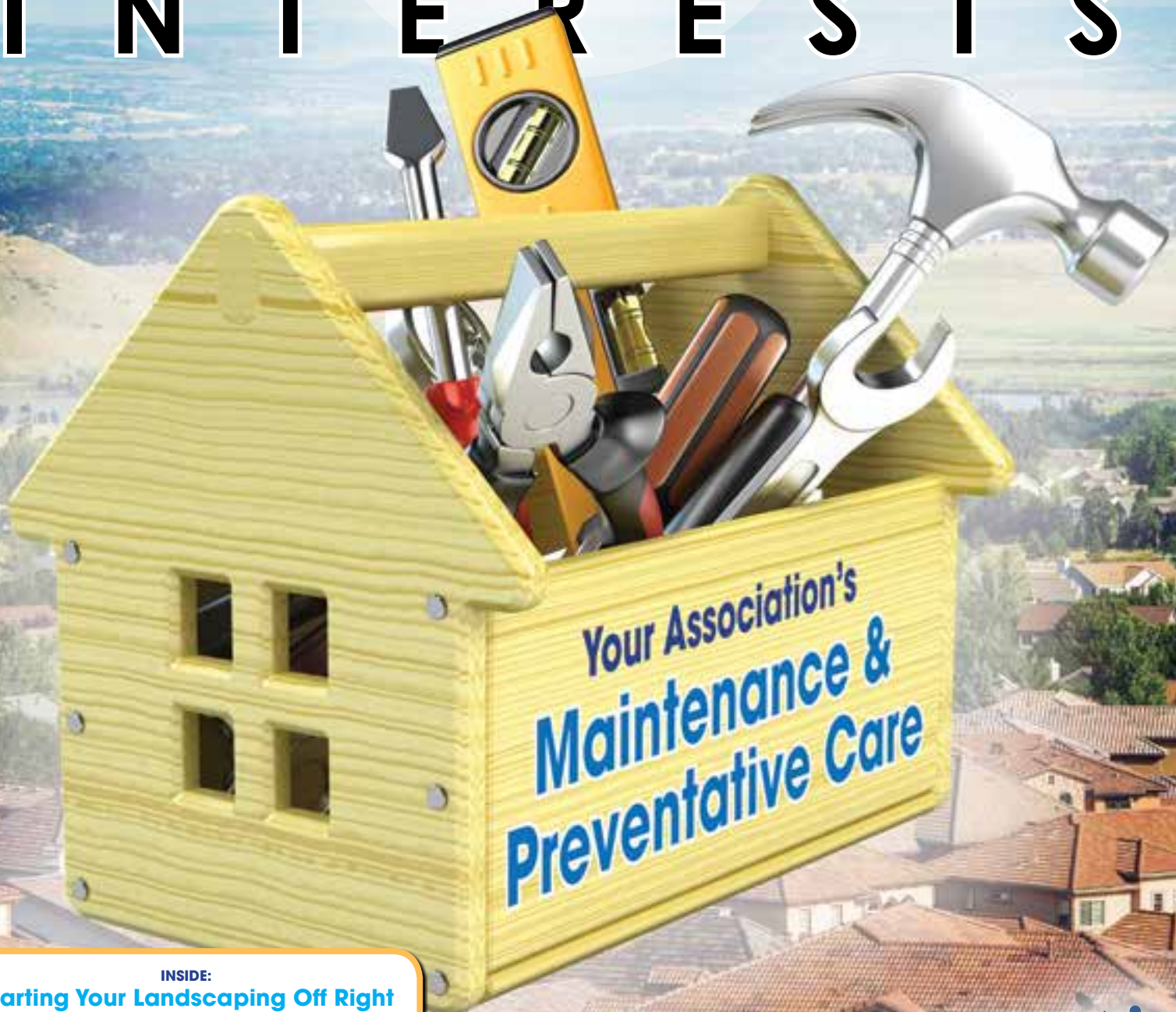


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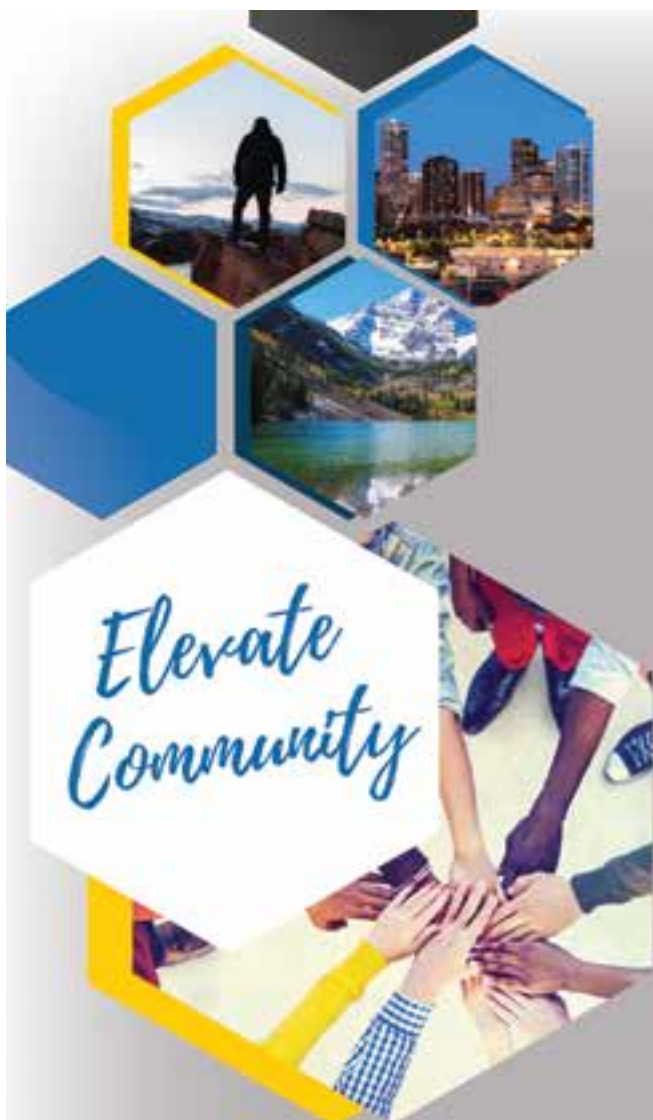
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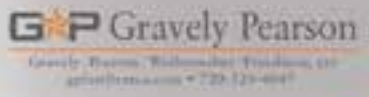
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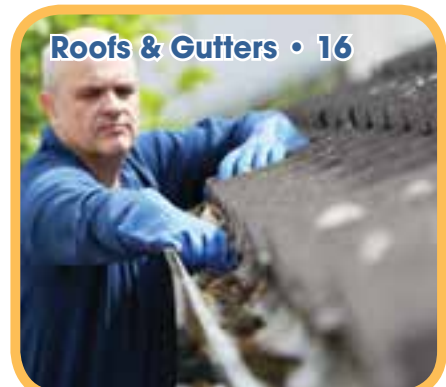
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President's Letter



DENISE HAAS
President
CAI-RMC

Happy Spring and welcome to our snow season! Recently, I had a discussion with a few of our members regarding how much our industry has changed. From my point of view there are at least a few factors that have contributed to how our industry has evolved over the last few years. There is a demand of our time and responsiveness to be immediate; technology (while it is a plus) has made us more accessible; we have heavier workloads due to the fact

there is no down time in our world anymore; our resources that are expected to service us are just as busy as we are; AND we need more individuals that want to be managers.

With all of the above being stated, my question to you is...since CAI is your support and connection organization, what can we do for you? What should we be providing to you? What do we need to look at differently to truly understand how to make your day to day a little better?

