Common Interest

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Inside:

The Corporate Transparency Act is
Finally Dead —
Probably

Association
Income Tax

Whose Money Is It Anyway?
Association Funds and the Fight over
Board Removal

...and more!

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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.

■■■

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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*



Carrie Mott, EBP

"A little preparation now can help prevent one of those 'scary stories' from becoming your community's next chapter!"

As October arrives, it seems only fitting that this issue of Common Interest focuses on "Scary Stories." And for those of us who work with community associations, we know there are plenty of them!

From unexpected claims and major water losses to deferred maintenance, underfunded reserves, contract disputes, and those dreaded middle-of-the-night emergency calls, every community seems to have a scary story of its own. While they may make for entertaining stories after the fact, they also provide valuable lessons. Many of the problems associations face can be minimized, or even avoided, with proactive planning, regular communication, proper maintenance, and the guidance of trusted professionals.

Fall is the perfect time to put some of those lessons into practice. Before colder weather arrives, associations should take the opportunity to walk their properties and address seasonal concerns. Clear leaves and debris from gutters and drains, inspect roofs and exterior areas, service heating systems, prepare irrigation and outdoor plumbing for freezing temperatures, review snow and ice removal contracts, and make sure exterior lighting, walkways, and common areas are ready for shorter days and winter conditions.

It is also a great time for boards and managers to review emergency procedures and remind residents about cold-weather precautions. A little preparation now can help prevent one of those "scary stories" from becoming your community's next chapter!

As always, CAI-CT is here to provide the education, resources, and professional connections that help our communities prepare for the unexpected and make informed decisions.

Enjoy the beautiful fall season and may the only scares in your community this October come from the Halloween decorations!

Happy Fall and Happy Halloween! ■



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From the Chapter Executive Director

"Being scared is part of being alive. Accept it. And walk through it."

~ Robin Sharma



Courtesy CAI-CT.

Kim McClain

Living in a common interest community should not be a scary situation but based on some of the calls we've been getting, it clearly is for some. It's scary when the board doesn't abide by the documents. It's horrifying when unit owners do not attend meetings and do not participate in opportunities to support the community. It's frightening when people don't abide by the rules: e.g. picking up after their dogs, loud noise after hours, smoking near neighbor's units and more. The key question is how to get owners to be more engaged in the operations of the association. Unfortunately, there are no perfect "tricks" to motivate owners. However, the "treat" is living in a community the is well-functioning and is a place that everyone is proud to call home.

Oftentimes, new owners in common interest communities are woefully unaware of the many aspects of this chosen lifestyle. This is where scary things start; when lack of knowledge or understanding about community living leads to some kind of conflict. National CAI recently launched a video for new homeowners. It can be found on the CAI website: www.caionline.org Education for Homeowners | CAI Community Association Learning | Community Associations Institute. We encourage you to use this video as part of your welcome materials for welcoming folks to your community.

Our recent Condo Inc. program had a great group of attendees. As usual, our speakers delved into the many facets of association operations. Please note that even if you could not attend the program, it is available 24/7 as an on-demand program. It can be found on our website: www.caict.org.

Other educational programs abound. Our next Hot Topics session will be a virtual meeting on November 18 @ 12 noon. The subject will be: Budgeting Basics for Boards. You will be able to gain tips and insights to help your board make informed financial decisions and build a stronger financial plan for your community. The program is free for members! Please sign up on our website.

Our 2027 Member Directory is being compiled by our new publisher — E&M Consulting. Please confirm that your listing is correct by using the QR code on the facing page.

Enjoy the Fall! ■



Share your news and expertise!

Common Interest welcomes the submission of articles, news and announcements subject to space limitations, editing and appropriateness, including educational value. The *Common Interest* Publication Committee will make every effort to publish articles submitted and may even be able to help you with your submission.

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

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UPCOMING CAI-CT EVENTS

Condo Board Members Hot Topics
Wednesday, November 18 • 12:00-1:00pm on Zoom
This session's topic is: Budgeting Basics for Community Association Boards
Free – Members / Non-members - $25

Jump Start January — Hosted on Zoom (2 CEUs)
Wednesday, January 13, 2027 • 12:30 pm-2:30 pm
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Use the QR Code for your member type to be directed to the appropriate webpage.

