would not be what it is without you. Your caring and thoughtful approach has made you both trusted advisors to many boards and you will be for years to come!

The future of CAI-CT is in good hands with Chas Ryan taking over in January and congratulations to Carrie Mott for being selected as the President-Elect. These are two of the most dedicated individuals I’ve met with a wealth of experience between them.

Thank you to all of you who have volunteered your time, effort, and energy to make this association what it is. If you ever see me around, don’t be a stranger, say “hello”! ■

Five SMART reasons to renew your CAI Membership:

- SAVVY** community association managers hold CAI credentials.
- MOTIVATED** business partners connect with their clients.
- AMBITIOUS** homeowner leaders gain best practices for community success.
- ROBUST** education to reach your professional goals.
- TRUSTED** by more than 40,000 community association industry leaders like you!

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From the Chapter Executive Director

**“THE WORLD IS FULL OF KIND PEOPLE...
IF YOU CAN'T FIND ONE, BE ONE.”**

~ Unknown



Kim McClain

Courtesy CAI-CT

Tis the season for gathering with family and friends. While the holidays may offer many opportunities to celebrate, it is also important to be mindful about those in your community who may be less inclined to be with others due to recent loss or overwhelming feelings of loneliness.

National CAI recently hosted a Community Conversation about the epidemic of loneliness. The session included some details about the recent US Surgeon General report on this topic. The main takeaway was that social connections can help reduce loneliness. Communities where residents are more connected and engaged with others show a measurable increase in overall health and satisfaction. Strategies for: creating opportunities for inclusive and meaningful social connections; increasing public awareness efforts to combat loneliness in your community and cultivating community well-being were discussed. You can find archived Community Conversation Live – and lots of other great resources for members at : www.caionline.org.

On a very similar note, the above quote was found on the Random Acts of Kindness Foundation website (<https://www.randomactsofkindness.org/>). Their website is filled with all kinds of great ideas for instilling kindness in many areas of our community – including information about the Science of Kindness – how cool!

There are many ways you can be more connected to the greater Condo/HOA community in Connecticut by attending one of our many programs. Be sure to encourage your board members to sign up for our Condo Inc. program coming up at the end of January as a live webinar – no winter driving necessary. What a terrific way to start off the New Year! More details are on our website: www.caict.org.

Peace to All!

People in the News...

CAI-CT Members Named Super Lawyers

Connecticut Magazine has listed the following as 2023 Super Lawyers: Ron Barba, Esq. – Bender, Anderson & Barba, P.C., Greg McCracken, Esq – Jacobs, Walker, Rice & Barry, Chas Ryan, Esq. – Pilicy Ryan & Ward, and Scott J. Sandler, Esq., CCAL – Sandler & Hansen. We are especially pleased to note that Ron Barba, Esq. included his involvement with CAI-CT as part of his advertisement. Thanks, Ron! Congratulations to all!



Thank you, Bob!

Since 2012, Bob Gourley has been the heart and soul of Ask Mister Condo in this magazine. Bob has offered insights and information to scores of condo/HOA owners. Bob is now retired and is stepping away from his column. We are grateful for all that Bob has contributed to CAI-CT especially his tenure on our board and as President. He has also served on the Conference and Publications Committees. Thank you for your dedication to CAI-CT!

UPCOMING CAI-CT EVENTS

Jumpstart January — WEBINAR

Wednesday, January 24 • 12:30-2:30 pm

Hosted on Zoom



(Exclusively for Managers, Attorneys & Insurance Professionals)

Learn de-escalation techniques through language and listening. No need to leave your home or office. Connect through ZOOM! Start off 2024 with some great education opportunities!

Managers:

\$30 - CAI Members

\$55 - Non-Members

CEO CAM Council — Hosted on Zoom

Tuesday, January 16 • 1:00 - 2:00 pm

Qualifications to attend: you must be an individual member or the designated chief executive officer or equivalent of a management company holding a CAI membership. No more than two individuals employed by the same company may participate on the Community Association Managers Council at the same time. Pre-registration is required.

CONDO INC. — WEBINAR SERIES

Hosted on Zoom

Saturday, January 27, February 3, February 10 • 9:00 - 11:00 am

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, Condo Inc. is the course for you!

Scheduling conflict? Register anyway, and we'll email you the recording afterward!

\$30 - CAI Members / \$45 - Non-Members

Bonus Special Pricing online through Jan. 20, 2024.

26th Annual Conference & Expo

Saturday, March 16 • 8:30 am - 2:30 pm

Aqua Turf, Plantsville, CT



CAI-CT has been providing learning, laughter and business connections at our Annual Conference & Expo for a quarter of a century! Wow! Plan to join us for what is sure to be a great day!

Session Topics Include:

Strategies for Dealing with Difficult Unit Owners, Little Problems with Big Expenses, Maintaining Buildings & Grounds — How to be Smart Regarding Reserves and Preventative Maintenance, Tips for Preventing Cybercrime, Creating Requests for Proposals (RFPS) that Protect Your Association, Insurance Coverage in 2024 — Trends in Replacement Costs and Premium Increases, Legal Panel and Lunch with an Expert.

Board Members & Managers:

\$35 - CAI Members

\$55 - Non-Members

Service Providers:

\$100 - CAI Members

\$150 - Non-Members

Lunch with an Expert: Additional fee of \$32

Spring Fling Education & Networking Party

Wednesday, April 24

Education 3:00 - 5:00 pm • Networking 5:00 - 7:00 pm

Quirk Works Brewing & Blendery, Danbury, CT

Board Members & Managers:

\$30 - CAI Members

\$55 - Non-Members

Service Providers:

\$100 - CAI Members

\$125 - Non-Members



Sponsorships Available. Please visit www.caict.org for more information.