Please reach out to myself, one of our other board members or Bridget and let us know... what can we do? 🏠

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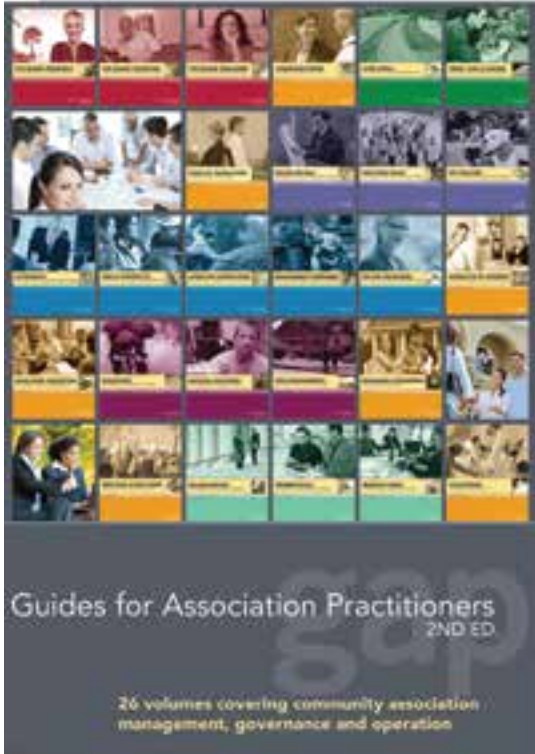
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Why It's Important to Promote CAI

By Jeff Kutzer, CMCA®, PCAM®,
Co-Chair of the Colorado Legislative Action Committee
and member of the Community Association Managers Council of CAI National

CAI has over 35,000 members in 63 chapters worldwide. Membership in CAI means a number of different things to anyone who is a member, depending on your membership classification, your goals, your needs, etc... While there are many reasons why membership is beneficial, do you know why we should all make it part of our personal mission to encourage others to join CAI?

**“Let’s choose to raise the bar...
and make Colorado the leader in
growing membership in CAI in 2018...”**

CAI improves the common interest ownership management industry by providing designations for managers to achieve certifications and designations that show core competencies in our industry. Beginning with the Certified Manager of Community Associations or CMCA®, managers can exude excellence and dedication to the industry with the Association Management Specialist or AMS® and then achieve the pinnacle designation of Professional Community Association Manager or PCAM®. The LSM® provides an opportunity for large scale managers to show their special training for large scale community management. These designations do not only mean the managers are educating themselves, it also means that those who have achieved these designations hold themselves to a high level of ethics. These individuals stand to lose those designations for ethical breaches that are not covered by the current Community Association Manager License in Colorado (CAM). For management companies, achieving the AAMC® designation holds those companies accountable for maintaining credentials for their managers as well as operating their companies at a higher standard of ethics. All of

these designations and achievements showcase a dedication to the industry; that these individuals and companies hold themselves to a higher ethical standard.

For Business Partners, CAI has the CCAL®, CIRMS®, RS® as well as the Educated Business Partner designations to let them stand out. These designations show that these Business Partners have sought to better understand how to work with and for common interest communities and, it bears repeating, hold themselves to a higher ethical standard to improve our industry.

Most importantly, CAI’s education and credentials are all set up to benefit the homeowners and Board members of the communities served by the managers and Business Partners. Our Legislative Action Committee has been an invaluable asset to all Colorado communities by helping to educate and work with our state legislators.

With the many educational opportunities for our Community Leaders through CAI, it is the responsibility of all manager and Business Partner members of CAI to encourage Community Leaders to join CAI. This has been made even easier as the fee to join with up to 15 Board members is now only \$250. There are management companies that have even written into their contracts with their client communities that the Board must join CAI. Others allocate funds for CAI membership into their client budgets so the Board will consider membership every year. Educated Board members can actually save managers and Business Partners time and money, which can improve the bottom line for all.

Based on the above, every member of CAI in Colorado should be promoting the benefits of membership to all managers, management companies, Business Partners and Community Leaders. Let’s choose to raise the bar (and then maybe celebrate in one!) and make Colorado the leader in growing membership in CAI in 2018 as it is to the benefit of all and can help raise the image of our industry. 🏠

Bringing people together worldwide, one community at a time.



*** We the Community

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Visit www.caionline.org/AnnualConference for details and registration.



Whether or Not to File a Property Claim




Peter O'Brien
Solutia Adjusters

In general, property claims should be filed when there is a benefit to the insured for filing a claim and should be avoided when there is little or no benefit to be gained. It is beneficial to the community to complete the steps below before filing a property damage claim, whether for a small water leak or a major hail event, since the repercussions of incorrectly filed claims can be significant for the long term financial solvency of the community:

- **Verify that there is actual damage and confirm the extent of anticipated damage:** Too often claims are called in for the wrong thing and/or for damage that is much less severe than anticipated.
- **Confirm the date that the loss took place:** Calling in a claim for the wrong date of loss can cause problems, including filing a claim with the wrong insurance company.

- **Verify there is coverage for the loss or damage:** Exclusions and coverage limitations exist in every insurance policy that could limit or exclude certain types or aspects of loss.
- **Form a reasonable expectation of outcome:** Before filing a claim it is best to have at least a reasonable expectation of the size of the loss and what benefit the community can expect after application of the deductible and any applicable policy limitations or exclusions.
- **Meet the policy deadlines and timelines:** There are requirements in most policies that claims be filed as soon as it is reasonably known that a claim is necessary. Once damage is known, it is important to move quickly through the decision-making process and file the claim on time.

If you are unsure about a particular situation or have questions about claim best practices for Community Associations, please let us know. 

Peter O'Brien a founding partner of Solutia Adjusters. He managed large and complex claims for over nine years and provides proactive training and claims resolution solutions for communities and commercial property owners. You may find out more at www.solutiapa.com.



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Getting Your

LANDSCAPE MAINTENANCE



Started Off
RIGHT



Justin Bayer
Caretaker
Landscape & Tree
Management

Spring is officially upon us, and that means it is time to get your landscape ready for the growing season and cleaned up from the fall and winter. April is arguably the most important time of the year for landscape in Colorado, and that is because there are many steps that need to be taken in order to set your community up for success.

Irrigation

When to start up the irrigation system is often a point of contention between landscape contractors, community managers, and HOA boards. The temperamental weather in Colorado can make knowing when to fire up the system a bit confusing; March can be dry for weeks, leading residents to want to get the system up and watering, when out of nowhere a large storm can come through and freeze all of the lines, potentially causing damage to the system.

In order to avoid wasting water and money, we suggest aiming to turn on your irrigation system between April 15th and May 1st. Even though the weather has been warmer than usual this winter, March and April have the tendency to be wetter months, which means you can save on your water bill by holding out for a bit longer before starting up your system.

As you gear up your irrigation system and start to fine tune it for spring and summer, make sure to inspect your system thoroughly. You will want to make sure all of your pop-up spray heads and rotors are working optimally (covering the right area and not clogged) and that your drip emitters are working properly on your trees and shrubs. Emitters and spray heads have a tendency to get clogged up during the winter, and if left unresolved, can lead to major problems down the road. Along with doing a thorough check during the start-up process, your landscape contractor should be checking your irrigation system on a consistent basis during the course of the season to catch any potential problems early. The sooner you notice an irregularity, the quicker you can get it resolved through your landscape maintenance team.

Turf

If you are looking for the healthiest turf possible, you should plan to utilize aeration early in the growing season. Aeration stimulates root growth by helping the turf soak in more water, air, and fertilizer. Make sure to know where your sprinkler heads and rotors are if you decide to aerate, as this will help you avoid any potential damage to your system.

Fertilization is a common practice to get your turf off to a full-bodied, healthy start, and to keep it that way by applying more fertilizer during the summer. It is especially effective when combined with aeration. Fertilizer can be done once per year, three times per year (recommended), or even up to five times or more per year if your community is aiming for that “golf course” look.

Make sure to rake and remove all winter debris from your lawn to get your lawn off to a great start. During the summer, after the turf has gotten healthy and full, it can be beneficial to mow over any plant debris on your lawn and allow it to be mulched into the turf.

Weed Control

After a dormant fall and winter for your landscape, you’ll want to start it off right by removing all weeds located in your lawn, planting beds, and around your shrubs and ornamental grasses. Not only do weeds take resources from your plants, they take away from the relaxing aesthetic of a well maintained landscape.

March and April (depending on the weather) is the best time to utilize pre-emergent weed control methods on your landscape. Both turf and bed areas should be treated with an herbicide that is applied to the surface. Water (rain, snow, irrigation, hand watering, etc.) will push the pre-emergent down into the areas where weed seeds lay dormant until they begin germination. The pre-emergent ensures that the seeds are killed before they are able to grow and sprout out from the turf or the bed areas.

Getting the proper start to your landscape maintenance is absolutely vital, and by following the tips and advice above you can ensure that your community will look healthy, green, and gorgeous all spring and summer! 🏡

Caretaker Landscape and Tree Management is a privately owned and operated company with locations in both Colorado and Arizona. Caretaker has been in business for over 30 years, and have built their reputation on customer service, exemplary communication, and through utilization of cutting-edge technology.



Impacted by **HAIL** OR **WIND?**

Here's What You Need to Know



Joel Sebern
Lallier
Construction, Inc.

Performance of a roof is based on good design, quality materials, proper installation, and a preventive maintenance program. Roof maintenance is critical to preventing roof problems and keeping the roof in watertight condition. Early identification and repair of roof problems will help provide a long-lasting roof system.

A roof system is the most vulnerable part of a building's exterior. Extreme Colorado temperature changes, along with wind, rain, hail, and snow all affect a roof system's performance.

If your roof has been impacted by hail or wind, below are a few tips to help you through the process of restoring your roof system.

What To Do if Your Roof Has Been impacted by Hail or Wind Storms

Prepare to file an insurance claim by gathering copies of your policy and call your insurance company as soon as possible after the event to request an assessment. The insurance company must determine if there is sufficient damage to the roof system to declare it a total loss or if repairs can be made.

You should call a professional roofing contractor and ask for an inspection and repair or replacement estimate. If there are any discrepancies between the insurance adjuster's findings and the roofing contractor's findings, you may request a re-inspection from your carrier. During a re-inspection, the insurance adjuster meets with the roofing contractor to review your roof damage together. Re-inspections are common.

Assessing hail damage is accomplished by a roofing inspection, which usually occurs several days to several months after the hail event. Determination of whether hail fell at a site may be made through statements and weather reports. Inspection of thin, aluminum fixtures helps verify hail impact.

Hail damage to asphalt shingles includes granule loss, material removal at the edges of shingles, and penetration. New asphalt shingles are more resistant to hail impact than older shingles because asphalt becomes more brittle with age. In cases of severe wood splitting, significant granule loss, shingle penetration and fracture, shingle replacement may be required.

When storms damage your roof, dealing with the aftermath can be stressful. When it is necessary to hire a roofing contractor, be cautious about opting for the lowest bid. If it sounds too good to be true, it probably is. Price is only one factor in selecting a professional roofing contractor; professionalism and quality workmanship also must be considered. Take time to evaluate potential contractors before any roofing work begins. A reliable and professional roofing contractor should meet the following criteria:

- **A permanent place of business**
- **Experience with many styles of roof systems**
- **Proof of insurance**
- **Company safety program**
- **Evidence of industry professionalism, such as proof of training and manufacturer certifications**
- **Financial stability**
- **Submit a written proposal**
- **Licensed, bonded and insured**
- **Valid warranties**
- **References in your state (proceed with caution if the contractor only provides out-of-state references)**
- **Maintenance programs**

***Beware of contractors who will only accept cash payments and "up-front payments" before materials are delivered to the site.*

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WEST SENIOR CENTER
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April 19th
5:30-8:00 PM

Sponsored By:



Topics:

- Legal Insights
- Deciphering and Decoding Insurance
- Budgets and Reserves Unraveled

Schedule

- 5:30 - 5:45 pm: Check-in/Dinner
- 5:45 - 6:05 pm: Welcome/Opening Remarks
- 6:05 - 6:25 pm: City Remarks/Update
- 6:30 - 6:55 pm: Session 1
- 7:00 - 7:25 pm: Session 2
- 7:30 - 8:00 pm: Session 3

City Topics:



- Emerald Ash Borer
- Neighborhood Connection Grants
- Community Clean up day

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Restoring **POWER** to the Customer



Andrew Loyola
Denver Elevator
Company

An overwhelming number of owners and managers I speak with are either dissatisfied with the performance of their elevators or frustrated with the lack of communication from their maintenance provider. “I never see my mechanic but I sure see the invoice”. “The inspector just came and all my tests are past due”

Here are some basic steps to follow to improve your elevator experience:

- **Maintenance Agreement:** Understand what’s not covered, request hourly billing rates and make sure normal business hours are clarified in the contract. For example, you

may consider normal hours to be 8:00am-5:00pm, however, their hours are 6:00am -2:00pm. This will reduce costly overtime invoices and repairs for work not included.

- **Scheduled Visits and Safety Tests:** Make sure the frequency of visits, (weekly, monthly, quarterly) are clearly written in the contract and identify when the code required annual and 5 years safety tests were last performed. For example, avoid vague language like “Regular Scheduled Visits” and hold your provider accountable to timely safety testing. This will avoid unnecessary inspection violations.
- **Maintenance Control Program (MCP):** Code mandates that each elevator has a MCP log kept in the elevator machine room and all maintenance, repairs and testing be documented once performed. Check your machine rooms to ensure cleanliness and the logs are on site and up to date.
- **Contract Terms:** Negotiate reasonable cancellation terms and avoid automatic long-term contract rollovers. Most elevator contracts require 1-3 months written notice of cancellation prior to the anniversary date or they automatically roll over. It’s fair to give a company written notice of non-performance and give them a chance to correct the problem if a mistake is made or if there experiencing an intermittent technical problem. It’s not reasonable that you can’t cancel your contract even though your maintenance provider hasn’t shown up in many months, safety tests are past due and you have no MCP documentation onsite?

To prolong the life of your equipment, ensure your mechanic communicates well, checks in and out and keeps you informed, doesn’t miss maintenance visits, keeps car tops, pits and machine rooms clean and painted, timely performs annual safety tests and documents performance in the onsite MCP log.



If your building is over 25 years old, and the elevator equipment is original, it's a good idea to start planning and budgeting for an elevator modernization. How soon is an unknown? It really depends on the usage, type of equipment, and how well it's been maintained. The good news is, authorities having jurisdiction in your area will only mandate elevators be brought up to current code if you make a major alteration to the equipment, change in speed, capacity, controls just to name a few.

Also, the State of Colorado Conveyance Division and the Denver Fire Department are implementing a couple of code changes everyone needs to be aware of.

- **Effective January 2019**, the code mandated annual elevator inspection (performed a 3rd party inspector) needs to be within 60 days of the annual safety test (performed by the mechanic). Your current service provider should assist with coordination at no additional cost.
- **Effective July 1, 2018**, the City and County of Denver is mandating all the fire service key switches be standardized to a FEO-K1 type. We recommend Owners and Managers with units that fall under this jurisdiction request pricing and perform this work as soon as possible, to avoid inspection violations and or fines. ⬆

Andrew Loyola has over 30 years of experience in the elevator industry and is President and Owner of Denver Elevator Company.



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Preventative Maintenance Roof & Gutter



Casey Colvin
Heritage Roofing &
Contracting, Inc.

When the Colorado winter begins weakly whimpering its way toward us at a leisurely pace, there is no better time to consider those pesky preventative maintenance items we've put off to enjoy our prolonged fall Season. When looking at our community through the lens of maintaining a space shuttle it's easy to over-inspect, over-repair and over-worry. When encountering this mindset, try to remember a little acronym we call "ARG!"

to pay particular attention to are communities with flat roofs and tile roofs. While shingles can often be maintained with minor sealant touch up, a new pipe boot, or a replacement shingle, tile roofs and flat roofing membranes come with maintenance items all their own. Especially on units where mechanical equipment has been serviced; ask your contractor to inspect for tile breakage or excessive wear on flat membranes as high traffic areas will present leaks first. Also, ask your contractor to document any flat roofing membrane that is shrinking from the walls and any areas where water may be pooling in excess. If these items are not corrected quickly, costly repairs are sure to follow.

Gutter Cleaning

Get those gutters cleaned, because there is nothing worse than an overflowing gutter creating a skating rink in your community. Short of encouraging the Avalanche to enjoy your new practice rink, there is a large liability in slips, trips, and falls. Pay special attention during the cleaning as areas with larger build-up of debris are likely great candidates for a gutter guard system. By installing the gutter guard, you can eliminate a substantial amount of year after year gutter maintenance costs and keep that water where it belongs.

Don't forget the downspouts. These lateral drains are responsible for the lions-share of gutter overflows and are too often overlooked. Pay special attention to any downspout that drains into an underground pipe. If not properly cleaned and maintained they are prone to clogging, breakage, or blockage from vegetation growth. Be sure the contractor performing this repair takes the time to find the drain outlet, otherwise prepare for the flood! ⬆

Assess Damage

Typically, the easiest way to prevent future problems is to review the current ones; walking through a community looking for debris fallen from roofs, rust around existing roof penetrations, stains from downspouts on concrete, and any landscaping that may be washing out or concrete that has heaved. These tell-tale signs are often the beginning of a larger problem and a great place to start the hunt for pre-emptive repair. Once you've compiled your list you can work from the top down.

Roof Maintenance

Inspect those roofs! Now I don't mean walk around and enjoy the view, rather hire a licensed roofing contractor to inspect and document any real issues that may be present in the future. Areas

ve
ce





Lindsay Thompson
CAI-RMC Editorial
Co-Chair

SPRING INTO ACTION



Winter exposure can be hard on your home. Spring is the perfect time to assess your home inside and out. Not only can this help you maintain your home's value, but it can help you avoid costly repairs later.

CHECK ROOF SHINGLES & CHIMNEY:

Yearly inspections will help you detect if your roof and chimney are functioning properly. Unaddressed issues can lead to leaks, additional damage and heat loss. Be sure to check your roof warranty if you discover any issues!

CLEAN GUTTERS & DOWNSPOUTS:

Gutters and downspouts help direct water away from your home. Make sure they are free of debris and working properly.

TOUCH UP PAINT & INSPECT SIDING/TRIM:

Touching up paint not only looks good but helps protect your home from the elements. If you notice damage on the exterior elements of your home, especially signs of water damage, ask a licensed contractor to take a look.

ASSESS CONCRETE CRACKS:

Cracks in concrete can worsen over time. To prevent further damage, identify the cause before trying to make repairs on your own. Often drainage issues can be the problem.

CURB APPEAL:

Spruce up your yard by clearing debris. Trim plants & bushes away from your home and prep your lawn by: aerating, weed + feed and adding grass seed where necessary.

APPLIANCE CHECK-UP:

Replace air filter and schedule HVAC service. Test your smoke and carbon monoxide detectors and replace the batteries. Clean out your dryer vent to prevent fires. Make sure all appliances are running properly.

DOORS & WINDOWS:

Check to see if doors and windows are closing properly. Make sure they are properly weatherproofed and seal any drafts. This can provide significant savings on your energy costs each year. If you notice moisture build up around windows and doors check the exterior for signs of leaks.

PLUMBING:

Check sinks, drains and fixtures. Repair leaky faucets, pipes and clear drains. Inspect caulking around sinks and baths.

FOUNDATION & BASEMENT:

Check your foundation for leaks, cracks and mold. These are indicators of bigger issues and require the assessment of a licensed contractor. Clear sump pump of debris and ensure it is working properly. Your sump pump should not be running frequently.

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Sean is an experienced attorney specializing in both construction defect law and Colorado HOA law.

He has represented both plaintiffs and defense in his 10 year career, giving him valuable perspective on the issues we face in this industry. We are very excited to add Sean to our team!

Learn more about Sean (and his pets) on our website.

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Rights and Responsibilities for Better Communities

Principles for Homeowners and Community Leaders

More than a destination at the end of the day, a community is a place people want to call home and where they feel at home. This goal is best achieved when homeowners, non-owner residents and association leaders recognize and accept their rights and responsibilities. This entails striking a reasonable balance between the preferences of individual homeowners and the best interests of the community as a whole. It is with this challenge in mind that Community Associations Institute (CAI) developed Rights and Responsibilities for Better Communities.

Rights and Responsibilities can serve as an important guidepost for all those involved in the community—board and committee members, community managers, homeowners and non-owner residents.

Homeowners Have the Right To:

- A responsive and competent community association.
- Honest, fair and respectful treatment by community leaders and managers.
- Participate in governing the community association by attending meetings, serving on committees and standing for election.
- Access appropriate association books and records.
- Prudent expenditure of fees and other assessments.
- Live in a community where the property is maintained according to established standards.
- Fair treatment regarding financial and other association obligations, including the opportunity to discuss payment plans and options with the association before foreclosure is initiated.
- Receive all documents that address rules and regulations governing the community association—if not prior to purchase and settlement by a real estate agent or attorney, then upon joining the community.
- Appeal to appropriate community leaders those decisions affecting non-routine financial responsibilities or property rights.

Homeowners Have the Responsibility To:

- Read and comply with the governing documents of the community.
- Maintain their property according to established standards.
- Treat association leaders honestly and with respect.
- Vote in community elections and on other issues.
- Pay association assessments and charges on time.
- Contact association leaders or managers, if necessary, to discuss financial obligations and alternative payment arrangements.
- Request reconsideration of material decisions that personally affect them.
- Provide current contact information to association leaders or managers to help ensure they receive information from the community.
- Ensure that those who reside on their property (e.g., tenants, relatives, friends) adhere to all rules and regulations.

continued on next page

Community Leaders Have the Right To:

- Expect owners and non-owner residents to meet their financial obligations to the community.
- Expect residents to know and comply with the rules and regulations of the community and to stay informed by reading materials provided by the association.
- Respectful and honest treatment from residents.
- Conduct meetings in a positive and constructive atmosphere.
- Receive support and constructive input from owners and non-owner residents.
- Personal privacy at home and during leisure time in the community.
- Take advantage of educational opportunities (e.g., publications, training workshops) that are directly related to their responsibilities, and as approved by the association.

Community Leaders Have the Responsibility To:

- Fulfill their fiduciary duties to the community and exercise discretion in a manner they reasonably believe to be in the best interests of the community.
- Exercise sound business judgment and follow established management practices.
- Balance the needs and obligations of the community as a whole with those of individual homeowners and residents.
- Understand the association's governing documents and become educated with respect to applicable state and local laws, and to manage the community association accordingly.
- