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# COMMON

I N T E R E S T S

## TECHNOLOGY & Your Association

INSIDE:

**Scams in Cyberspace**  
**Clearing the Web**  
**Denver's Green Building Ordinance**  
**Protecting Electronic Records**  
**HOAs and Solar**  
**And More!**



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# COMMON INTERESTS

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# President's Letter




**DAVID GRAF**  
Chapter President  
CAI-RMC

**T**he pools are closed and summer is becoming a distant memory. The CAI Mountain Conference in September was one more sign that fall is upon us. This year's Mountain Conference was another success and the educational classes were very well received. I give thanks to the Mountain Conference Committee for such a great event. As you may know we no longer hold a Fall Conference so the Mountain Conference served as the annual meeting. Elected to the Board of Directors for the Rocky Mountain Chapter

were Homeowner Leaders Dr. Patricia ("Pat") Book and Ashley Mayer, Business Partner Loura Sanchez, and Manager Kimm Hudson. We are thrilled to have them on the Board of Directors and I will take this opportunity to thank them in advance for the many contributions that they will undoubtedly make as volunteers for the Chapter.

In September, I attended the third DORA stakeholder meeting as part of the ongoing public comment and review period that DORA

conducted as part of their thorough review of the state of the community association situation here in Colorado. There were a variety of viewpoints espoused at the hearing, and what came to my mind immediately was Dr. Stephen Covey's Fifth Habit: "Seek First to Understand, Then to Be Understood." All Seven Habits are explained in detail on the Franklin Covey website, located at [www.franklincovey.com/the-7-habits.html](http://www.franklincovey.com/the-7-habits.html) The Fifth Habit is particularly relevant for anyone who has to deal with other people, which means pretty much everyone on earth. The point is to not listen with the intent to reply but to listen with the intent to understand what the other person is saying. People with opposing viewpoints, perhaps (in our minds) lacking a complete set of facts and/or with their judgment clouded by anger might be easy to dismiss for any number of reasons. However, doing so denies us the opportunity to reevaluate our own beliefs and understandings, it limits the benefit of a civil public discourse, and it denies the other party the opportunity to be listened to and, more importantly, heard. So I will ask that you join me in my continuing effort to learn to listen to others deeply and without judgment so that all parties to the conversation can first "understand before being understood." 



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Deadline: First of each month for the following month's issue.  
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## Ashley Mayer



**Position(s) Held:** HOA Board President

**Association:** Gold Peak HOA

**Association Size:** 259 Units

**Things our community is especially proud of:**

- Started a weekly community newsletter (Monday Mail) in October 2017, which is sent via email every Monday Morning at 5:00am regarding Board information and projects, community events, and information announcements.
- Transformed all of the old forms that residents need to send in (rentals, work orders, parking, ARC, leasing, and many more) and made them “paperless” – all are now online and residents are able to send all requests through the HOA website to various recipients.
- Received State and DORA approval to teach a one-hour class for the 2019 CAI Education Summit for Community Manager continuing education credits called Unity in the Community.
- As Board President, wrote an RFP for the HOA Board of Directors to search and select a new management company; spearheaded the process from walk-throughs, interviews, and final selection to the end result of facilitating a Community Luncheon for all residents to meet the new company. Explained the process to the Community and held a Q&A with new management; Designed a Board of Directors Priority Task List that is updated with all accomplishments throughout the year and then distributed at the Annual Meeting for HOA members to see the progress within the Community. ⬆

If you're interested in sharing your community's achievements or spotlighting a homeowner leader, please email [bridget@caddo-leadership.com](mailto:bridget@caddo-leadership.com). We'd love to hear from you. You may also nominate a homeowner leader by filling out the questions referenced above.



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# Homeowner Leader



**Q: I have asked to inspect records of my association multiple times. When I do, I'm met with this utter exasperation as if my request is the end of the world and I'm a huge pain in the rear. I know it's within my right to inspect records and I go about it the right way. Why then would the manager and the board of directors do everything they can to make it difficult? Are they afraid I'll find something out? I have to make a formal request (which seems silly in the first place) and then we have to schedule a time and a place and someone has to watch me. Shouldn't records be readily available and easy to access? Why the hassle?**



**A:** As an owner you have the right to inspect association records. However, what constitutes association records is specifically defined by state statute and in some cases by the governing documents, so not everything you request may be a record that is available for review. Often times managers and the board of directors will have to reach out to the association's attorney to determine what are association records and what can be turned over to an owner. Because the association is in possession of information regarding owners that is personal and sometimes private, it may seem like a manager or the board of directors is being difficult, when in fact they are simply making sure they follow the law and protect the privacy of individual homeowners. If an owner is requesting something simple like a copy of the Declaration or the Rules and Regulations then the manager should easily be able to make those documents available. However, if an owner wants to know if other owners have received fines or are delinquent, these are records that state statute specifically allow the association to withhold. While we know it can be annoying or not as convenient to have to schedule a time and place to look at the documents, the association is simply following the state statutes and making sure that the association is protecting the information of all homeowners in a consistent manner.



**Q: We just hired a new management company and I want to make sure that we're not going to fall into the same situation that we did with our last. As a board of directors, are we supposed to be "hands on" or do we simply back off and let the manager handle everything? We like to know what's going and we've been told that we micromanage too much. For me, I love the community which is why I'm on the board. I don't think that asking for summaries and follow-up is too much. It seems like we simply don't know how much we should ultimately trust our manager. I don't want to end up with things falling apart or not being done because we didn't want to annoy our manager or management company.**



**A:** First of all, thanks for your service on your community association board. As you know, being on a community association board is a lot of work (even with the assistance of professionals working with your community) and to volunteer your time to ensure that your community is prosperous can sometimes feel overwhelming. The short answer to your question is that while a qualified and experienced professional manager can certainly go a long way to guide a board of directors, his/her job is not to handle everything for the association.

You may have heard that the board operates in a fiduciary capacity for the homeowners, and as such, has a fiduciary duty. This simply means that the board has an ethical and legal obligation to make decisions in the best interests of the entire association. And in doing so, the board has an obligation to be "hands on." You have the obligation, as a board member, to protect the association's assets, budget responsibly, plan for the future, invest wisely, etc. And while you may have a community association manager that can aid the board in furtherance of these obligations, the board is ultimately responsible for the oversight of association operations. The manager works closely with the board – as an advisor – not a board member or decision maker.

So don't be afraid to run your business (because the association is a non-profit corporation!) accordingly. You have the right to request summaries and follow-up about community business – your board shouldn't feel like pests in doing so!

\*Please note that the answers above are not meant to replace legal advice, rather, they are a general opinion from an attorney in response to a general question. ⬆

## CAI Social Media Roundup

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# Give Me Your Money

## Avoiding Scams in Cyberspace



Clint Larson  
303tech

A few months ago, we received a call from a client about some missing emails. Upon investigation those missing emails turned out to be much more than that.

Several weeks prior, some of this company's email accounts were compromised. Not just one, or two, but as many as five accounts. The hackers gained access through a simple email request to verify the email credentials, and then they waited patiently for their opportunity. They had access to the

CEO, CFO, AR, Executive Assistant, and the Help Desk. The hackers waited, going through email accounts, learning how the company operated, and with whom.