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

THANK YOU NEW & RENEWING MEMBERS

Welcome New Members

Associations

Brookside of Middlebury Association Inc.
Milestone Commons Condominium Association # 4
Trolley Hill Condominium Association

Individual Managers

Ryan Christopher Hankey

Business Partners

Edward Jones
National Cooperative Bank

Thank You Renewing Members!

Associations

84 Skyview Condominium
Bartlett Hill Homeowners Association
Crown Ridge Condominiums Association, Inc.
Gloria Commons Homeowners Association, Inc.
Governors Ridge Association
Greenwich Towers Condominium Association
Haven Ridge Condominium Association
Heritage Cove Condominium Association
The Meadows Association, Inc.
Mystic Run Association, Inc.
The Renaissance of Danbury Condominium Association
Sonoma Woods Condominium
Spring Lake Condominium # 8 Association, Inc.
The Village at Oxford Greens
Town in Country Condominium Association, Inc.
Woodridge Lake POA, Inc.

Individual Managers

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Darrell S. Burne, CMCA
Kristin A Davis, CMCA
Edward Davis, Jr., CMCA, AMS
Dennis DeMeglio, CMCA
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Business Partners

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Statutory Snippet

What communication about the association budget can I expect from my condo association?

When the condo association adopts a budget, it has 30 days to provide a summary of the proposed budget to the common interest community and to set a date for a meeting to discuss the budget. At or prior to the meeting, the board is obliged to provide a reasonable opportunity for community members to voice their views.

Start off 2024 with some great education opportunities!



Good for 2 continuing ed credits.

Jumpstart January — WEBINAR

Wednesday, January 24
12:30-2:30 pm
Hosted on Zoom

(Exclusively for Managers, Attorneys and Insurance Professionals)

Learn de-escalation techniques through language and listening.

No need to leave your home or office.
Connect through ZOOM!

Managers:

\$30 - CAI Members / \$55 - Non-Members

Visit www.caict.org to register.

Legally Speaking...



Adam Cohen, Esq.

New Federal Reporting Requirements Apply to HOAs and Their Officers

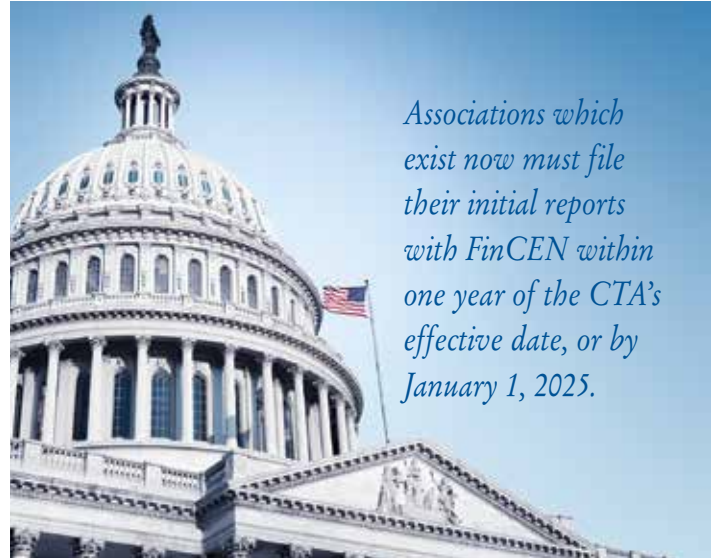
By Adam J. Cohen, Esq.

In addition to the local and state reporting requirements that common interest ownership associations have now, new federal ones will go into effect on January 1, 2024.

The Corporate Transparency Act (CTA) was enacted to help the government in its efforts to fight money laundering, tax evasion, and financing of terrorism. It will require approximately 32 million corporate entities in the United States to disclose identifying information which will then be maintained by the Department of the Treasury's Financial Crimes Enforcement Network ("FinCEN"). The statute's language is broad enough to include most condominiums and other homeowners associations, regardless of their size or age. Tax districts and unincorporated associations are exempt, as are "large operating companies" which are defined as those with at least 21 full-time employees and at least \$5 million in gross receipts annually. The CTA also exempts 501(c) non-profit organizations, but condominiums and other HOAs almost never qualify for this because they do not have charitable purposes. This means that nearly every condominium, planned community, cooperative, and non-CIOA homeowner's association which has a corporation registered with the Connecticut Secretary of State will need to comply with CTA's reporting requirements.

Every one of these organizations, which the CTA calls "Reporting Companies," will need to file a report with FinCEN which includes its name, address, state of formation, and employer ID number. What's a bit more intrusive is that the Reporting Companies will also have to provide personal information about their "Beneficial Owners," which the law defines as anyone who either "exercises substantial control" over it or owns or controls at least 25% of it. "Beneficial Owners" will definitely include the association's president, treasurer, and any owner of enough units to control at least 25% of the voting interests. Other board members are unlikely to fall within this definition unless they have an unusual degree of unilateral control over the association's affairs. Associations will have to give FinCEN these individuals' names, home addresses, and birthdates plus copies of their driver's license, passport, or similar identifying document. Property managers, employees, attorneys, accountants, and vendors are generally not considered "Beneficial Owners" because their "control" is only derivative of the board's, so their information typically would not need to be filed.

Associations which exist now must file their initial reports with FinCEN within one year of the CTA's effective date, or by January 1,



Associations which exist now must file their initial reports with FinCEN within one year of the CTA's effective date, or by January 1, 2025.

uschools/E+/Getty Images

2025. New associations created after January 1, 2024 must file their initial reports within 30 days after they are created (the government may or may not extend this deadline to 90 days). The reports will be filed electronically, with no fee, through an online filing system that will not be available until January 1, 2024. Once filed, any changes in the information must be reported within 30 days – which would include every time a new board member is elected or changes her home address.

The reported information will be collected in a FinCEN database and made available to federal agencies, financial institutions, and even some foreign agencies. It would not be available to the general public, and would be exempt from Freedom of Information Act requests. Knowingly failing to file these reports, or knowingly supplying false information in them, could result in civil and criminal penalties of up to \$10,000 and up to two years' imprisonment. Bona fide ignorance of the obligations to comply with the CTA would be a defense to the penalties.

Make no mistake, this new law almost certainly applies to your association. Consult with your association's legal counsel to be sure, and prepare to submit the required information at some point during calendar year 2024. ■

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.

Financially Speaking...



Daniel Levine, CPA

Planning Around Higher Interest Rates

By Daniel Levine, MBA, CPA

With the advent of higher interest rates in today's market, and the end of the year upon us, it makes sense to have an article focusing on the income tax effects of such rates for associations currently taking advantage of them and the impact on reserve planning/funding for the future. This article will look to cover some basic concepts associated with higher interest income earnings for an association.

Income Tax

Association taxation can become quite a complicated topic depending on the elections taken by an association. As a refresher, associations often utilize Internal Revenue Code Section (IRC) 528 to elect to file on Form 1120H. This election simplifies the tax filing of an association and has the benefit of making many income and expense items tax exempt.

The items under this code provision that the IRS looks to tax are those from sources that don't involve membership in the community. Income from such things as a rental unit, laundry income, guest parking, and interest income are the frequent types of income that generate tax for an association. The IRS views these as income that is outside the purpose of a common interest community, that purpose being to charge members of the community a fee in order to provide for maintenance of said common elements. Income like those listed previously are not derived from members in the community and as a result IRC 528 provides that tax should be levied on them.

Accordingly, in this era of high interest rates, an association may need to pay income taxes when in the past, earnings were minimal, and no liability was generated. An association should be prepared for this event and understand that payment of this tax liability will be due typically three and half months after year end (two and a half if a June fiscal year end). Understanding this obligation can ensure an association doesn't draw down on these earnings entirely prematurely and then be surprised by this additional cash obligation.

Budgeting

In line with this possibility of a tax obligation, the association should consider budgeting for this. When electing under IRC 528 to file, the association will be subject to a 30% rate of tax on its taxable income. Providing for this payment under its budget can become important depending on the size of it. For a larger tax bill this will have an impact on cash flow. If the interest income received remains

"...an association may need to pay income taxes when in the past, earnings were minimal, and no liability was generated."



z_well/Stock/Getty Images Plus

in the reserve fund but the tax obligation is paid out of operating, the board may need to consider having reserves reimburse the operating fund for such a large expenditure.

This will also impact on how the board produces its annual budget and its monthly reports. Associations follow fund accounting and as a result should budget each fund separately. Consolidating reserve and operating items could distort underlying financial items that require additional addressing. Something like an operating fund deficit or surplus could be distorted by combining reserve and operating income together. Understanding if items are co-mingled in internal use reports and budgets will be a factor in how accurate these items are. An inaccurate budget can lead to future problems and inaccurate monthly reports could impact day-to-day decision making.

Reserve Funding

Stemming from the budgeting concept highlighted in the previous section, the reserve budget will be impacted by the association's increased interest earnings. The association can also look at whether the increased earnings impact overall funding for the capital reserve fund and match that against its future obligations.

Reviewing the reserve study will enable the association to analyze whether earnings in the funds are over performing and if contributions can be adjusted. An association may be able to hold fees constant for a year as the market works in their favor or catch up on shortfalls in previous years. If an association has borrowed money from its reserves to cover operating bills now is also a good time to come up with a plan to remediate these interfund loans so the association can take advantage of the higher rates.

[Continues on page 10.]

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**Please call (860) 633-5692 or
E-mail: kim@caict.org for
more information.**

FINANCIALLY SPEAKING...from page 8.

Association Records

As can be seen, an association will be impacted in a variety of ways due to the increased earnings in interest. As a result, making sure all an association's accounting records for the reserve accounts are in their files becomes more important. Certificates of Deposit from a bank may not receive a statement monthly, but the association may be earning accrued interest regardless of the lack of statement. Not recording this accrued interest can result an association's financial statements could be misstated. This can have a ripple effect of incorrect tax calculations, budgets, and reserve funding. Some associations that are professionally managed still keep control of reserve accounts themselves and should ensure that their management company receives all statements of account balances monthly.

Conclusion

Interest rates go up and go down outside of an association's control. The impact of the change in rates, however, is not beyond the association's control to assess and plan around. In this environment an association should take steps to ensure that its requirements to account for its earnings, plan for its future, and pay any obligations are handled now and for as long as these conditions persist. ■

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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Community Chaos CRACKING THE CASE

26th CAI-CT Conference & Expo
Saturday, March 16, 2024



Good for
4 CEUs

8:30 am - 2:00 pm
The Aqua Turf Club,
Plantsville

General Admission Includes:

- Provocative education programs — 5 in total!
- Plenty of great prizes!
- Phenomenal exhibitors — lots of products and services to explore!
- Premium networking opportunities!

Additional Options Requiring Pre-Registration Include:

- Presidents' Breakfast
- Managers' Breakfast
- Optional Lunch With an Expert — \$32



Community Association Board Resolution for Attendance at the CAI-CT 2024 Conference & Expo

Whereas, The _____ Association (hereafter referenced as the "Association") board serves in the best interests of all owners in the community;

Whereas, The Association directors have the responsibility to manage the assets of the Association according to established business practices and principles, and pursuant to competent, ethical and positive community governance; and

Whereas, The Association directors need to stay abreast of trends and best practices in community association governance, management and operations; and

Whereas, Community Associations Institute (CAI) is dedicated to providing information, education and best practices to help association leaders build and sustain strong and viable communities; and

Whereas, CAI is the leading advocate for common-interest communities before state and federal legislative and regulatory bodies; and

Whereas, Current and future Association residents will benefit from the training and education provided to their directors by CAI-CT; and

Whereas, attendance at the 2024 CAI-CT Conference & Expo will give Association directors access to valuable ideas, information and insights through educational sessions and awareness of products and services;

Resolved, That the Association invest in a funding the attendance of _____ board member(s) to attend the 2024 CAI-CT Conference & Expo; and

Resolved, That the Association's annual budget shall include funding for attendance at the CAI-CT Conference & Expo. Attendance at CAI education events may be paid by the Association, at the discretion of the board, requiring an affirmative vote by a majority of the directors and recorded in the open meeting minutes; and

Resolved, That the Association strongly encourages its manager and other professional service providers to attend the CAI-CT Conference & Expo to gain the knowledge, information and insights that enable them to better serve the association. SO RESOLVED BY THE BOARD OF DIRECTORS on this, the _____ day of _____ in the year _____.

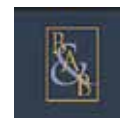
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GOLD SHOW SPONSOR:



BRONZE SHOW SPONSORS:



PRE-REGISTRATION BY MARCH 8, 2024:

* Add \$20 after March 8th

	CAI MEMBERS	NON MEMBERS
GENERAL ADMISSION:		
Association Managers, Presidents, Board Members and Unit Owners	\$35	\$50
All Service Providers	\$100	\$150



Jonathan Chappell, Esq.

NOTICE & HEARING: What to Know

By Jonathan Chappell, Esq.

Those in your community must “follow the rules.” They actually must comply with all of your governing documents. But sometimes an owner or tenant may not. Then what?

The board generally has discretion to determine whether to even enforce a violation, provided its action/inaction is not “arbitrary and capricious.” In very basic terms, a board is not mandated to enforce every technical violation, if there is reason not to (e.g. does not justify the costs of enforcement). This depends on the facts at issue, which you must discuss with association counsel.

If your board does seek to enforce, including imposing a fine or possibly even suing in court, it must do so in compliance with CIOA, specifically § 47-278. Before an association imposes a fine, or sues a unit owner, the association must provide a unit owner notice of the proposed action and an opportunity to be heard at a hearing. Your documents likely refer to this as “Notice and Hearing.” This is another part of CIOA that supersedes your documents if it differs from your documents. Just follow CIOA § 47-278(c).

The Process

The process is somewhat simple. Honestly, the most difficult tasks may be to pick a hearing date when there can be a board quorum and that allows sending the notice at least 10 BUSINESS days before the hearing — i.e. do not count weekends or holidays in the notice period.



“We have a picture of the violation. Can’t we just send them an invoice for the fine?”

A summary/outline:

- I. Prepare a notice of the hearing (usually a letter to the unit owner/tenant).
 - a. The hearing must be held as part of a regular or special board meeting. Remember that all owners must get notice of a special board meeting, even if the hearing may be the only item of business.
 - b. The notice must contain:
 - i. The date, time and location of the hearing;
 - ii. A brief description of the possible violation(s) (what are they doing wrong) and it should list or cite the section(s) of the documents which are alleged to have been violated.
 - iii. A statement of what the board may do (e.g. fine, sue);
 - a) If the documents permit fines to be imposed on a daily basis, this should be explicitly stated.
 - b) Even if the board is currently only considering a fine, restriction or penalty, also mention that the association can bring a lawsuit or institute some other enforcement proceeding.
 - c) If the circumstances do not relate to a violation for which the association can impose fines, restrictions or penalties, state that the board is proposing to commence a lawsuit or institute some other enforcement proceeding.
 - iv. A statement that the unit owner may make an oral presentation at the hearing or submit a written presentation;
 - v. A statement that the unit owner may bring or send a representative to make the presentation on their behalf at the hearing; and
 - vi. The address to which any written presentations can be sent.
 - II. The notice of hearing must be sent as follows:
 - a. The notice must be sent to the unit owner or owners involved at least 10 BUSINESS days before the hearing, or any longer period specified in the documents.
 - b. The notice must be sent to the unit owner or owners involved at the address appearing on the association’s records.
 - c. The notice must be sent by regular mail.
 - III. A board must send a written decision not later than 30 days from the hearing. The notice must be sent by regular mail.

[Continues on page 14.]



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NOTICE & HEARING...from page 12.

A Brief Statements About Fines

Reasonable Fines:

The power to impose “reasonable” fines is given to each association by CIOA § 47-244(a)(12). What is “reasonable”? It depends. Unfortunately, you will not get that answer until a fine is challenged



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in court. For one vague example, at some point it seems a daily fine will possibly become unreasonable, likely based on factors including the length of time that passes and the conduct at issue (e.g. having a small planter on a deck in the back that nobody sees versus operating a commercial machine shop in the main parking lot).

Hearing, then Fine:

“We have a picture of the violation. Can't we just send them an invoice for the fine?”

No. Due process and the notice & hearing process must be completed before a fine is properly assessed. Some communities may have historically developed their own methods. You must follow CIOA and a fine is only payable after doing so.

Before imposing a fine or suing an owner, you must hold a properly noticed hearing before the board during a board meeting. The procedure is not that complex and you should adhere to CIOA's process rather than be subject to challenge later. ■

Jonathan Chappell, Esq. is an attorney in the law firm of Feldman, Perlstein & Greene, P.C. based in Farmington, CT. Jonathan serves on our At Large Legislative Advocacy Committee and is a member of our Publications Committee.

END NOTES:

- 1 See CIOA §§ 47-244(g and h). A discussion of this discretion is beyond the scope of this article.
- 2 The notice & hearing procedure has exceptions to prevent immediate and irreparable harm and for foreclosures in CIOA § 47-278(c)(2).
- 3 See, Stamford Landing Condominium Association, Inc. vs. Lerman, 109 Conn. App. 261, 267 (2008).



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Jean Dobbin

Winter Reminders

By Jean Dobbin

This article was originally published in the January/February issue of *Common Interest* in the year 2000. We thought it might be of interest to reprint it this year especially for the benefit of self-managed boards and new managers. [Updates to the original article appear in brackets as Notes.]

Frozen Pipes:

It is important each winter to notify your residents that it's time to turn off exterior water faucets that may be controlled from within their units. Prevention of freezing and bursting spigots is accomplished by locating and turning the valve to the off position from inside the unit. It is important to then go outside and open the spigot all the way to let the water drain. Leave the faucet fully open until Spring. Associations that depend on the unit residents to winterize the faucets may wish to have freeze-proof silcocks installed.

Caution residents and investor owners that units should never be left unheated while away on vacation or during periods of vacancy. Keeping the temperature set to a minimum of 58 degrees will prevent water pipes from freezing and breaking. [Note: this should now be included in the Rules and Maintenance Standards.]

Some condominium units built in the 80's don't have adequate insulation, and pipes running along exterior walls often freeze up when temperatures drop below 20 degrees. The Association or individual unit owners should effect repairs if this type of problem has been experienced. Until then, it's a good idea to advise residents to let the faucets slowly drip overnight whenever temperatures go into or below the teens, especially when high winds and low temperatures are in the forecast.

Fire Prevention:

State law requires smoke detectors on every level of a unit. If heat is gas or oil fired, carbon monoxide detectors should also be installed in every unit. After installed, detectors need to be checked twice a year. [Fire code mandates these devices in common hallways and basements.]

Units with fireplaces need to have chimneys inspected by a professional at least every two years and cleaned and repaired as needed. Any defects found in the dampers or flues during the inspection should be corrected before the fireplace is used again.

State law prohibits the use of kerosene heaters inside units.

Gas and oil furnaces need to be professionally inspected and given a clean bill of health before the heating season begins.

Dry Christmas trees can become fiery infernos within seconds. Thirsty trees may need a few gallons of water when first set-up. Thereafter refilling the tree stand daily is essential.

Regardless of season, proper cleaning of clothes dryer lint from dryer hoses and vents should be required of owners on a regular basis

to prevent fire. [Note: this is best organized by the association to be paid by the owner at the time of service.]

Snow Removal:

Snowplows need room to maneuver when cleaning out parking lots. Residents need to be reminded that they need to get out of their jammies and move their vehicles so that a thorough clean-up can be accomplished when the plow comes in to clear parking spaces and driveways.



“Prevention of freezing and bursting spigots is accomplished by locating and turning the valve to the off position from inside the unit.”

Don't call management while the flakes are still coming down. Most snow contractors do not clear steps or shovel walkways until the snow stops. If there is a deep accumulation of snow, the plow should periodically drive through to keep the roads open and hills sanded.

If your association documents require residents to clear snow or ice from their own porches, steps or sidewalks, the association may consider providing residents with this service on an individual charge-back basis. Never permit the use of sodium chloride (salt) on concrete steps or walkways. Use clean sand or calcium chloride instead. Inform your residents of approved types of ice melt. [Note: pet-friendly ice melt is now available.]

Winter Newsletter Tips For Your Residents:

If your windows are drafty, purchase and install the clear plastic sheets on the inside of the windows. By slowly passing a hair dryer over the plastic, it will shrink up and become virtually invisible. Just be careful not to touch the plastic with the dryer, as a hole will immediately open. A small piece of tape will cover over the hole if you're careless.

[Continues on page 24.]



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Tips for a Peaceful Holiday Season in Your Community

By Courtney Stewart

The holiday season is one of the most exciting times of the year, with many people gathering with friends and family and decorating for the upcoming celebrations. As a board member in your homeowners association (HOA), these months mark a time to reflect on all the successes of the year and reinvigorate your community with positive, forward-focused energy. While the holidays bring a flurry of activity, it's necessary to keep the magic in the air by ensuring all is calm and bright. Here are some tips for promoting a peaceful holiday season in your community.