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Thank You Renewing Members

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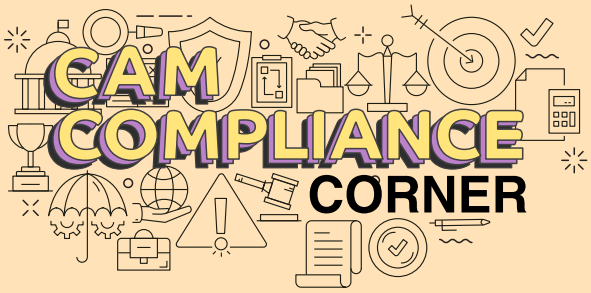
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CAM Corner – Records Requests

It can be scary when unit owners make requests for association records, but it doesn't have to be. Under the Community Interest Ownership Act (CIOA), associations are required to maintain detailed records of all sorts of association business: from meeting minutes and other actions taken on behalf of the association, to financial records including all income and expenditures.

The records must also include a full list of unit owners, voting records, and contracts. And of course, the association's foundational documents, such as the bylaws. This is far from an exhaustive list of the types of records that must be maintained.

Just as important as having them, however, is ensuring that they're in a format that is easily shared when a request for them is made – whether by the board or a unit owner.

"CIOA requires that associations fulfill requests for any applicable records..."

CIOA requires that associations fulfill requests for any applicable records (except for those that fall under a narrow set of exclusions) within 30 days. While the law is specifically aimed at the board, the responsibility of responding is typically assigned by the board to the Community Association Manager (CAM).

The laws that apply are Connecticut General Statutes (CGS) Section 47-260, which discusses the records that must be held and when they must be provided, as well as CGS Section 20-456(8), which makes the CAM liable for a knowing violation of CIOA.

Within 5 days of receiving the request, the association must provide two dates on which the requester can view and/or copy them. While the law allows for "reasonable" fees to be charged for making copies, it does not define that term, which can become an issue of complaint to the CT Department of Consumer Protection (DCP).

Of course, this does not preclude easier ways to fulfill the requests. Perhaps the best is to be proactive. Many associations offer special, protected website portals where unit owners can access all of the required records on their own at any time. This alleviates the burden of producing documents each and every time. Documents can also be provided electronically, such as emailing them to the requester instead of necessarily setting up in-person meetings.

Records requests don't have to be adversarial interactions, though they often turn out that way when unit owners feel their requests are being ignored or taking too long. Among the most common complaints to the DCP Real Estate unit are CAM failures to provide requested records. DCP examiners then work with the CAMs to ensure the requests are fulfilled – often with a penalty for violation of the law.

Next time unit owners ask for a document, don't "trick" them with delays and avoidance; instead, give them the "treat" of a speedy and complete response.

Happy Halloween!

Source: This article was written by the CT Department of Consumer Protection.

Member Spotlight



Cindy Palmer, EBP

DIME BANK

Cindy is an Association Lender at Dime Bank and is passionate about assisting Associations with financing their common area projects which help to keep their homes safe and beautiful. Cindy has 15 years of experience in Association Lending, with the past seven of those years being with Dime Bank. As the Association Lender, Cindy works to build lasting and meaningful relationships with property managers and other service providers throughout the state. Cindy provides a hands-on approach to every loan request, working with the Association's Board and Property Manager from the first conversation until pay off, and every step in between. She prides herself on her responsiveness and ability to meet the unique needs of each community.

Cindy is a CAI Educated Business Partner and is actively involved in CAI-CT. She currently serves on the Fall Fun Committee and has done so for the past four years. She was a speaker at this year's event and enjoyed engaging and sharing her knowledge with the attendees. This involvement allows her to strengthen her relationships within Connecticut's condominium and property management community.

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Legally*Speaking...*



Adam Cohen, Esq.

The Corporate Transparency Act is Finally Dead – Probably

By Adam J. Cohen, Esq.

Homeowners' associations will be happy to hear that after years of wrangling, the Corporate Transparency Act is finally dead. Probably.

Originally enacted in 2021 to help the federal government fight money laundering, tax evasion, and terrorism financing, the CTA created a database of the people who control corporate entities throughout the country so that law enforcement could find them when those entities were used to commit crimes. It would require approximately 32 million corporate entities in the United States to disclose identifying information to be maintained by the Department of the Treasury's Financial Crimes Enforcement Network ("FinCEN").

The statute applied to virtually all condominiums and other homeowners associations, regardless of their size or age. Efforts to get these associations exempted from the law, through both legislation and litigation, were unsuccessful. The data to be collected was widely seen as extremely intrusive: the names, home addresses, and birthdates of most board members plus copies of a driver's license, passport, or similar identifying document from each of them. The statute also (deliberately) did not clearly identify exactly which corporate officers had to do this. Instead, it said only that it applied to each person who either "exercises substantial control" over the corporation or owns or controls at least 25% of it. This would have definitely included a condominium association's president and treasurer, as well as any unit owner holding one-quarter or more of the voting interests. Most attorneys warned their clients that the safest approach was for every board member to register. Once filed, any changes in the information had to be reported within 30 days – which would include every time new board members were elected or changed their home addresses.

The CTA was originally scheduled to go into effect on January 1, 2025. Homeowners' associations were forced to compile this information, and many submitted it into FinCEN's online database in advance of the deadline to avoid a mad dash during the holidays. After all, the law imposed civil and criminal penalties of up to $10,000 and two years' imprisonment for failing to comply. Courts across the country disagreed with each other about whether the law was constitutional, resulting in multiple injunctions against enforcing it, which were then reversed, and then reinstated.

The Treasury Department suspended enforcement of the CTA in March 2025 for all domestic companies nationwide, while keeping it in place for foreign entities doing business in the U.S. Now, as of August 11, 2026, the Treasury has made that suspension permanent. All corporate entities nationwide will no longer be required to either register or update their registrations, and all information which had already been submitted to FinCEN about any non-foreign individual will – according to the Treasury – be deleted. This means the federal government will not enforce the law against any company based within the United States, including homeowners' associations.



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"Appropriately for the Halloween season, it is not impossible that the CTA could one day arise from the dead."

Appropriately for the Halloween season, it is not impossible that the CTA could one day arise from the dead. The statute is still on the books; a federal agency has simply adopted a regulation that limits its enforcement to foreign businesses. The same agency has the power to reverse itself, which would restore the legislation's full applicability. Homeowners' associations have always known they were extremely unlikely to be instruments of terrorism or money laundering, and that the law was unfairly onerous. But for the time being, associations will need to hope that the CTA's unpopularity and questionable constitutionality will permanently keep it in the graveyard where it belongs. ■

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.

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Financially *Speaking...*



Daniel Levine, CPA

Association Income Tax

By Daniel Levine, MBA, CPA

As is tradition with our fall issue we like to bring attention to some of the scarier aspects of association management. Hearing some of these spooky stories or pitfalls can often provide important guardrails and education to those involved in their community to avoid inadvertent consequences. For this issue we will look at association income taxes and the pitfalls that can happen with this area.

Are Associations Taxed?

This is a common question from newer boards, and the answer is, except in very rare circumstances, yes associations are subject to annual income tax reporting. This means that your association will likely have an annual income tax return filing obligation to report its income and expenses and pay potential taxes. Most associations are subject to the typical C Corporation income tax rules. Very few are taxed as a non-profit organization. However, even those that are considered some type of non-profit organization will still have an information filing requirement even if there looks to be no tax due.

Additionally, while most folks remember that paying taxes is a federal requirement, there are also state of Connecticut requirements for filing income taxes for corporations. So typically, an association located in Connecticut will have both federal and state forms that must be completed and submitted.

What Income is Taxed?

Now this is where association taxation can become complicated. Associations are subject to a few different areas of the Internal Revenue Code (IRC). Associations as mentioned before are considered a C Corporation typically for income tax rules. The default code section that applies to them in these cases is IRC 277. This code section is the rules and guidelines for a membership organization (think country club, etc.). In these cases all of the association's income is factored into the tax calculation and nothing is exempt from taxation, but all items of income are separated by "membership" and "non-membership" activities. Expenses are also allocated into these respective categories and the net difference, if a profit, is subject to income tax. Importantly losses from one category cannot be used to offset income from the other. So, while an association can have an overall loss, it can still owe tax because of this segregation resulting tax in one categorization and a loss in the other.

Associations, however, are able to make an election to be taxed under a different code section which is IRC 528. Under these rules the association breaks out its income and expenses instead as "exempt" and "non-exempt" items. Exempt items are exempt from federal tax while non-exempt items of income are subject to taxation. Non-exempt items are typically items that come from sources outside of members of the organization or come from a result of membership in the organization. So, items like bank interest, rents, laundry income etc. An association can deduct against these taxable line items specific expenses used to generate the income or costs that can be justified to have a reasonable allocation.



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"Now for the scary parts...This could lead to a tax burden that would otherwise be avoided..."

As mentioned earlier, state taxes are also factored into this equation. Under IRC 277, the association is subject to state level taxes and will pay tax on their income for the year. Under IRC 528, the association is exempt from Connecticut taxes, and while still needing to file a return to indicate that, will ultimately pay no taxes to the state of Connecticut. However, the federal tax rates between these two methods also differs with a current rate of 21% for IRC 277 filings and a rate of 30% for IRC 528 filings.

IRC 528 is an annual election made by the association, so annually an association can switch between taxation rules if one year there is a particularly better method to have taxes calculated. However, IRC 528 does have requirements associated with it in order to qualify for filing in that manner, and some associations may not qualify in a particular year if those aren't met. These rules relate to how much income is considered exempt compared to total income, how much expense is considered exempt in comparison to total expenses, how much of the community is for residential purposes, etc. An association may need to carefully review these rules to make sure they are filing the correct form.

The Taxation Pitfalls

Now for the scary parts! With IRC 528 being an annual election the issue here comes with requirement that this election be made timely and the IRS considers the election made by filing Form 1120H by the due date including extensions. If an association misses the filing deadline it could mean that they don't qualify for IRC 528 and more income than expected becomes taxed. This could lead to a tax burden that

would otherwise be avoided both from a federal and state perspective.

Another scary situation is not realizing the association can't qualify for IRC 528 for a particular year. The are times when an association may sell a unit they own, or have another unusual transaction which doesn't allow them to qualify for the election. An association may not realize this and wind up spending proceeds without regard for withholding some proceeds for the tax burden. This would mean when the filing comes due, taxes are owed but the cash isn't available to pay the bill. This can put a constraint on resources or generate the need to take money from reserves.

For associations with larger reserves, planning for taxes may also make sense. Large reserves with higher yielding investment vehicles will likely generate a tax burden for the association. As a result, budgeting for taxes may become important, or paying for taxes from the fund that is generating them will be an important management item. If the reserve fund income generates the tax but the operating fund is paying for it, this could lead to cash constraints in the operating fund.

Conclusion

As can be seen by this brief look into income tax, the rules can be complex for such a small entity. Understanding the basics or engaging a professional that can assist and provide guidance through the rules can be critical to maintaining compliance and paying accurate taxes. ■

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 serves as the Chair of our Publications Committee and is an active participant in CAI-CT related programs and can be found presenting frequently.

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Fall Fun and Oktoberfest - Bitte

Over 140 people joined us for the fun and festivities for our Oktoberfest themed Fall Fun event at Hops on the Hill on September 23. We had a perfect fall afternoon for the weather – although a bit breezy. Our 6 speakers provided professional insights on topics ranging from chimneys to changes in Fannie Mae guidelines, to bank loans, property maintenance and much more! After the education program, our team of German-like chefs were ready to serve a delectable assortment of traditional Oktoberfest foods. And, to add something extra special, Carrie Mott, our current CAI-CT President and Karl Kuegler, Conference Committee Chair, wore their German clothing while serving our attendees. (See picture.)

There was a lively group of attendees, 10 of whom were good sports in entering the beer stein holding competition. Prost! We also had a fun trivia contest and some great prizes and giveaways.

Our Fall Fun Committee went above and beyond to create an amazing event – both for the education component and the incredible Oktoberfest food. DANKE to our wunderbar committee!











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Ronald J. Barba, Esq.

Whose Money Is It, Anyway? Association Funds and the Fight Over Board Removal

By Ronald J. Barba, Esq.

Connecticut law gives common interest association unit owners a clear path to remove one or more members of the executive board. Too often, that path is paved with the owners' own money, spent by the very directors they seek to remove.

C.G.S. § 47-250(a)(2) requires the association to call a special meeting of unit owners when owners holding at least twenty percent of the votes (or any lower percentage set in the association's bylaws) request that the secretary do so. If the association does not notify the owners within fifteen days after a proper request, the requesting owners may notify the membership themselves. Notice may be given by any means authorized in C.G.S. § 47-261c. The agenda must identify any proposal to remove an officer or board member. C.G.S. § 47-261d then allows owners, with or without cause, to remove a board member or owner-elected officer if the votes cast in favor of removal exceed the votes cast against it, provided the subject was listed in the notice and the person under consideration is given a reasonable opportunity to be heard.

That is a statutory right of the ownership, not a courtesy the board may grant or withhold. Yet in practice, the targeted directors frequently treat the petition as an attack to be defeated with association resources: counsel retained to challenge the petition's form, manager time spent organizing opposition, mass mailings that advocate against removal, and legal opinions billed to the common treasury. Those costs are paid by every unit owner, including the owners who signed the petition.

The association's job is to administer the vote, not to win it

There is a legitimate, limited role for association funds in a removal proceeding. The statute imposes duties on the association: receive the petition, count the signatures against the voting list, send notice within fifteen days, reserve a room or arrange a ballot vote, and conduct the meeting or ballot in accordance with C.G.S. §§ 47-250, 47-252, and 47-261(d). Those are ministerial functions. Paying for them is no more controversial than paying for an annual meeting.

Advocacy is different. Once a valid petition is in hand, the question of whether a particular director should remain in office belongs to the unit owners. It is not "association business" in the same sense as repairing a roof or collecting assessments. The targeted director has a personal interest in the outcome. Using common assessments to fund that director's campaign converts a statutory owner-control mechanism into a contest the incumbents can finance with other people's money.

C.G.S. § 47-261(d) already balances fairness: the person proposed for removal must have a reasonable opportunity to speak at the meeting or, if the vote is by ballot, to deliver information to the owners. That right is personal. It does not authorize the association to underwrite a public-relations or legal campaign on that person's behalf.



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Directors also owe duties of loyalty and good faith in the use of association assets. Spending common funds to preserve one's own seat is difficult to square with those duties. The conflict is obvious. The director who faces removal should recuse from any board decision about how the association will respond to the petition, what counsel will be hired, and what communications will be sent at association expense. Remaining, unconflicted directors, or, if the entire board is targeted, the manager acting under written instruction limited to statutory notice and meeting logistics—should confine association spending to administration of the vote.

The current imbalance deters the very remedy the General Assembly provided

A twenty-percent petition is not a coup. It is the threshold the statute sets to force a conversation the board cannot ignore. Owners who reach that threshold already spend their own time and money gathering signatures, often after paying for copies of the owner list and legal review to make sure the petition is valid. If the board then spends thousands of dollars of common funds to resist, the petitioners are taxed twice: once for their own effort, and again through assessments that finance the opposition.

The result is predictable. Owners with a legitimate grievance hesitate. Boards learn that delay, technical objections, and a well-funded letter from association counsel can wear a petition down. The fifteen-day clock in § 47-250(a)(2) exists precisely because the General Assembly anticipated resistance. Using the treasury to amplify that resistance undermines the statute.

None of this requires a finding that every removal effort is wise. C.G.S. § 47-261(d) permits removal with or without cause. Owners may be wrong. They may also be right. The statute leaves that judgment to the votes cast, not to the incumbents' ability to outspend the petitioners with the community's funds.

Two reforms would restore the balance

The cleaner rule is a prohibition: except for the reasonable cost of receiving a petition, giving the required notice, and conducting the meeting or ballot vote in a neutral manner, association funds may not be used to support or oppose the removal of an executive board member or officer. Targeted directors may speak, write, and hire counsel, at their own expense. The association may circulate a single, factual notice that states the date, the question, and the statutory right of the affected director to be heard. It should not circulate advocacy.

The alternative, if the General Assembly prefers a stick to a ban, is fee-shifting for successful petitioners. Owners who obtain the removal they sought should be entitled to reimbursement from the association of their reasonable costs of circulating the petition, giving substitute notice when the secretary fails to act within fifteen days, and obtaining legal advice reasonably necessary to comply with §§ 47-250 and 47-261(d). That rule would not punish a director who survives the vote. It would only make whole the owners who were forced to underwrite both sides of a contest the statute assigned to them.

Either approach can be adopted by statute. Until then, associations can adopt it by policy or bylaw: recusal of targeted members; a written

[Continues on page 19.]

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Manager's Column...



Rich Wechter, CMCA

Being Practical, Part CIX

A Look Ahead (Worries and Suggestions)

By Rich Wechter, CMCA

In this column, we tackle various topics of interest with the intent of imparting practical advice. This issue's column, the first of two companion book-end articles, looks ahead to the future of the management and governance of community associations. In early 2020, I was asked to write an article about what I thought the world of community associations would look like in the year 2030. We are now closer to 2030 than 2020. Time does fly when you're not looking. As we close in on 2027, it is important to comment again on the state of community associations.

A. Setting the Table on this Topic

The philosopher George Santayana wrote the following in 1905 which I find to be the most meaningful and profound comment about the past and future I have ever read: "Those who cannot remember the past are condemned to repeat it." After 33 plus years as a card-carrying member of the "Community Association World", I see a lot of difficulties ahead of us in our little part of the world. I do, however, see a glimmer of hope that the future of community associations can be a place of great achievement and fulfillment for all those who are part of them. It is within this context that I note the worries I have and offer suggestions for a brighter future for community associations.

B. My Worries

1. More Limited Pool of Manager and Assistant Manager Candidates

I worry about a more limited pool of candidates looking to become community association managers or assistant managers. The job is hard and relentless. There is no training out there that really prepares you for these positions. No college course is offered for this work. Burn out is a major concern as is ending up losing people early in their careers as they realize that this world does not suit them. The number of people you deal with, the frequency of those contacts, the complexity of many of the issues that you face hour by hour, the time pressures to accomplish all that is required of you, the demands for attention to the one who screams the loudest, are but a few of the reasons why community association management is not on the top of the list of desirable occupations. I could go on for a while noting the reasons that this field is not the most desirable. Yet, it can be the most rewarding as there is so much to accomplish in so many different areas (financial, administrative, maintenance insurance, etc.), that to even hit a few high notes is a reward all to itself.

2. Skill Sets of Manager and Assistant Managers

I worry about the ability of new people to handle the skills necessary to perform their jobs not only professionally, but timely and accurately. With the explosion of AI, writing skills are being challenged in a manner that we have never seen before. The reduction of patience by governing bodies of community associations and some of their members is increasing the stress level on managers and their support teams to a level that is becoming unsustainable.



esame/DigitalVision Vectors

3. Work Ethics

I worry about the ability of new people to handle the time burdens the management of community associations demands. With the demand for instant responses and resolutions, community association management has virtually become a 24-7 occupation. Younger people, people with children or elderly parents, or people with other personal matters in their lives are torn between taking care of their professional responsibilities while juggling many of these personal matters at the same time. No wonder many of them are struggling to do it all.

4. Instant Responses and Resolutions

I worry about the increased expectation of instant responses and resolutions to all that is requested or demanded. The concepts of thought and analysis seem to have disappeared and in their place is the expectation that instant decisions and responses must be conveyed. While speed and finality are desirable, it is, in many cases, unavailable and reckless to expect.

5. Failure to Adequately Fund Operating and Reserve Expenses

I worry that boards will continue to kick the bucket further down the road and fail to provide adequate funds to pay their annual operating expenses and more dangerously, fail to maintain their capital structure by not properly planning and funding for capital reserve expenses.

[Continues on page 18.]

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MANAGER'S COLUMN...from page 16.

Old roofs, roadways, decks, balconies, patios, siding, plumbing and electrical systems do not age well as fine wine does. Keeping common charges low and/or rejecting special assessments and capital improvement projects with loans is simply placing your head into the ground and never coming up to see the light. You will one day raise your head into the light and see all that has failed and the much higher bill to deal with the work that was neglected.

6. Enforcement of Association Governing Documents (Especially Rules)

I worry that boards ignore the enforcement of association governing documents, especially association rules and run the risk of losing a contest with a particular unit due to the legal doctrines of waiver and latches. No reasonable board member wants to hear the argument from a unit owner that the board is selectively enforcing a rule against that unit owner.

7. Autocratic and Rogue Boards

I worry that unit owners get onto community association boards with a personal agenda and have no interest in working together with fellow board members, managers or anyone else. I also worry about boards who act without regard to their association governing documents, to CIOA or to common sense.

C. My Suggestions

While my list of worries above fulfills my quota of "scary stories" for the theme of this issue of Common Interest, I do have some optimism that my worries can be dealt with if the following suggestions are followed:

1. We need CT University/College Courses on Community Association Management

In a country where approximately 75 million people live in community associations, no higher learning institution in CT offers a major or minor in community association management, let alone any course that relates to this field. We need these esteemed institutions of learning to wake up to the real world and offer meaningful courses as well as a major. This will increase the pool of manager candidates dramatically.

2. Work with Young Mangers and Assistant Managers on their Writing and Communication Skills

In our new world of both AI and electronic skills, it is no wonder that writing and communication skills are as weak as I have ever seen. Management companies must offer serious training in both writing and overall communications.

3. Improve Work Ethics

Management companies need to work hard to instill the doctrine of hard work and dedication while offering their managers and assistant managers a work environment that is both flexible and reasonable. The new reality as we approach the fourth decade of the 21st century is accommodation.

4. Preach Reasonable Expectations

Management companies need to work with their boards to develop reasonable expectations for responses and resolutions of all matters the community association is dealing with.

5. Boards Need to Adequately Fund Operating and Reserve Expenses

Community associations will continue to struggle in the 2030s and beyond if they do not properly budget for operating and reserve expenses. Keeping common charges low is dangerous. I fully endorse the concept of mandatory reserve studies and the requirement to act upon them. There are so many capital expenses that must be dealt with and having forced reserve studies and a requirement that they be acted upon may be the only way to keep some community associations alive.

6. Enforce Association Governing Documents Timely and Fairly

Community association boards can eliminate so many issues when it comes to the enforcement of association governing documents if they enforce them in a timely and fair fashion. Selective enforcement is a term that no one wants to hear or deal with. Community Association Managers must push their boards hard for timely and fair administration of association governing documents.

7. Boards and Board Members Must Avoid Autocratic and Rogue Actions

Board members must act in the best interests of the entire community association, not their own interests. They should never look at what helps them unless it helps everyone. Board members need to act within their authority with transparency and integrity. Finally, neither the board as an entity nor individual board members should ever act in an autocratic or rogue manner. Board members need to attend CAI-CT seminars to better understand their roles.

D. Conclusion

The intent of this article is not to scare anyone, but, instead, to warn readers that the future is on shaky ground with many matters that must be addressed. My suggestions for dealing with these matters are but a handful of suggestions that need to be considered and implemented. I hope that this article will commence a healthy conversation on the future of community associations. ■

Rich Wechter, CMCA is a Senior Vice President at Westford Real Estate Management, LLC. Rich serves as a LAC Delegate and 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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WHO'S MONEY...from page 15.

cap on "removal-related" legal spend limited to ministerial compliance; and a commitment that association letterhead will not be used to campaign.

What boards and managers should do now

While the law remains silent on the source of funds, good practice is not. Upon receipt of a petition:

- Confirm, as a clerical matter, that the signatures represent at least twenty percent of the votes. Do not launch a litigation-style investigation at common expense unless the petition is facially defective.
- Calendar the fifteen-day notice deadline. Missing it does not kill the petition; it transfers the notice power to the requesting owners and invites a claim that the association failed a statutory duty.
- Recuse every director named in the petition from votes on counsel, communications, and meeting logistics that go beyond neutrality.
- Separate personal defense from association administration. If a targeted director wants a legal opinion on strategy, that director should retain counsel privately.
- Keep the official notice dry: time, date, place, agenda item, and the statutory hearing right. Save arguments for the meeting floor or for materials the director circulates at personal expense.
- If owners must give notice themselves because the secretary did not act in time, treat reimbursement of their postage and copying as a modest cost of curing the association's default—not as a concession.

Removal is a feature of the Common Interest Ownership Act (CIOA), not a defect. C.G.S. §§ 47-250, 47-261c, and 47-261d give owners a structured, time-limited way to change course. Association money should make that process work. It should not be used to make that process fail.

Ronald Barba, Esq. is the managing partner of the law firm, Bender, Anderson & Barba, P.C. He is a frequent speaker at CAI-CT and CAI National education programs. Ron is also an member of the CT Legislative Advocacy Advisory Council.

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Avi Kosch, MBA

Why Community Associations Should Rethink Aging Pet Waste Infrastructure Before Adding Another Sign or Fine

By Avi Kosch, MBA

Pet waste is one of those community issues that can consume far more time than anyone expects. A few missed cleanups become resident complaints, management emails and board discussions. Another reminder goes out. Another sign appears. Someone proposes a larger fine. Yet, months later, the same complaints return.

When that happens repeatedly, boards should consider whether the problem is entirely about resident behavior. In many established communities, the pet waste stations being used today were installed 10, 20 or even 30 years ago. During that time, pet ownership may have increased, walking patterns may have changed, new amenities may have been added and residents may be using the property very differently than they did when those stations were first placed.

That is why I have come to believe in a simple principle: convenience over enforcement. Rules and accountability still matter, but before a community relies on punishment, it should make sure the infrastructure actually supports the behavior it expects.

Pet ownership has become a much larger part of residential property management. PetScreening's 2026 State of Pets in Rental Housing report, based on responses from 673 property managers and leasing professionals, found that 81 percent of operators reported an increase in pet ownership across their portfolios. The same survey found that pet waste stations were the most frequently cited pet amenity, offered by 45 percent of respondents, ahead of pet parks at 35 percent.

For boards, those numbers should prompt a practical question: Has the community's pet waste infrastructure kept pace with the people and pets who now use it?

Traditional pet waste stations that have lasted for years may have some limitations: bag supplies could run out too quickly; waste receptacles could fill before the next service visit; outdoor components could deteriorate; stations could be difficult to operate for someone managing a leash, waste bag or mobility limitation; and inadequate illumination for nighttime use.

One of the first things a board or manager should do is walk the property again. A pet waste station may still be exactly where it was installed decades ago, but residents may no longer walk where they did decades ago. A community may have added a clubhouse, dog park, walking trail, new entrance or expanded parking area. Landscaping may have matured and redirected foot traffic. Areas that once saw little pet activity may now be where dogs congregate most frequently.

Walking the property at the times residents actually walk their dogs can reveal problems that a site plan will never show. Which grassy areas get the most pet traffic? Where do residents leave their buildings? Which routes are used at night? Are the stations along those paths, or are residents expected to go out of their way to reach them?



Francisco Zalez/ iStock / Getty Images Plus

"Traditional pet waste stations that have lasted for years may have some limitations..."

If pet waste repeatedly appears in one area while the nearest station sits somewhere residents rarely pass, the community may not need another warning sign. It may need to move the station.

The physical condition of the station matters too. Corrosion, rust, deteriorating finishes, damaged locks, loose hinges, bent components and lids or doors that no longer function properly are signs that equipment may be nearing the end of its useful life.

Today's consumers expect common area amenities to be sanitary, accessible, durable and visually appropriate. A pet waste station should have enough capacity for the traffic it receives. It should be reasonably accessible to residents with different physical abilities. It should hold up to rain, irrigation and years of outdoor exposure, and it should not look neglected in the middle of an otherwise well maintained property. That is not an argument for replacing equipment simply because something newer exists. It is an argument for evaluating performance instead of age alone.

Associations often communicate most aggressively after a problem occurs. A violation notice goes out or residents are reminded that fines may be imposed. But communities are constantly changing. New owners arrive, renters change, guests visit and residents adopt pets. Even long time residents stop noticing signs they pass every day. That means communication should reinforce both responsibility and convenience. Reminding residents that pet waste bags and disposal stations are available throughout the community can be more effective than communicating only the penalty for failing to use them. When the association has provided the infrastructure, maintained it and regu-

larly communicated expectations, enforcement becomes more credible when it is eventually necessary.

The sanitation issue also deserves more attention than it often receives. Pet waste is not simply unsightly, and it is not useful fertilizer that should be left on a lawn to disappear. The U.S. Environmental Protection Agency has identified improperly disposed pet waste as a source of nitrogen, phosphorus, parasites and bacteria that can reach waterways. EPA stormwater guidance also explains that rainfall can carry waste left on the ground through runoff and storm sewer systems into lakes, streams and other bodies of water.

That matters in residential communities because paved surfaces, roadways, sidewalks and drainage systems are designed to move water quickly. Rain does not necessarily eliminate the problem. It can relocate it. Waste left near lawns, sidewalks or parking areas can break down and travel with runoff toward storm drains, ponds, canals and surrounding waterways.

The idea that dog waste is beneficial fertilizer is also misleading. Guidance from land grant university extension programs cautions against treating dog and cat waste like traditional manure because of sanitation concerns and the potential presence of pathogens. For boards, that changes the conversation. Cleaning up after a dog is not simply about keeping someone from stepping in something unpleasant. It is part of maintaining sanitary common areas, protecting landscaping and reducing the movement of pollutants into surrounding waterways.

When recurring pet waste complaints surface, boards should still hold residents responsible. But before adding another sign or increasing another fine, they should look at the system supporting that responsibility. Are the stations still where residents actually walk? Are there enough of them? Do they have enough bag and waste capacity? Are they clean and consistently stocked? Are they showing signs of corrosion or physical deterioration? Are they easy to use? Are they accessible? Do they still look appropriate in a modern community?

If several of those answers are no, the association may not simply have a resident enforcement problem. It may have an outdated infrastructure problem. That is what convenience over enforcement really means. It is not about lowering expectations. It is about designing the community so that meeting those expectations becomes the easiest and most practical choice.

When thoughtful placement, modern equipment, sanitation, communication and enforcement work together, boards are no longer just reacting to dog poop complaints. They are managing the issue the same way they manage every other important community asset: by adapting the infrastructure to the way people actually live today. ■

Avi Kosch, MBA, is Founder and CEO of NEXGEN DNA, Inc. and creator of PooStation, a commercial pet waste management system designed for community associations, multifamily properties, commercial environments, parks and other pet friendly spaces. He has nearly 30 years of experience developing, manufacturing and marketing products for hospitality and commercial environments. His approach to product development is grounded in a simple principle: good commercial design is not about how people are supposed to use something. It is about understanding how they actually use it. PooStation.com



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