One day, the CEO received a call from one of their clients explaining that they were pulling the money together and he would have it by the end of the week. The CEO, confused, started inquiring about what he was talking about. For the last week, the customer had been receiving emails from the CEO, CFO, and AR about multiple outstanding invoices. These emails started out kind enough, but soon turned very demanding. The emails were requesting hour by hour progress on the payment which needed to be wired into the account immediately. The sum: \$1,845,000. The exact amount of the outstanding balance.

0100  
101  
01  
1

## Would you know how to spot it? Would you know what to do?

There are hundreds of scams in cyberspace.

- Wire Fraud
- Romance Scams
- Payroll Diversion
- Company Impersonation
- Business Identity Theft
- Ransomware
- Phishing
- Tax/W-2 Fraud
- Pet Scams

That's just the tip of the iceberg.

**“It is one thing to steal the identity of a person, but what happens when they steal the identity of an entire company?”**

The real estate industry lost over \$18 million in October of 2017. That is just the real estate industry, and in a single month. We are a part of that industry.

### What can you do?


Follow some simple rules about emails:

1. Are you expecting this email?
2. Is this the type of email this person would typically send you?
3. Is there a call for immediate action (click a link or open attachment)?

These three things may seem simple enough! If you follow them you are going to save yourself, your company, and your clients a lot of headaches.

Other items such as; email addresses being misspelled, improper grammar, special characters like ere or y, and learning to hover over a link to see where it is actually going to take you. All of these things will help prevent these malicious attacks.

### What to do if you are a victim.

1. Change all of your passwords.
2. Contact your Bank/Financial institution and put a fraud alert on your accounts
3. Contact [ReportWireFraud@state.co.us](mailto:ReportWireFraud@state.co.us) [ReportWireFraud.com](http://ReportWireFraud.com)
  - a. Be prepared with email requesting funds w/wiring instructions
  - b. Email Headers (IT people can get that)
  - c. Also report this to [IC3.gov](http://IC3.gov) 

*If you need any further information, please contact CBI or 303tech.*

Fortunately, that client was able to pull back the transfer before any money was lost.

Hackers have easy, affordable access to more and more sophisticated systems. They are no longer just sending out an email campaign in hopes of someone clicking on it. It is one thing to steal the identity of a person, but what happens when they steal the identity of an entire company? This is easier than you think. Once they have access to the emails, they can setup phone systems, start making calls, and request money be directed to anywhere they desire.

What if this was a title company looking for a mortgage payoff? What if this was a request from a management company looking to transfer the reserves to a new management company? What if this was a vendor looking for a deposit before work could begin?

# Clearing



# the Web



**Daniel Brannigan**  
CEO Insights

**A**ssociation websites can be a tremendously valuable portal for management companies that want to provide 24-hour communication with owners. A strong association website allows management to communicate with association residents, prospective buyers, service providers, employees, media and the public. An effective website can disseminate important information to each group in one complete package that can be updated as necessary.

“Websites allow management companies and associations to be accessible on the resident’s timeframe. So often, people in communities are volunteers so they tend to do things ‘off hours,’” says Susan Sanders, Vice President of AtHomeNet, an Internet development and hosting company.

Many management company and association websites list community descriptions, contact information, and some might even have community documents posted, but Sanders says most aren’t taking advantage of the available technology.

“Management companies and associations need to use technology to their advantage. Automate as many tasks as possible; only use human resources where they can truly have an impact,” says Sanders.

Including services such as online payments, amenity reservations, and even a frequently asked questions section can significantly increase management efficiency. Every question answered or service available to residents on a website is one less task that a manager needs to address.

Drew Regitz, president and co-founder of AssociationVoice, also an Internet development and hosting company, explains that websites need to have useful and useable information.

“It’s not necessarily if you build it they will come. It’s not the ‘Field of Dreams,’ so to speak,” says Regitz. “You’ve got one chance to make an impact with your site. First impressions count. If you don’t have useful and usable information, they won’t return.”

Some of that useful and useable information includes a calendar of events, an online survey, a chat room for residents, an intranet component—so employees and associations can communicate and share on their own site—and vendor portals where request-for-proposals can be posted and vendors can respond directly.

Several service providers specialize in creating and maintaining websites specifically for community associations or management companies. Cost typically depends on the size of the site and the features involved.

Some services even help place your site high in search engines queries. However, once you get visitors there, you’ll want the features to keep them coming back. 🏠

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*Daniel Brannigan is editor of CEO Insights.*

**“Management companies and associations need to use technology to their advantage. Automate as many tasks as possible; only use human resources where they can truly have an impact.”**

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# Membership Recruitment Contest

*Dream Big*

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CAI membership is a great source of information, education, tools, and opportunities for community managers, management companies, board members and other homeowner volunteer leaders, as well as business partners. Current members benefit from expanding membership, which brings new people, ideas, and experiences to this great organization. To make the benefit of membership expansion even better to current members, CAI-RMC is holding a recruitment contest with great prizes! Please review these rules, get your recruitment face on, and good luck! See official rules.



# Recruiting Tips for CAI Members

While some people were born to recruit, others might need a bit of help figuring out how to convince potential members to join. Fortunately, CAI membership is an easy sale. With unlimited information, education, tools and opportunities available to all members, CAI can be an invaluable resource. The trick is to demonstrate that value.

Here are a few tips to help you rack up your recruitment rate:

- Visit the Member Benefits section of the website, review the benefits available to each member type and share the information (and links) on the appropriate pages. You can recruit:
  - Community managers
  - Association management companies
  - Board members and other homeowner volunteer leaders
  - Product and service providers (CAI Business Partners)
- Share your own experiences about how CAI has helped you, your association, your career or your business.
- Pass along a recent issue of CAI's award-winning magazine, *Common Ground*.™
- Forward a CAI newsletter.
- Recommend a publication from CAI Press, the online bookstore.
- Convey the importance of CAI's state and national advocacy program.
- Share information about the Professional Management Development Program.
- Share information about Board Member Basics.
- Bring a member prospect to a chapter or national CAI event.
- Convey the personal and professional benefits of networking.
- Refer a colleague to one of CAI's webinars.
- Direct prospective members to CAI's website.
- Encourage a prospective member to visit CAI's National Service Directory—an excellent resource for finding local service providers—and the Directory of Credentialed Professionals.
- Tell them about members-only benefits like:
  - The 3,000-plus document Research Library.
  - The national Message Board.
  - 40 percent member discounts on all books.
  - Member rates on all national and chapter events.
  - Member discount programs.