Communicate rules early on

Before homeowners start hanging lights, hosting parties, and decorating their yards, revisit your governing documents and remind residents about any new or established rules. Share decorating guidelines, parking restrictions, and crowd information in a notice, newsletter, and on the community website to help prevent violations.

Pay attention to the details

Take extra care to understand any applicable provisions of the governing documents and review all written materials carefully before they're distributed. A misspelled name or misstatement can easily create doubt and confusion. If you need clarification, consult your community manager or association lawyer.

Share safety information

In addition to reminding homeowners about the rules, it's a good idea to share information about how residents can practice safety while decorating their homes. You might include tips for hanging outdoor lights or decorating a mantle. Communicating valuable precautions shows you're invested in the health and wellbeing of every homeowner—and the community.

Decorate community-shared facilities

Get everyone into the holiday spirit by decorating community-shared facilities. This is a great time to lead by example and ensure your association follows the same decoration guidelines set for residents. For added peace of mind, stick to your HOA budget and be sensitive to the type of decorations you select and how long they're on display.

Engage homeowners in holiday fun

Help bring people together and build lasting bonds by hosting an event or competition that everyone can participate in. Whether it's a decorating contest, cookie swap, or donation drive, you'll notice the value in gathering the community for a wonderful time.

Be available for questions and concerns.

Even though you may be busy during the holidays, make yourself accessible and responsive to homeowner concerns and questions. It



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“Before homeowners start hanging lights, hosting parties, and decorating their yards, revisit your governing documents and remind residents about any new or established rules.”

might take some time to resolve a situation or answer a specific question, but immediately responding to the homeowner and letting them know that you've received their communication and are looking into the matter will help them feel acknowledged. If possible, include an approximate date when you'll be able to provide additional information.

Think on the bright side

As a board member, it can be stressful to navigate through all the end-of-year to-dos and keep your HOA functioning well and homeowners happy during the holidays. Remember to pause and reconsider your options on what will help you be successful during this time. Make a list, set reminders, and enlist volunteers—it's necessary to be action-oriented and decisive, but caring for yourself will make you a more confident and competent leader if, or when, tense situations arise.

How to Effectively Manage Conflict in Your Community

Keeping an association happy and peaceful takes effort, but eventually, conflicts will occur. It's up to board members to diffuse situations and bring the community together instead of apart. ■

Courtney Stewart is a community manager with Evergreen Harvard Group based in Bedford, NH.

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Manager's Column...



Rich Wechter, CMCA

Being Practical, Part XC Beware of “I Gotta a Guy”

By Rich Wechter, CMCA

In this column, our ninetyeth offering, I tackle various topics of interest with the intent of imparting practical advice. In this issue's column, I discuss an all too familiar theme: the “I Gotta a Guy” doctrine that we hear frequently in the community association setting.

A. Setting the Table on this Topic

We all come across people of various experiences, perspectives and opinions. That is the nature of the world. Some provide valuable insight and guidance for each of us and others need to be fled like a plague. It is sometimes difficult to know which road these people will take you on. We look to others with experience and wisdom to help us make the best decisions at the best time. In our world of community associations, we look to professional property managers, attorneys, insurance agents, architects, engineers, contractors and others to help us navigate a sometimes shaky community association vehicle down the right road at the right time for the right reasons. These professionals are generally vetted and have strong credentials and experience during their tenure in their respective fields. However, from time to time, a Board member will invoke the old expression “I Gotta a Guy” in an effort to perhaps obtain a better perspective on an issue or matter facing the community association or to obtain a particular result that defies logic and reason. This article is not suggesting that such a person should be ignored or disregarded entirely. It is, however, suggested that any such comments or opinions from such a person be examined very closely to confirm the validity of such comments or opinions. I offer a few tips on how to best deal with the occasions when the “I Gotta a Guy” doctrine is invoked.

B. How to Respond to a “I Gotta a Guy” Offering

I offer a few, ten (10), suggestions for responding to a “I Gotta a Guy” offering:

1. Seek to understand the reasons why the offering is being made in the first place. Is the offering being made for the benefit of the Association or is there an agenda being implemented?
2. Obtain full disclosure on the background of the person being offered. The Board has the absolute right to know everything they can about the person being offered.
3. Vet very carefully, the background of the person being offered. It is not enough to simply rely upon what background information is being provided by the Board member making the offer.
4. Explore the relationship between the person making the offer and



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“I offer a few tips on how to best deal with the occasions when the ‘I Gotta a Guy’ doctrine is invoked.”

- the person being offered. Ascertain their history before that history comes back to bit you in the rear.
5. Discuss with full transparency the benefits of the offering being made either as an additional voice to be heard or as a substitute to the professional that the Association currently utilizes.
 6. Seek out the opinions of the professional that the Association currently utilizes before agreeing to proceed with the offering. Perhaps the person being offered is an excellent supplement to the professional the Association works with. An example of this is an attorney with a specialty beyond your Association Counsel's experience.
 7. Challenge the tendency of the offeror to degrade the credentials of the Association professional by claiming that “His Guy” know more than the current Association professional or anyone else. Perhaps that will turn out to be true. However, you have to be highly skeptical of such claims until it can be established that any such boast is not just talk, but fact.
 8. Meet the person being offered either in person or virtually. There is nothing better than seeing the person to get a good read on them.

[Continues on page 27.]

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Melissa Yocum

TECHNICAL EXPLANATIONS: Aging Infrastructure – Knowing What’s at Stake

By Melissa Yocum

Aging infrastructure, if it has not been properly maintained, can cause large-scale issues for Boards and their communities. Too often with aging buildings, maintaining aesthetic elements becomes more important than maintaining building integrity. Understanding your aging infrastructure’s ins and outs, board liability, insurance, and practical steps for your board or association to take are all part of the world of building and community management. This becomes an increasingly heightened necessity in aging communities. What ties all of these elements of responsibility together in a simplified package? Reserve studies.

Reserve studies are non-destructive, non-invasive reviews of the condition of your property. Including an analysis of each community component such as roofing, retaining walls, siding, parking garages, and common areas, reserve studies help boards and associations plan for sound financial futures. From a funding analysis to the disclosure of structural issues, these studies assess a property’s condition, provide an opinion of the remaining useful life of property components, and lay out a monetary repair/replacement plan spanning 30 years.

If your building is older, there may be a higher chance that structural deficiencies will be found in the discovery phase. This is especially true if the building has been deteriorating due to a lack of action. If structural issues are noted during the study, you’ll want to get a second opinion from an expert specific to that component, where destructive testing may be needed to determine the exact cause and scope of the damage.

What should your community do to plan for the future? Make any necessary repairs or replacements, and utilize the study’s financial plan to assist in paying for these projects as they come due.

With old and new buildings alike, the board serves as a fiduciary to their association and may be liable if nothing is done about structural problems. Liability generally arises from one of four things:

- Willful failure to deal fairly with the association
- Violation of criminal law
- Derivation of an improper personal benefit
- Willful misconduct



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“If your building is older, there may be a higher chance that structural deficiencies will be found in the discovery phase.”

When it comes to aging buildings, it’s best to get a reserve study done. Being safe is better than being sorry! If the study identifies structural issues, hire the appropriate engineers or other experts. Follow your reserve study’s budgeting recommendations to ensure your reserves are adequately funded, and follow up on your reserve study periodically. Catastrophic failure is the most dangerous result of ignoring aging infrastructure, along with increased costs that could have been avoided had the issue been fixed when it was first noticed. After all, you can’t say you relied on expert advice if you don’t address a problem the study brings to light. ■

Melissa Yocum is a Senior Account Manager with Reserve Advisors. This article is reprinted with permission from the Reserve Advisors Blog.

ENVIRONMENTAL TIP — Have a Happy and Healthier Holiday

You can make your holiday feast even more exciting by supporting local family farmers and food producers who sustainably produce vegetables, meat, and seasonal treats close by.

A local, sustainably farmed ingredients are much better for the environment than food grown hundreds or thousands of miles away. Not only does local, organic food taste better, but you’ll also be doing your part for your community and the planet too.

Go to: www.localharvest.org to find local produce and other items for your holiday feast.



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Can the Association President Do Whatever They Want?

D.K. from Hartford County writes:

Dear Mister Condo,
Should it be voted upon for money to be moved from Association checking account to the Association savings account or can the President of the Association do whatever they want?

Mister Condo replies:

D.K., your condominium association documents likely detail the powers of the association president and Board. Generally speaking, they cannot do whatever they want but they may have the ability to move funds between accounts without a vote of the association. After all, the Board is elected to conduct the business of the association and managing the assets of the association such as cash is typically within their purview. Typically, the association Treasurer is charged with managing such transactions. However, in a smaller association such as yours, it is not uncommon for the President to also handle such transactions. Moving funds between accounts isn't a problem. The important thing is to keep an eye on the association's money so that none of it goes missing. All the best!

A fond farewell from Mister Condo!

As the end of the year draws near, so too, does the Ask Mister Condo column here at Common Interest magazine. I am welcoming my retirement with open arms. I want to thank each and every one of my readers and folks who asked questions for making the past decade of "Ask Mister Condo" enjoyable and fulfilling. It has been my pleasure to provide friendly and helpful advice to all condo dwellers. I wish you continued enjoyment in your condominium, PUD, HOA, cooperative, or whatever other type of community association where you reside. Never stop asking questions and remember that you always have a friend and ally at the Connecticut Chapter of CAI. As always, all the best! ■



WINTER REMINDERS...from page 16.

If there are drafts coming from the foundation area, use of a product such as Touch 'N Foam triple expanding insulating sealant manufactured by Convenience Products can be injected from inside your basement where the concrete foundation meets the basement ceiling. [Note: many other products for this purpose have come to the market over the past 23 years.]

Weatherstripping storm and exterior unit doors is an inexpensive way to cut down on chilling inside breezes.

Year-Round Issues:

Regardless of the season, residents should be reminded that replacement of aging hot water heaters and washing machine hoses is essential to keep insurance claims down.

If problems continue after friendly reminders, it would be well-worth the expense of sending every owner a certified letter putting them on notice that failure to maintain and replace these unit elements may fall under the "negligence" language likely appearing in your governing documents. Such notice should thereafter be included as an attachment that is referenced in all resale certificates prepared by your management company. [Note: many associations now require reporting the make, model and serial number of water heaters to track and remind when they are to be replaced. Maintenance Standards and Rules may now serve to better handle this serious cause of loss.] ■

Jean Dobbin is President of Dobbin Management, Inc. since 1995. She has served on the CA-CT board of directors and, for the past decade, on the Education Program Committee.



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 www.falconengineering.com
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FINANCIAL SERVICES

Alliance Association Bank
 Jamie Kay Redden, CMCA, AMS, EBP
 D (724) 910-6304 • Toll-Free (888) 734-4567
 717 Market Street, Suite 29
 Lemoyne, PA 17043
 JRedden@AllianceAssociationBank.com
 allianceassociationbank.com
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Avidia Bank
 Lisa Allegro, VP
 774-760-1228 • l.allegro@avidiaibank.com
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Fairfield County Bank
 James Whetzel
 150 Danbury Road
 Ridgefield, CT 06877
 203-431-7457
 James.Whetzel@FairfieldCountyBank.com
 www.FairfieldCountyBank.com
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First Citizens Bank
 Contact: Erin Kremser
 VP / Regional Account Executive
 P.O. Box 105, West Chatham MA 02669
 860-459-4713
 Erin.kremser@firstcitizens.com
 www.firstcitizens.com
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The Milford Bank
 Contact: Paul Portnoy, Vice President
 Vice President
 203-783-5700 • 800 340-4862
 www.milfordbank.com
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[Continues on page 26.]

CLASSIFIED SERVICES...from page 25.

INSURANCE

Bouvier Insurance

860-232-4491
 Contact: Richard Bouvier, CIC
 www.Binsurance.com
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C.V. Mason & Company Insurance

Contact: Bud O'Neil
 860-583-4127 • Fax 860-314-2720
 boneil@cvmco.com

Fairfield County Bank Insurance Services

Contact: Jean Craemer
 401 Main Street
 Ridgefield, CT 06877
 203-894-3118
 Jean.Craemer@FCBIns.com
 www.FCBIns.com
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The Reardon Agency, Inc.

Mallory Reardon Porter
 26 Clark Lane
 Waterford, CT 06385
 (860) 442-1396 • Fax: (860) 444-2822
 mreardon@reardonagency.com
 www.reardonagency.com
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Toofer Ferraris Insurance Group

Contact: Peter P. Ferraris, Jr., President
 43 Danbury Rd., Wilton, CT 06897
 Tel: 203-834-5900 or 800-899-0093
 Fax: 203-834-5910
 E-Mail: pferraris@toofer.com
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MANAGEMENT COMPANIES

County Management Services, LLC

6527 Main Street
 Trumbull, CT 06611
 203-261-0334 • Fax: 203-261-0220
 Contact: Gary M. Knauf
 garyknauf@gmail.com
 www.countymgmt.com
 Licensed: CT Registration #
 CAM.0000692
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IMAGINEERS, LLC

635 Farmington Avenue
 Hartford, CT 06105
 Phone 860-768-3330 • Fax 860-236-3951

249 West Street
 Seymour, CT 06483
 Phone 203-463-3219 • Fax 203-463-3299

Contact: Karl Kuegler
 E-mail: kkuegler@imagineersllc.com

Licensed: CT Registration # CAM.0001
www.imagineersllc.com

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Magee Property Management

7 Cody Street
 West Hartford, CT 06110
 860-953-2200 • Fax 860-953-2203
 Contact: Amber Chamberland
 Email: manager@mageecompanies.com
 www.MageeCompanies.com
 Licensed: CT Registration #
 CAM.0000680
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SOMAK Property Management

413 East Street, Suite 2
 Plainville, CT 06062
 860-259-1046
 info@somakmanagement.com
 www.somakmanagement.com
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JP Carroll Construction Inc.
Contact: Jim Carroll
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Bloomfield, CT 06002
860-586-8857
office@jpcarrollroofing.com
www.jpcarrollroofing.com
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Leading Edge Exteriors, LLC
Contact: Michael Muraca
730 East Street, Middletown, CT 06457
860-632-0050 • Fax 860-632-7762
Michael@leadingedgeexteriorsllc.com
www.leadingedgeexteriorsllc.com
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Wallingford CT 06492
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www.belfor.com
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Connecticut, Inc.**
Contact: Jean Walker
3 Duke Place, South Norwalk, CT 06854
203-853-4179 • 203-853-6524 Fax
E-mail: jwalker@crystal1.com
www.crystalrestorationservices.com
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**Crystal Restoration Services of New
England, Inc.**
Contact: Nick Martino, President
303 Captain Lewis Drive,
Southington, CT 06489
860-628-5558 * 860-378-0205 Fax
Email: Office@CrystalRestorationNE.com
www.CrystalRestorationNE.com
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United Property Restoration Services
Licia Ciotti
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203-464-4171 Cell
860-349-2580 Fax
www.unitedprs.com
lciotti@unitedprs.com
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MANAGER'S COLUMN...from page 20.

9. Have a Board member other than the one offering this person be the liaison from the Board with them.
10. If the person being offered will be utilized by the Board, set clear instructions and limits of their retention.

C. Conclusion

I want to be clear that my warnings set forth in this article are not offered to protect anyone in the community association world. All of us should be prepared to be challenged as to our opinions and judgments. Will Rogers once noted "Good judgment comes from

experience, and a lot of that comes from bad judgment." None of us are on Mount Olympus and all of us are mere mortals. However, Association professionals who have valued experience and have proven time after time that their opinions and judgments have benefited the Association should be the point people for their respective fields and Boards should be careful when they hear the calling of "I Gotta a Guy" from a fellow Board member. However, if my suggestions are followed, it does provide, in my opinion, a level of scrutiny that benefits the Association. I hope this article has provided guidance on this topic. ■

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.



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