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May 2019

Volume 6, Issue 1

The Presidents Report



Welcome back to another exciting year! Very few dull moments in community living and management, so lots of new things to learn for all of us.

In 2018 we held 3 Coffee Talks that had great turn out at each of them! Topics ranged from Roofing, Amending Documents to Association mailings. We had awesome speakers for each of these including, Virginia Building Services, Steve Moriarty and Mike May! We held our annual Board Training Class in Blacksburg at Townside Property Management in October and it was a huge success!

Our 2018 Annual Meeting Luncheon and Business Summit was held on Friday, Nov 30th. We wrapped up the year and gave out awards and celebrated the progress we have made in providing learning and social opportunities.

Our goals for 2019 involve increasing membership in our organization and offering creative learning opportunities. We hope this will result in better functioning boards, improved communication, better educated, more professional managers with more understanding of how to help associations get to where they want to go as efficiently as possible.

We kicked off our 2019 learning season with a Coffee talk covering Disclosure Packets with Chrissy Greene and Treena Gibson-White.

In May we will follow up with Steve Moriarty talking about best practices for drafting contracts and the best ways of enforcing them. Directly following this coffee talk Steve is wonderful enough to be our speaker for the Manager Training class!

Our summer season will hold new things this year including a Wine Tasting at Valhalla Vineyards in Roanoke, several coffee talks and don't forget about the Virginia Leadership Retreat in July!

Thanks to all our sponsors for supporting our activities. Thanks to our board for all their hard work to put together these plans, and thank you for the opportunity to serve as your president for 2019

On behalf of the Board of Directors of the Southwest Virginia Chapter of CAI, we thank you for your continued support and involvement in this organization and look forward to a successful 2019 together.

Sincerely,

*John Byers, CMCA, AMS
 President; Southwest Virginia Chapter of CAI*

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September 2019 Newsletter

The deadline for the submission of advertising, articles, announcements or other newsletter content for the September 2019 newsletter is August 31, 2019. Additional information in the Newsletter Content Policy on page 14.

**UPCOMING
EVENTS**

MARK YOUR CALENDARS

May 2019

Coffee Talk with Steve Moriarty
ABC's of Contracting
9:30 am—11:30 am

Wednesday, May 15, 2019

South County Library
Roanoke, VA

RSVP REQUIRED

May 2019

Manager Training
CICB Approved FHA & Law Class
1:00 pm—5:00 pm

Wednesday, May 15, 2019

South County Library
Roanoke, VA

RSVP REQUIRED

July 2019

Virginia Leadership Retreat
July 25-July 28

Omni Homestead Resort
Hot Springs, VA

RSVP REQUIRED

August 2019

Wine Tasting Social
4:00 pm—7:00pm

Thursday, August 22, 2019

Valhalla Vineyards
Roanoke, VA

RSVP REQUIRED

August 2019

Coffee Talk with David Herring
Shaping your Reserve Study with DMA
9:30 am—11:30 am

Friday, August 23, 2019

South County Library
Roanoke, VA

RSVP REQUIRED

September 2019

Coffee Talk with Gary Beveridge & Peter Miller
Reserving for Your Community's Future & Protecting for Catastrophic Losses
9:00 am—11:30 am

Tuesday, September 17, 2019
South County Library
Roanoke, VA

RSVP REQUIRED

2019 Committees

Annual Meeting & Business Summit Committee:

Treana Gibson-White
Chrissy Greene

Continuing Education Committee:

Treana Gibson-White

Legislative Action Committee (LAC):

Jerry Wright

Membership Committee:

Treana Gibson-White
Chrissy Greene

What does a community association manager do?

by Laura Otto

Community associations today employ highly-qualified professional community association managers, and we think residents should know what the manager has—and has not—been hired to do. Some residents expect the manager to perform certain tasks that just aren't part of the job. When the manager doesn't meet those expectations, residents are unhappy. In short, the manager has two primary responsibilities: Carry out policies set by the board and manage the association's daily operations. In practice, what does that mean for some common resident questions and concerns?