**Good luck!**

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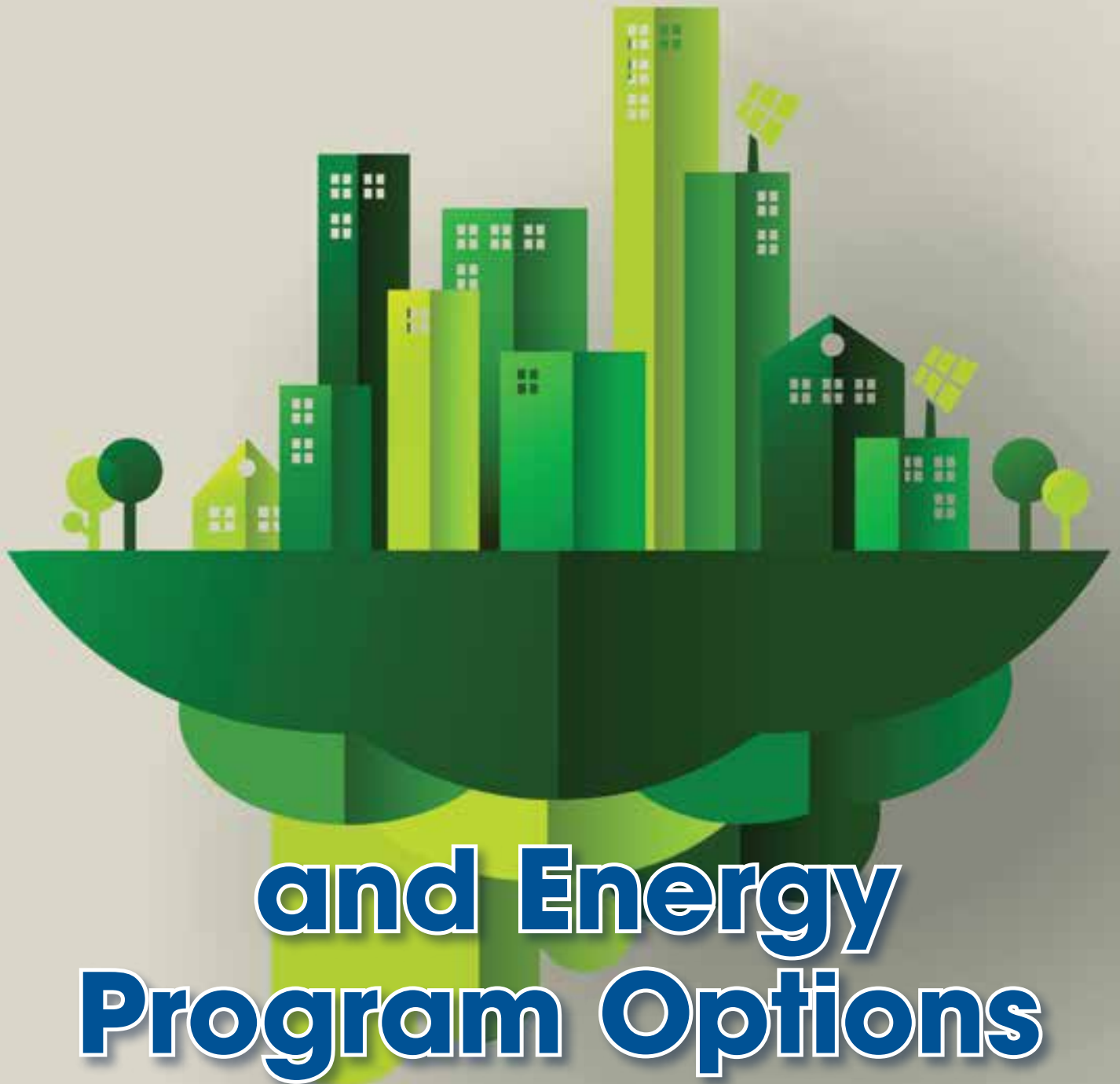
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# Denver's Green Buildings Ordinance



## and Energy Program Options

## Green Buildings Ordinance Options for Existing Buildings



**Amber Wood**  
City & County  
of Denver

**D**enver's Green Buildings Ordinance developed from the citizen-led Green Roof Ordinance that provides flexible compliance options while honoring the original vote. The Ordinance requires all existing buildings over 25,000 square feet to install a cool roof at roof replacement and choose one of five compliance paths including green roof/space, pay for off-site green, solar, certification, and the Energy Program.

The Energy Program is one compliance path for existing buildings and includes flexible energy efficiency and renewable

energy options. The program allows a building to take advantage of recent energy improvement projects and have up to 5 years to comply with the Ordinance after enrolling in the Energy Program. The Energy Program helps owners and managers lower energy expenses, increase building valuation, and there are many benefits from living in an energy efficient residence.

Owners and managers can enroll a building in the Energy Program prior to or at the time of roof replacement. To enroll early in the Energy Program, you simply need to complete an online form. You can submit your early enrollment Energy Program

Form online here. Enrollment applies to a building for 20 years or through one roof replacement, whichever is longer.

Enroll before it's time for a roof replacement so that your building can:

- Get credit for recent energy-efficient improvements (up to 5 years prior to enrollment).
- Get ongoing credit for energy-efficient improvements (before replacing the roof).

Your building may already meet the energy savings needed! Look-up your building on the Energize Denver Benchmarking Map to determine if the building complies with the Energy Program. Your building already complies if:

- It has an Energy Star score of 85 or greater.
- The annual weather adjusted Energy Use Intensity (EUI) has improved by 10% or 15% (based on building size) compared to previous reporting years.

Annual reporting is required for each option in the Energy Program via the building's annual energy benchmarking report sent to the city via ENERGY STAR Portfolio Manager. Full details are available on the Energy Program's website. You can also contact us via email at [energyprogram@denvergov.org](mailto:energyprogram@denvergov.org) or give us a call at 720-865-5451!

*Amber Wood, City & County of Denver Energy Program Administrator*



2018–2019 National and State

# statistical review

FOR COMMUNITY ASSOCIATION DATA



## U.S. community associations, housing units, and residents

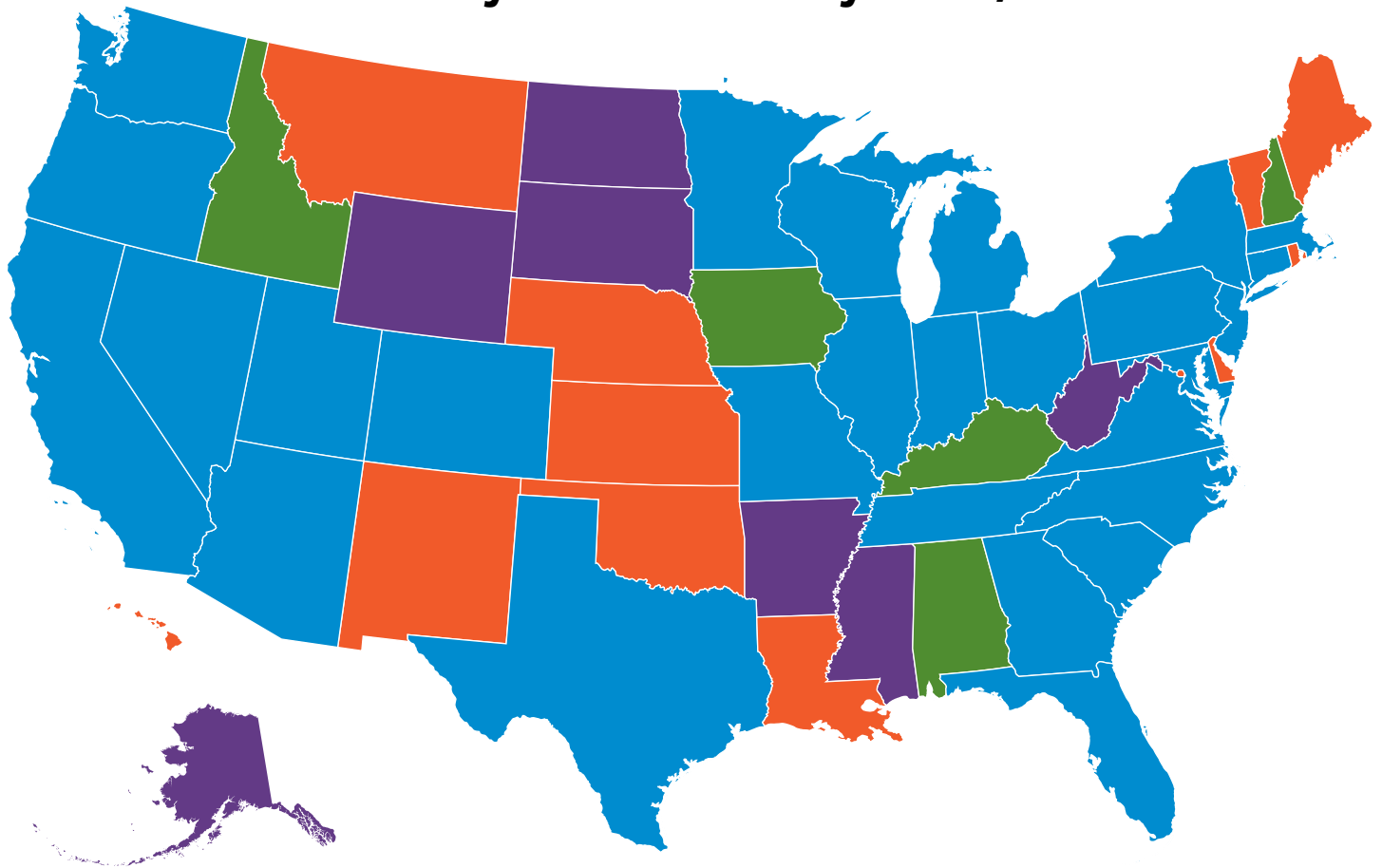
Year	Communities	Housing Units	Residents
1970	10,000	.7 million	2.1 million
1980	36,000	3.6	9.6
1990	130,000	11.6	29.6
2000	222,500	17.8	45.2
2002	240,000	19.2	48.0
2004	260,000	20.8	51.8
2006	286,000	23.1	57.0
2008	300,800	24.1	59.5
2010	311,600	24.8	62.0
2011	317,200	25.4	62.7
2012	323,600	25.9	63.4
2013	328,500	26.3	65.7
2014	333,600	26.7	66.7
2015	338,000	26.2	68.0
2016	342,000	26.3	69.0
2017	344,500	26.6	70.0
2018	347,000	26.9	73.5

*Homeowners associations account for about 54–60% of the totals, condominium communities for 38–42%, and cooperatives for 2–4%.*

**CAI estimates the number of U.S. community associations in 2019 is between 349,000 and 351,000.**

Research published in the *Community Association Fact Book 2018*, produced by the Foundation for Community Association Research.

## ■ Community Associations by State, 2018



State	Number of Associations	Rounded Estimated Number of Residents in Associations
Florida	48,250	9,481,000
California	48,150	13,723,000
Texas	20,050	5,657,000
Illinois	18,700	3,801,000
North Carolina	14,000	2,699,000
New York	13,875	3,651,000
Massachusetts	11,000	1,627,000
Georgia	10,700	2,207,000
Washington State	10,450	2,345,000
Arizona	9,625	2,193,000
Colorado	9,800	2,182,000
Virginia	8,700	1,967,000
Ohio	8,475	1,614,000
Michigan	8,400	1,403,000
Minnesota	7,700	1,502,000
South Carolina	6,925	1,330,000
New Jersey	6,900	1,470,000
Pennsylvania	6,825	1,321,000
Maryland	6,775	1,028,000
Missouri	5,475	911,000
Wisconsin	5,325	741,000
Connecticut	4,925	460,000
Tennessee	4,870	688,000
Indiana	4,900	831,000
Oregon	3,875	548,000
Utah	3,410	610,000
Nevada	3,250	486,000

■ **Between 2,000 and 3,000 associations**

Alabama, Idaho, Iowa, Kentucky, New Hampshire

■ **Between 1,000 and 2,000**

Delaware, District of Columbia, Hawaii, Kansas, Louisiana, Maine, Montana, Nebraska, New Mexico, Oklahoma, Rhode Island, Vermont

■ **Fewer than 1,000**

Alaska, Arkansas, Mississippi, North Dakota, South Dakota, West Virginia, Wyoming

**Total U.S. associations: 347,000**

NOTE: The term "community association" in this summary refers to condominiums, cooperatives, and planned communities with the latter sometimes referred to as HOAs. See the Community Association Fact Book 2018 at [foundation.caionline.org/factbook](http://foundation.caionline.org/factbook) for association terminology.

■ States above are shown in blue

## National Data, 2018



**25–27**

Percent of U.S. population in community associations.



**\$6.28 trillion**

Value of homes in community associations.



**\$95.6 billion**

Assessments collected from homeowners. Assessments fund many essential association obligations, including professional management services, utilities, security, insurance, common area maintenance, landscaping, capital improvement projects, and amenities like pools and club houses.



**\$27.3 billion**

Assessment dollars contributed to association reserve funds for the repair, replacement, and enhancement of common property, e.g., replacing roofs, resurfacing streets, repairing swimming pools and elevators, meeting new environmental standards, and implementing new energy-saving features.



**50,000–55,000**

Community association managers (includes onsite managers and those who provide part-time support to a number of communities).



**6,000–9,000**

Large-scale associations, i.e., those meeting at least two of the following three characteristics: a single, contiguous community with a general manager; a minimum of 1,000 lots and/or homes; and a minimum annual budget of \$2 million.



**30–40**

Percentage of community associations that are self-managed, meaning they may use professional assistance for specific projects, activities, and services, but do not employ a professional manager or management company.



**61**

Percent of new housing built for sale is in a community association.



**7,000–8,000**

Community association management companies.



**95,000–100,000**

Individuals employed by management companies.



**2,500,000**

Community association board and committee members.



**90,000,000**

Hours of service performed annually by association board and committee members.



**\$2.289 billion**

Estimated value of time provided by homeowner board and committee members. Volunteer hourly time is calculated at \$24.59 per hour based on data from Independent Sector.



## ABOUT CAI

Since 1973, Community Associations Institute (CAI) has been the leading provider of resources and information for homeowners, volunteer board leaders, professional managers, and business professionals in nearly 350,000 community associations, condominiums, and co-ops in the United States and millions of communities worldwide. With more than 40,000 members, CAI works in partnership with 64 affiliated chapters within the U.S, Canada, United Arab Emirates, and South Africa, as well as with housing leaders in several other countries including Australia, Spain, Saudi Arabia, and the United Kingdom.

A global nonprofit 501(c)(6) organization, CAI is the foremost authority in community association management, governance, education, and advocacy. Our mission is to inspire professionalism, effective leadership, and responsible citizenship—ideals reflected in community associations that are preferred places to call home. Visit us at [www.caionline.org](http://www.caionline.org) and follow us on Twitter and Facebook @CAISocial.



## ABOUT THE FOUNDATION FOR COMMUNITY ASSOCIATION RESEARCH

Our mission—with your support—is to provide research-based information for homeowners, association board members, community managers, developers, and other stakeholders. Since the Foundation's inception in 1975, we've built a solid reputation for producing accurate, insightful, and timely information, and we continue to build on that legacy. Visit [foundation.caionline.org](http://foundation.caionline.org).

*The statistical information in this report was developed by Clifford J. Treese, CIRMS, president of Association Data, Inc., in Mountain House, Calif. A member of CAI almost since its inception, Treese is a past president of CAI and the Foundation for Community Association Research. We are grateful for his continuing support of both organizations.*

**Additional statistical information published by the Foundation for Community Association Research is available at [foundation.caionline.org](http://foundation.caionline.org).**

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# Don't Write What You Don't Want Read Later

**Protecting an  
Association's  
Electronic  
Records &  
Communications**





Imagine the worst thing that a Board Member ever wrote or said out loud.

Now imagine that same thing read out loud to a jury. Seem uncomfortable? Remarkably, that is actually preferable to having the Judge tell the jury how communications of the Board were deleted, lost, or destroyed. When documents which should have been preserved were not, the Judge may tell the jury that they should assume that the lost email would have been very, very damaging to the Association. Saying things in writing that are not well thought-out can be very harmful. Deleting evidence can be worse. It is better to avoid the whole situation by being smart, starting now.

Welcome to the world of preserving and producing documents. The law requires the preservation and protection of a broad scope of communications, writings, documents, and materials against deletion, loss, or destruction. That duty exists even outside of actual or threatened litigation. In the face of a likely or threatened claim, the duty to preserve materials grows.

## Standard Document Requests

Making association documents open and available for review and inspection facilitates transparency and good governance. Even so, responding to, and meeting the obligation of demands for records can be expensive, onerous, and fraught with potential exposure and liability.

When it comes to record requests for documents reflecting actions taken by the Board without a meeting, virtually everything is fair game. A very ordinary exchange of emails about renewing a contract or a contentious design application may have to be turned over, completely. Now, in lightning-fast emails and texts between Board members, someone inevitably interjects a comment or a joke into the thread. Even if that is embarrassing, in bad taste, all of it—the good, bad, and ugly parts of the exchange are available for an owner to demand and review.

In Colorado, owners have the right and ability to demand quick access to a wide-ranging set of association “records.” Under 38-33.3-317, C.R.S. broad categories of materials can be requested by owners and must be made available in as little as ten (10) days. This law is to be read in conjunction with the association’s document inspection policy, which can promise more information in even less time. See 38-33.3-209.5, C.R.S. A demand for documents need not be made only on the form created by the association for facilitating a request. Instead, a demand for records may be buried within a dozen-page letter of complaint, creating opportunities for claims of illegally withheld information and materials. Everything from owners needs to be read.

The process of obtaining emails or texts for production can be expensive and time consuming. Board members who use emails or text systems which are not dedicated to HOA business find themselves having to surrender access to their personal email accounts, or explaining to employers that their email system will

have to be accessed just because the board member could not be bothered to check two different email accounts. In the financial, or medical industries, these intrusions could mean a person’s job.

Having a dedicated email for HOA matters can be invaluable. Dedicated email accounts where the manager has password access or is automatically copied on all emails are even better. A segregated email account prevents your Board from the embarrassment of having their personal matters reviewed for a document demand. And while applications like Boardroom check a lot of boxes, the system is not easily accessible to counsel in case of a suit. There is also the issue of who owns, and is preserving, the data being created by that application. If it disappears tomorrow, so too do the documents the Association is obliged to preserve.

Being able to quickly access, search, and produce records should be a primary goal of any system used by Boards to communicate or share HOA matters. If each member of your Board is not using a dedicated email address which can be accessed, searched, and archived by management (or two members of the Board of Directors) at any time, you have a problem on your hands even though you may not know it for a few years.

## Litigation-Based Document Requests

In this era of technology, electronic documents have become the same as hardcopy documents. As such, they must be preserved properly. In lawsuits, a much broader scope of materials can be demanded from managers and the Board. If materials have not been preserved, there is a very real risk of very real consequences from the Court. From the moment that the Association, or any member of the Board or Management have a credible and reasonable belief or expectation that a suit may be filed, any archiving or deletion of communications needs to stop. Not just emails, but all text messages having anything to do with anything even touching an aspect of the suit need to be saved. All emails need to be preserved too. This can take disabling the auto-archiving default processes of an email program used by Board members. Taking affirmative steps to preserve everything in the face of a claim is not enough: Being able to prove that these steps were ordered, and actually taken, is important as well.

## What to Do

If your Board of Directors tolerates Board members using personal emails for HOA business, stop that right now. Collect and save the HOA emails the Board members have to date and preserve them all in addition to those communications on a dedicated channel going forward. Create a document retention plan for both non-litigation scenarios, and possible litigation scenarios. Educate your Board members (and managers) as to the level of intrusion which is possible just using the Common Interest Ownership Act. Get them to appreciate that virtually everything that is done as a Board member is open, and available for review. Talk to a lawyer to get help preparing to meet these challenges. ⬆

# Center Stage with CMCAs

The CMCA® credential, **Certified Manager of Community Associations—The Essential Credential™**, is the only worldwide certification program for community association managers and demonstrates that these managers have made a commitment to doing their very best job for you.

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To be the most widely recognized and trusted credential for the community association management profession.

The CMCA® offers a level of protection to homeowners and their communities by offering a trusted credential awarded only to professional managers who have demonstrated competency of the defined body of knowledge of a community association manager.



**Pursuing my CMCA® was important to me on many levels. The CAMICB Credential lends credence to our industry, as well as showing a commitment to my company, CCMC, and my fellow community managers. On the personal side, I consider myself a life long learner. I spent many years in the corporate world and now that I've chosen a different path, I plan to pursue it wholeheartedly and continue my journey of growth with CAI. Onwards and upwards!**

**Kelly McKee, CMCA**  
**Asst. Community Manager, Anthem Ranch**

If you are a manager, insurance and risk management consultant, reserve provider, or business partner wishing to enhance your career, the information at [www.caionline.org](http://www.caionline.org) can help you. CAI awards qualified professionals and companies with credentials to improve the quality and effectiveness of community management.

# An Open Call to **Colorado** **Community Association Managers**

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**A look into the  
FUTURE...**

**...of your  
MAILBOX**



**Josh Pangan**  
Optimal Outsource

**W**hile walking through the airport or clicking through your television, you may have come across a promotion from the United States Postal Service regarding “Informed Delivery.” Simply put, Informed Delivery allows homeowners to see what’s in their mailbox from their email inbox. So what is this new feature from the USPS? Clairvoyance? Magic? Or, is it a welcomed response from a time-honored service striving to turn a corner with technology? My vote is it’s welcomed, and very cool!

Typically, my neighborhood mailman delivers to my mailbox around 2 p.m. while I’m at work. However, like magic, I’ve known since 8 a.m. what was to arrive that afternoon.

Every morning I can preview my mail scheduled to deliver that day via email notification, online dashboard, or mobile app. Users also have the ability to interact with digital content provided by business mailers (e.g., special offers, related web links) directly from Informed Delivery! So when my HOA assessment statement arrives, I’ll not only see an image of the envelope but also, I may be able to click a link that leads me to anyplace relevant to that envelope, like my community association’s website.

Email is the dominant communication platform for most individuals; however, regular mail is still a daily part of all of our lives. USPS set out to integrate the two worlds by bridging

a homeowner’s need to interact digitally without losing the importance of their physical mail. The USPS was already digitally scanning the front of all letter-size mail pieces to assist in the sorting and delivery of mail. With their existing technology, it was a logical transition to display those same images to homeowners in advance of the delivery of the physical mail.

Informed Delivery is completely free and safe. The USPS Information Security program and the Inspection Service monitors the network for unusual activity to ensure that your information is kept safe. It is available nationwide to eligible residential consumers as well as those with a PO box in an eligible zip code. During the sign-up process, homeowners will be prompted to complete an identity verification process to confirm their home address.

If you are interested in Informed Delivery, please visit [informedelivery.usps.com](http://informedelivery.usps.com) to sign up. Follow the on-screen prompts to check if your individual delivery address is eligible for the feature. Once opted-in, enjoy the service and be on the lookout for what’s next! ⬆

*Josh Pangan is Director of Business Operations at Optimal Outsource—Community Mailing Specialists.*

**“Simply put, Informed Delivery allows homeowners to see what’s in their mailbox from their email inbox.”**



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# HOAs & SOLAR

*CAI-RMC Member Opinion Piece*

# Are You There Yet?



**Andy Pendl**  
ARE Solar

**W**hen talking about solar, the biggest questions tend to be about upfront cost vs long term payback, overall durability of the product with the weather we experience in Colorado (hail and blizzards are top of mind), and how we store the energy that's being produced. While each of these questions have unique points to consider, the rate at which communities are installing solar panels is a good indicator toward figuring out whether it is going to be beneficial in the long run.

Solar panels have made a quick transition from being a luxury feature on a few homes, to a commonality in new builds. Many largescale home builders are including solar panels as a stock part when building new HOA communities, where every home sold includes solar. In today's world, you're just as likely to get solar panels as you would a master suite and granite countertops.

There are many benefits to installing solar for both the HOAs and individual homeowners. The first, and most obvious, is that the long-term cost of electricity is offset from day one, and the savings is easy to see on the utility bill. This can benefit individual owners if they have panels on their roof, or the HOA if they put solar on their community resource building, pool house, or another neighborhood amenity. By offsetting the electricity rates now, consumers can lock in their price and mitigate against the inevitable rate increases. Typically, we find that consumers will to see a return on their investment in under 10 years, sometimes much earlier. If financing is used, the cost of the monthly payments is likely at or below what the utility would have charged for the same amount of electricity.

Regarding durability, we've found that panels hold up very well against the Colorado weather. Each system is designed with the assistance of a structural engineer to ensure that the wind and snow loads for each specific location are considered. If any special considerations need to be addressed, the engineers will point that out as part of the design and permit process. Snow is only a concern in that the panels are covered, so they can't make electricity; however, it tends to melt off quickly and the calculations used for total output takes into account any estimated snow days. Wind can be a larger concern, as nobody wants to have damage caused by something being ripped off their roof; This is always reviewed during the design process to ensure that even the worst winds will not affect the structural integrity of the panels. Here in Colorado, it's reasonable to worry that the panels could be damaged by hail. It can certainly

happen, but in our 10 years in business only one storm has ever been able to break panels. The storm that closed the Colorado Mills mall for almost 6 months damaged some panels at the nearby National Renewable Energy Laboratory (NREL)\*. But of the over 3,000 panels on the building, only ONE sustained damage to the point that it needed to be replaced. What is much more likely is that the roof itself will have hail damage and need replacing. In this instance, the panels will have to be removed temporarily while that work is performed.

The last question that inevitably comes up during conversations about solar is how we store the energy. The reality is that in most cases, we don't! The meter on the building is a "net" meter and can run backwards. Because of this, the times when your system is making more electricity than the home is using, the meter goes backwards and credits you with the excess energy. Then, in times that the building is using more electricity than it's making (nighttime, or when the AC and other large appliances are all running at the same time), the meter goes forward. We try to size the system to get as close to 100% of the building's needs as possible. If it's sized right, in the spring and fall, the system will usually make more than the building needs, and then the energy bank that is stored would be used up in the winter and summer months. There really isn't any need for a battery unless there is a specific requirement, such as keeping medical equipment running in the case of a power outage.

Solar will continue to grow as more individuals and communities realize the financial benefits and understand how the systems work. Solar energy is no longer a new technology, but a proven way to save money and ensure that electricity rates of the future don't break the bank. If you're considering whether your HOA community should go solar, the answer is yes, and the time is now. ⬆

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*Andy Pendl is the Vice President of ARE Solar. ARE has been in business for 10 years serving the front range of Colorado. They have worked on many high-profile projects, including the Greenbox Storage Facility across from Coors Field, and work with the West Metro Housing Authority on affordable housing projects. ARE Solar works in both residential and commercial areas, and an array of property types including apartments, warehouses, and office spaces.*





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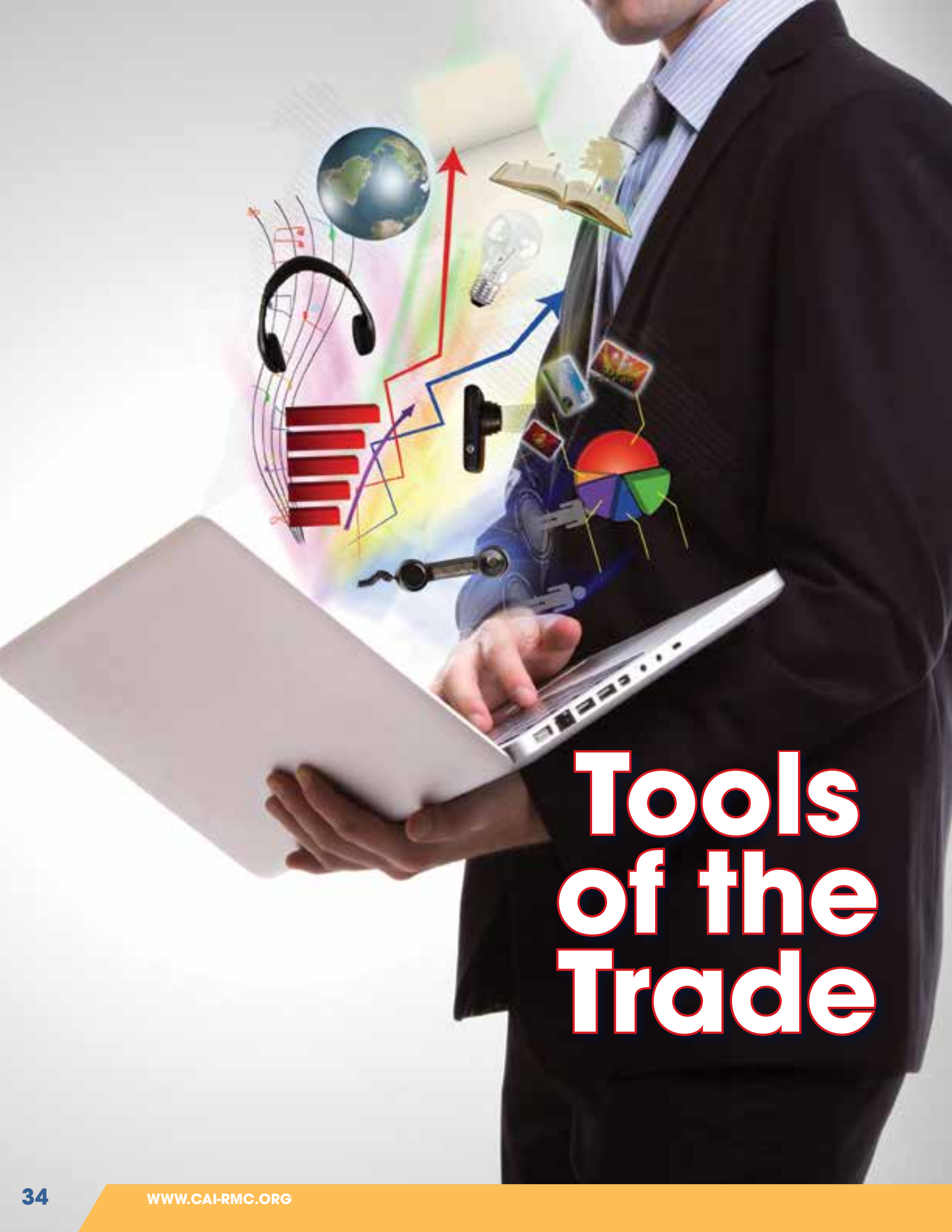
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# Tools of the Trade

**F**rom online meetings and electronic voting to tablets and do-it-all management software, technology is transforming the way associations operate. There's something out there for every community—even those most resistant to change.

Major traffic jams often greeted everyone entering Kiawah Island, S.C., as renters in the community association and guests of the neighboring resort queued at the gatehouse. The experience raised residents' ire and created a negative first impression for visitors.

Jimmy Bailey Jr., CMCA, AMS, chief operating officer of Kiawah Island Community Association, collaborated with the resort to set up a system so guests and renters could download and print gate passes in advance, allowing most drivers to sail through with ease.

"Implementation of this simple step—much like printing a boarding pass before going to the airport—dramatically improved gate operations and virtually eliminated long summer lines," says Bailey.

When Lee Ann Weir, CMCA, AMS, general manager of Lionsgate at Woodmont Corner in Bethesda, Md., wanted to gauge owner interest in renting underutilized areas of the condominium garage for storage, she simply clicked the survey link on the community's BuildingLink website interface and fielded a poll. Within minutes, her inbox was growing with numerous responses.

And Fripp Island Property Owners Association in South Carolina recently paid \$8,000 to upgrade its boardroom audio-visual system, saying goodbye to a dated setup with blurry images and garbled speech, giving both the local and long-distance audience a much-improved experience.

Community associations increasingly are leveraging technology to improve operations, governance and management using the latest tools, including devices, hardware and software. Some are arming managers and board members with tablets backed up to the cloud, while others are exploring new ways to hold online meetings, engaging owners with electronic voting and more.

Yet there are many community associations today that are behind the technology curve. Some don't have the budget, know-how or interest in adopting the latest and greatest tools and features. Failing to at least explore what's available could be a mistake, according to experts.

"As technology has evolved, there's really killer software for everything from a 10-unit condominium to an association with 30,000 doors," says Bruce R. Gran, CMCA, AMS, PCAM, president and CEO of Gran Community Association Consulting in Scottsdale, Ariz. "If you're not leveraging technology, then you're out of the game. It used to be optional, but it's not anymore. Technology is your starting point."

Gran says many owners today want association technology to feel just like the experiences they have with other types of technology as a consumer.

"I'm looking for my association to give me the same experience I get from American Express or Chase or Bank of America," explains Gran, adding that all have excellent websites. "Residents expect to be able to make a payment on their phones. If they have a violation, they want to look at it and be able to respond online. And they want to be able to do pretty much everything on a phone or tablet."

## Tablet Trends

Stephen R. Gothard, vice president of Advanced Technology Group, a King of Prussia, Pa., provider of community management software, says the biggest trend is technology for smartphones and tablets.

The devices can make board members and managers more efficient since they allow an entire library of an association's history to be available in perpetuity, says Blake Morlet, CMCA, senior manager of The Avalon Management Group, AAMC, in Temecula, Calif., which manages about 30,000 units in Los Angeles and San Diego.

Such devices are a particular boon for board members who spend a majority of their time off-site or travel frequently since they can participate in meetings remotely via video chat. Meanwhile, managers can gain efficiencies as they prepare for each board meeting by creating content and delivering it digitally.

The upshot? "Managers who have more time on their hands can provide better service," observes Morlet.

Avalon uses Apple's iPad and applications such as Google Apps for business e-mail and Google Drive for storage and information distribution. Implementing technology in association management has been so vital to Avalon's growth and effectiveness that the company offers only technology driven digital management services to new clients, Morlet says.

Gothard notes that adequate cell or wireless Internet coverage is often a stumbling block for associations and their residents. A property's size and location—and a resistance to installing cell towers or wireless networks—can impact what associations offer and residents' experience on their smartphone or tablet.

"You may have Wi-Fi in your house. But what do you do when you're down at the community pool?" Gothard asks. "People want to be connected."

## The Video Age

Although tablets are not yet de rigueur for board members at Kiawah Island Community Association, technology increasingly is being used in many facets of operations. Since only 15 percent of the community's 8,272 owners live on the property full-time, webinars, video calls and electronic communication are all part of regularly doing business.

"Rarely do we hold a committee or board meeting without someone participating via video," notes Bailey.

Kiawah Island has used commercially available platforms Skype and GoToMeeting. However, their effectiveness has varied, particularly because of sometimes spotty Internet connections. "We have looked into the possibility of using something more robust and sophisticated but have not yet pulled the trigger, primarily due to cost," says Bailey.

Several of the community's seven board members use personal tablets for board meetings and to download meeting materials, but it's not required. Some of Bailey's board members still use spiral-bound notebooks and mechanical pencils. "It sort of runs the gamut," he observes.

In 2009, the community began using BigPulse online voting software; owner participation has increased each year, reaching as high as 39 percent in the last election.

The association also communicates with owners using e-mail, text messaging, social media, video, its website and a mobile app that resembles the website and was developed last year by a Charleston, S.C.-based technology firm. Kiawah Island uses the app to send notifications to residents about things like traffic and gate information, weather alerts, voting or other time-sensitive notices.



**“Community associations increasingly are leveraging technology to improve operations, governance and management using the latest tools, including devices, hardware and software.”**

## Tracking Tool

BuildingLink, the web-based platform used by Lionsgate in Bethesda, Md., combines everything from communication tools and an ability to report maintenance issues to incident reports, package delivery tracking and more.

A resident might notice crumbling concrete in a common area, snap a photograph and upload the report directly to the manager, explains Robert Garcia, a D.C.-area representative for BuildingLink. Maintenance tickets are centrally located, meaning board members and managers can pull up any repairs within the past month, for example, and track who got the job—in-house staff or an external contractor—and how well the job was done.

BuildingLink, used primarily by condominiums, also offers a resident discussion board that goes beyond a simple listserv. Discussions can be controlled by the association, which means it can be kept “clean and useful” with posts like “who knows a good caterer?” or “I’m forming a walking club,” Garcia explains.

Associations also can track various logistics, including permission-to-enter slips for real estate agents and preventative maintenance schedules that provide alerts when something needs to be done.

The 158-unit Lionsgate has been using BuildingLink and its mobile app since 2010.

Weir says the community was able to customize fields for bicycle storage, pet information, and parking space and car identification. Lionsgate even used the system in conjunction with security cameras to help solve a case involving minor damage from a hit and run. Another plus is a secure key drawer that opens with fingerprint identification technology, Weir adds.

## Tech Transition

Kate Hines, AMS, LSM, PCAM, general manager of Fripp Island in South Carolina, says the community of 2,167 homes is always looking for ways to do things better and smarter and also to save money where it can. As the association learned, the transition to technology isn’t always seamless.

The community held its first online board election in February

through Votenet.com, a voting platform that cost the association about \$1,300. The move saved \$2,500 in printing and mailing costs. Unfortunately, owner response wasn’t as great as expected. The association sent several e-mail blasts announcing the change, but only 21 percent of owners cast ballots compared with an average of 36 percent in previous elections. A couple of owners were mailed a paper ballot because they didn’t want to vote electronically.

Fripp Island is hoping to find a better way to market the online voting by working with the board’s communication committee. “We’re not calling it quits,” Hines says. “Votenet could not be simpler.”

In February, the community switched to MailChimp, an e-mail management and tracking system, to send a bi-weekly newsletter to owners. Owners love the change.

“It’s professional, attractive and easy,” says Hines. “We’re getting a lot of compliments.”

The association spends about \$50 a month to send an average of three e-mails to about 2,000 addresses. Hines loves MailChimp’s ability to provide a report on each sent message, tracking how many people received it, how many people opened the e-mail, the links that are being clicked and more.

In April, an urgent e-mail about a security incident during prom week garnered a 67 percent open rate within 20 minutes. MailChimp also tracks whether a message is read on a smartphone or computer—valuable information as the community continues to ponder additional technology upgrades.

In January, Fripp Island began using GoToMeeting, at a cost of \$400 annually, for board meetings. Half of the community’s 10-member board are nonresidents. The association previously used Skype, which often was glitchy due to Internet connections.

“The voices are clear, the people are clear, and we don’t have the screw-ups we had with Skype,” says Hines.

The association also upgraded its audio-visual system in April, installing speakers and microphones in the ceiling and a much bigger video screen on the wall.

## In Development

Gothard believes there will be many technological innovations for associations in coming years. He points to rapid communications as an example. Some communities are already employing emergency broadcast texts and targeted notifications, such as package-delivery alerts.

Through new software updates and a better understanding of a community’s data, Gothard thinks there will be even more targeted messages, such as, “The plumber was in your home from 10:23 to 11:50 fixing your leaking faucet.”

And as vehicle manufacturers continue to develop technology for cars, Gothard envisions a day when a manager drives through a neighborhood and conducts inspections right from the car through a grill-mounted, rotating camera controlled from the center console.

“Imagine having those images and the resulting inspection details sent immediately back to the office, and the necessary letters merged and printed in minutes rather than days,” he says. “The same technology could be used for maintenance purposes. A manager takes a picture from his car of a broken fence or downed

tree, fills out the details and in minutes sends maintenance staff or a vendor a work order.”

Gothard is excited about how technology can continue to improve associations and thinks board members and managers should be too. “I think we will see things we’ve never thought of come to light and technology that we cannot even imagine,” he says. “As software developers, we strongly believe that if you don’t dream it, you can’t develop it.”

## Building Blocks

Even communities resistant to technology should explore how technology can help improve operations, governance and management. Association leaders should take the following steps:

- Consider forming a technology committee or holding technology workshops.
- Survey your owners, then tailor your technology to their wants and needs.
- Make sure your technology can grow and change with the association and its population.

Tablets often are the easiest way to get started, according to Blake Morlet, CMCA, senior manager of The Avalon Management Group, AAMC, in Temecula, Calif. They can become your go-to source for all association information, including e-mail, board packets and financial statements, governing documents and contracts, minutes, resolutions, legal opinions, education information, guidebooks, site plans and maps.

With a tablet, you can carry around years’ worth of documents as well as quickly review homeowner requests and photos, for example. In addition, tablets make it a lot easier to pass community history on to subsequent boards.

Once an association decides which equipment and services it will purchase or rent, Morlet recommends the board establish policies for appropriate use, repair and replacement. ⬆

*Pamela Babcock is a freelance writer in the New York City area.*

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# m-100

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The 2019 Peak Series concludes on November 21 with Peak Insurance. Our presenters will help you understand the difference between different types of coverages, and how different insurance products can impact Boards and communities. Real world examples will give you a better understanding of how insurance works, and how it interacts with other duties and obligations of homeowners and associations.

The 2020 Peak Series will open with Peak Legal in February. Stay tuned for more information regarding location, date, and time and make sure to register your newer employees to bring them to the peak of community association management!

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By Phoebe E. Neseth, Esq.

Less than a decade ago, CAI began tracking rental legislation impacting community associations. At that time, only a handful of states were legislatively addressing the issue. Fast forward to 2019, CAI is tracking 79 rental related bills in 29 different states impacting community associations. New trends in short-term rentals are surfacing as community associations navigate how to handle them.

Online platforms that facilitate short-term rentals have exploded in popularity. Websites like Airbnb and VRBO connect homeowners or “hosts” with guests to arrange the listing and booking of homes for long weekends, summer breaks, and more.

Forbes reported on a new short-term rental over the summer. Miami-based condominium developer Newgard Development Group partnered with Powered by Airbnb to open highrise condominium towers in Miami and Austin. Powered by Airbnb is the home-sharing platform’s consulting business for new buildings. Owners are encouraged to rent out their units and a subsidiary of the developer will receive a 25% cut of the rental income. The buildings will have hotel licenses allowing the owners to rent out their units as often as they like via Airbnb.

These high-rise buildings will operate like luxury condominiums and include amenities like co-working spaces, hotel-style food, and beverage programs. The developer’s partnership with Airbnb allows

for the home-sharing service to be involved in design decisions and dedicate certain areas of the property to these renters or “guests.”

Some community associations’ governing documents have leasing restrictions prohibiting rentals for transient purposes—usually defined as less than 30 days. The nature of short-term rentals is not always intuitively harmonious with the community association housing model, which focuses on bringing people together, strengthening neighborhood bonds, and promoting a sense of community and belonging.

However, associations are incredibly diverse, and CAI recognizes there are some communities where short-term rentals are appropriate and desirable by residents. Short-term rentals can provide considerable income for some owners, particularly those in vacation destinations and resort areas. Regulations need to be consistent with the community association housing model of self-governance, where residents determine what is best for their community. Community associations should be allowed to tailor policies that meet the character, culture, and desire of their homeowners.

To learn more about CAI’s short-term rental policy, check out our public policy resources. Share this useful information with residents in your community who choose to make their home available on Airbnb and VRBO. [↑](#)

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# Editorial Calendar

Issue	Topic	Article Due Date	Ad Due Date
December	Planning Ahead / Goals / Community Vision	10/15/2019	11/01/2019



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# CAI-RMC EVENT CALENDAR

## OCTOBER

**23**  
Wed

**M100**  
Breckenridge

## NOVEMBER

**21**  
Thu

**Peak 3—Insurance**

## DECEMBER

**12**  
Thu

**CAI-RMC Annual Celebration**

**For the latest information on all our programs, visit [www.cai-rmc.org](http://www.cai-rmc.org)!**  
Don't forget to register for events as prices are significantly higher the day of the event.