- ⇒ **The manager is trained to deal with conflict, but he or she typically will not get involved in quarrels you might be having with your neighbor.** However, if association rules are being violated, the manager is the right person to notify.
- ⇒ **While the manager works closely with the board, he or she is an advisor—not a member of the board.** Also, the manager is not your advocate with or conduit to the board. If you have a concern, send a letter or e-mail directly to the board.
- ⇒ **Although the manager works for the board, he or she is available to residents.** That doesn't mean the manager will drop everything to take your call. If you need to see the manager, call and arrange a meeting.
- ⇒ **The manager is always happy to answer questions, but he or she is not the information officer.** For routine inquiries, like the date of the next meeting, read the newsletter or check the association website or bulletin board.
- ⇒ **The manager is responsible for monitoring contractors' performance but not supervising them.** Contractors are responsible for supervising their own personnel. If you have a problem with a contractor, notify the manager, who will forward your concerns to the board. The board will decide how to proceed under the terms of the contract.
- ⇒ **The manager inspects the community regularly but even an experienced manager won't catch everything.** Your help is essential. If you know about a potential maintenance issue, report it to the manager.
- ⇒ **The manager does not set policy.** If you disagree with a policy or rule, you'll get better results sending a letter or e-mail to the board than arguing with the manager.
- ⇒ **The manager has a broad range of expertise, but he or she is not a consultant to the residents.** Neither is he or she typically an engineer, architect, attorney, or accountant. The manager may offer opinions but don't expect technical advice in areas where he or she is not qualified.
- ⇒ **Although the manager is a great resource to the association, he or she is not available 24 hours per day—except for emergencies.** Getting locked out of your home may be an emergency to you, but it isn't an association emergency. An association emergency is defined as a threat to life or property.



2018 Board Training



2018 Business Summit

Annual Meeting

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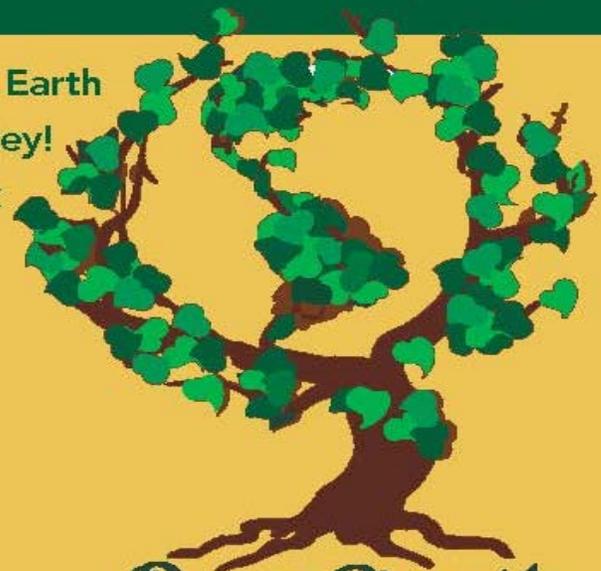
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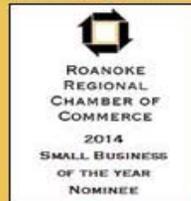
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Thieves in the Waste Basket



Most—but not all—identity theft now occurs electronically. But your identity can still be easily scored by thieves who make use of what you toss in your waste basket, too.

Trash facilities and recycling centers can be gold mines of personal information for enterprising dumpster divers. That is, unless you shred documents that contain identifying information—charge receipts, credit applications, insurance forms, physician statements, canceled checks and bank statements and even expired charge cards.

Beware also of those bothersome credit offers you get in the mail and toss unopened into the trash—particularly the pre-approved variety. Clever scammers complete these blank applications, obtain a credit card in your name, charge it to the limit and close the account before you receive the first billing statement. To protect yourself, all you have to do is tear the unopened envelop in half once or twice before tossing it in the waste basket.

Better yet, you can eliminate these prescreened credit offers from your mailbox by calling 1-888-5-OPT-OUT (1-888-567-8688) to opt out. You'll be asked to provide your Social Security number so the consumer reporting companies can match you with your file.

Also, deposit your outgoing mail containing personally identifying information in post office collection boxes or at your local post office, rather than in an unsecured mailbox. Promptly remove mail from your mailbox. If you're planning to be away from home and can't pick up your mail, contact the U.S. Postal Service at 1-800-275-8777 or online at www.usps.gov to request a vacation hold. The Postal Service will hold your mail at your local post office until you can pick it up or are home to receive it.

The Federal Trade Commission has more information on identity theft and prevention tips at www.ftc.gov/bcp/edu/microsites/idtheft/.

Coffee Talk with Steve Moriarty

Join the Southwest Virginia Chapter of CAI for a coffee talk on the ABC's of Contracting

Register on CAISWVA.COM!

WHEN?

Wednesday, May 15, 2019

WHERE?

South County Library

6303 Merriman Road

Roanoke, VA 24018

COST?

FREE!

Event Sponsored By:



Misconceptions About Property Values

Like almost every community in the country, our association is feeling the pinch in the housing market. We'd like to dispel a few common misconceptions about what contributes to the rise and fall of property values.

Assessments are too high

False. Actually, assessments have nothing to do with property values, and high assessments will not turn off potential buyers—if they're educated buyers. Our assessment may be higher—or lower—than a neighboring community depending on many factors. Are we providing more services? Is our property older? What utilities are included in the assessment or do we have more homes?

The more important question is what value are residents getting for their money? To answer that question, the association mails a detailed budget with line-item documentation to all owners and makes it available to potential buyers. A low assessment should be as much a red flag as one that appears too high.

We have too many renters

False. Lenders are required to charge higher rates for loans or deny a loan for homes in associations with renter-owner ratios that exceed a certain percentage. But that doesn't mean renters affect property values. Our association board sees renters as owners-in-training who aren't ready to purchase their homes yet. In fact, renters have all the same rights to enjoy our community as owners—except voting or holding office. We welcome renters, encourage them to participate in association activities and hope they will eventually buy a home in our community.

Community living is carefree

True *and* false. Association living is *maintenance* free—leaving maintenance decisions to a board—but not entirely carefree. Residents need to care about their community and recognize that common-interest living involves service and commitment. Good maintenance increases curb appeal which helps sales and may help property values. However, without committed residents to serve on the board and in other positions, maintenance and curb appeal are quick to suffer.

Architectural and aesthetic uniformity are necessary to protect property values

False. The board's objective is to maintain standards rather than ensure uniformity. Yes, *some* uniformity is good, but the board believes there is room for individual expression—as long as aesthetic standards are met.

Property values are based largely on comparative values of homes throughout our community. However, we can ensure that our values are at peak levels by assessing adequate fees to maintain our community now and for years to come, by ensuring all residents are involved and engaged in the community and care about the association and by maintaining high aesthetic appeal.

HUD Says You Are Your Neighbor's Keeper

By Wil Washington

Not so long ago, community associations safely viewed disputes between neighbors as neighbor-to-neighbor disputes that did not involve the association. Associations would typically direct the combatants to work it out among themselves. The disputes were rarely viewed as violations of the association's covenants. Even if they were seen as such, given the difficulty in proving nuisances and the associated cost of prosecuting such claims, many associations did not see the effort as being worthwhile.

Associations are particularly ill-equipped to act as law enforcement officers. Accordingly, victims of bad neighbors were frequently on their own. Rules violation hearings over disputes between neighbors are often tedious, unseemly and difficult to officiate. In many cases it is difficult to determine who is to blame. For many years there was little for an association to fear from ignoring or shelving participation in neighbor-to-neighbor disputes. However, things are not what they used to be.

Most associations' governing documents are drafted such that they contain clauses that provide that nuisances or unlawful conduct are prohibited. Most governing documents are also drafted such that they authorize the association, through its Board of Directors, to enforce the covenants through the levying of fines, charges, suspension of privileges and prosecution through the courts. Documents have traditionally been drafted to this way to enable an association to protect residents from obnoxious behavior in order to facilitate the peaceful enjoyment of their homes. However, over the years, in practice, many associations find the determination of what constitutes a nuisance too difficult to adjudicate and leave the disputing neighbors to sort out the problems between themselves or the police. However, when a person's civil rights are involved, HUD believes associations should do more.

HUD recently decided to make it clear that community associations and management agents have an affirmative duty to protect residents from fair housing violations where they have authority to do so. 24 C.F.R. § 100.7 was added to make it clear that associations and managers are liable for their own discriminatory conduct as well as that of their employees, directors, committee members and agents even if they didn't actually know about the unlawful discriminatory conduct. HUD's regulations also explicitly make associations liable if they fail to take prompt action to correct and end discrimination by a third-party (i.e., a resident) where the association knew or should have known of the discrimination and had the power to correct it. HUD has therefore declared that if an association has authority to take action against a person who is engaged in unlawful discriminatory conduct under their governing documents or applicable laws governing the association, it has a duty to exercise that authority on behalf of the aggrieved resident. Failure to do so

now formally constitutes a violation of that person's civil rights under the Fair Housing Act. Moreover, landlords, community associations and their managers now have an affirmative duty to investigate civil rights violations within their purview to determine whether they need to engage on behalf of complainants rather than dismissing complaints as simple neighbor-to-neighbor disputes.

Although HUD has increased the exposure of landlords and community associations with 24 C.F.R. § 100.7, it has at least provided greater clarity concerning what constitutes actionable harassment and quid pro quo violations of the FHAA through 24 C.F.R. § 100.6. That regulation says that quid pro quo harassment refers to an unwelcome request or demand to engage in conduct where submission to the request or demand, either explicitly or implicitly, is made a condition related to housing involving a protected class. Hostile housing environment harassment refers to unwelcome conduct that is sufficiently severe or pervasive as to interfere with housing involving a protected class.

The trend in fair housing law and the recent rules adopted by HUD make it clear that HUD intends for associations and their managers to take a more proactive role in protecting the civil rights of residents of their communities. Associations should know about the increased responsibilities imposed by HUD concerning neighbor-to-neighbor disputes and improper conduct by board and committee members, especially those involving protected classes.

Wil Washington is a principal and founding member the law firm of Chadwick, Washington, Moriarty, Elmore & Bunn, P.C. He is a past president of the Washington Metropolitan Chapter of the Community Associations Institute and a member of the College of Community Association Lawyers.



VIRGINIA TECH: CAI TEACHING THE NEXT GENERATION OF COMMUNITY ASSOCIATION MANAGERS

In April, Treena Gibson-White, CMCA, AMS, PCAM, served as a guest lecturer at Virginia Tech. Gibson-White, a long-time member of Community Associations Institute (CAI) and founding member and leader of the CAI Southeast Virginia Chapter, taught the fundamentals of the community association housing model and shared the exciting career opportunities in community association management.

Additionally, Andrew Elmore, Esq., CCAL, an attorney from Richmond, was a guest lecturer sharing the legal framework of the community association housing model.

For nearly a decade, CAI has proudly served on the Advisory Board for the Virginia Polytechnic Institute and State University (Virginia Tech). Over the years, the CAI Professional Management Development Course curriculum has been offered to students pursuing a degree in residential property management.

Having local leaders and industry experts like Gibson-White and Elmore share their wealth of experience regarding the community association housing model is indeed a special opportunity for Virginia Tech students.

“We are very pleased to be associated with Virginia Tech and optimistic that our community association management curriculum and resources have and will continue to have a positive impact on the Virginia Tech Residential Property Management Program,” says CAI Chief Executive Officer Thomas M. Skiba, CAE. “The program remains at the forefront of the field and continues to educate tomorrow’s top community managers. With this partnership, Virginia Tech is helping to shape the future of residential management. CAI is truly grateful for the opportunity to be involved.”

Additionally, CAI is honored to have its community association management curriculum offered at Lackawanna College in Pennsylvania, as well as Montclair State University and Mercer Community College, both in New Jersey.

Dawn M. Bauman, CAE
SVP, Government & Public Affairs



The Future Is Here: A Technological Break-Through in Sustainable Lake & Pond Management

Written by Industry Expert Bo Burns, Biologist & Market Development Manager at SOLitude Lake Management



Algae: it comes in many forms and colors. It's slimy, stinky and can ruin the beauty and function of your community lakes and ponds. It's also one of the oldest known organisms on this planet, which might explain its knack for survival, even under the toughest conditions. Over time, HOAs and property management companies have learned to pick sides when it comes to the safe eradication of stubborn and harmful algal blooms—some in favor of natural management techniques; others in support of applying EPA-registered algaecides to ensure the job gets done. But this year, a new game changing technology will make the management of stubborn algae blooms a no-brainer with more long-lasting results that are beneficial for the environment.

Nanobubble aeration is a premium innovative technology designed to exceed the capabilities of traditional lake and pond aeration systems by providing up to 79,000x more oxygen! Put simply, nanobubbles are like traditional aeration systems on steroids. Produced by compact on-shore generators, these ultra-fine bubbles are completely invisible to the eye and about 1 million times smaller than ordinary bubbles. As a result of their tiny size, nanobubbles have no natural buoyancy and do not rise to the surface of the water and burst like you might expect. Amazingly, they remain within the water column for up to 2-3 months, providing unparalleled oxygenation to struggling lakes and stormwater ponds in your community.

The benefits of a continuously oxygenated lake or pond are enormous. First, oxygen is a key player in the battle against undesirable nutrients by facilitating the conversion of phosphorus to forms that do not sustain algae development. Excess nutrients can easily enter community lakes and ponds in the form of grass clippings, lawn fertilizers, trash, and droppings from dogs, geese and other wildlife. The presence of oxygen also helps to balance pH and other related water quality parameters that encourage the growth of fish, native organisms and beneficial phytoplankton – rather than detrimental bacteria like E. Coli, and cyanobacteria species that can be toxic to humans and wildlife and are believed to contribute to degenerative diseases like ALS, Alzheimer's and Parkinson's.

Another amazing benefit of nanobubbles? In addition to engulfing an entire aquatic ecosystem in concentrated oxygen, nanobubbles are negatively charged and, therefore, attracted to positively charged organic matter in the water column. When they connect with positively charged metals and pollutants, including dangerous cyanobacteria toxins, nanobubbles cause them to implode(!), holistically cleansing the waterbody from the inside out.

This innovative water quality solution did not just appear overnight. Nanobubbles have been used in the medical field, the oil and gas business, food preparation areas, and even the beauty industry for purification purposes. However, SOLitude Lake Management is the first environmental firm to advance this technology for large-scale freshwater management applications through continuous research and development with select manufacturers and regulatory

Through many promising tests and trials, we've learned some exciting things: Property owners who utilize nanobubbles can expect to significantly reduce and even eliminate reliance on traditional algaecides. Nanobubbles have no negative impacts on fish and wildlife when monitoring and managing dissolved oxygen levels—in fact, research suggests nanobubbles help make fish more active, leading to better fishing and recreation. Nanobubbles help strengthen the health and longevity of the entire food chain, starting from the smallest beneficial organisms in your pond and ending with your family.

Nanobubble aeration isn't just a quick fix or band-aid; it's a custom, data-driven solution rooted in years of scientific study and first-hand monitoring experience. The technology doesn't necessarily replace regular proactive management strategies, but it is truly one of the missing pieces to the puzzle of sustainable freshwater management. Used in conjunction with traditional tools like floating fountains, buffer management, mechanical hydro-raking and regular lake and pond inspections, nanobubbles can help keep your water resources healthier and prettier for much longer periods of time, while eliminating nuisance algae and dangerous cyanotoxins before they begin causing problems.

Nanobubble aeration is poised to transform the entire way we approach the management of lakes and ponds and will be an invaluable tool as urban development and undesirable nutrient loading continue to increase. We're excited to shepherd this new technology in to the freshwater management realm and look forward to further enhancing water quality in your community and throughout the world.



Bo Burns is a Market Development Manager at SOLitude Lake Management, an industry-leading environmental firm. He specializes in the research and development of new technologies using more than 30 years of industry experience along with a Master of Environmental Management degree in Resource and Wetland Ecology from Duke University. This article is the first in a series featuring new break-through technologies that will revolutionize the management of lakes, stormwater ponds, wetlands and fisheries in 2019. Learn more at www.solitudelakemanagement.com/knowledge

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Even with proactive management, all stormwater ponds will eventually become impaired due to accumulated sediment from excessive nutrients and runoff. Dredging is an option, but is often the largest single expenditure a community will face. So, when the time does come to remove sediment from your lake or pond, consider hydro-raking as an effective, environmentally-friendly and economical alternative.

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All submissions of announcements for publication in the SWVA CAI Chapter *Community Matters* newsletter are subject to the following guidelines:

- All subject matter must be related to industry related news such as education, certification, promotions, employment changes, Chapter related news, other important or unusual event news, member related news or similar.
- Announcements are only accepted by CAI affiliated community association volunteer leaders, managers, business partners and other industry related sources.
- Each announcement should not exceed 60 words.
- Announcements are to be submitted by the deadlines set for article submissions.
- Anonymous, second-hand or forwarded announcements will not be published.
- Publications are subject to space availability.
- SWVA CAI reserves the right to edit announcements.
- Announcements of activities must be within the past 3 months in order to be published.
- The views of authors expressed in articles appearing in the SWVA CAI *Community Matters* newsletter do not necessarily reflect the views of CAI.
- CAI assumes no responsibility for the statements and opinions of the contributors to this publication.
- The publisher is not engaged in rendering legal, accounting or other professional services.
- An acceptance of advertising does not constitute endorsement of the products or services offered.
- We reserve the right to reject any advertising copy.
- Submissions of articles and announcements are welcomed with the understanding that such material is subject to editing for content and for space limitations.
- References to a website, email addresses, telephone numbers, and similar may only be included in advertisements.

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CAI—SOUTHWEST VIRGINIA CHAPTER 2019 BOARD OF DIRECTORS

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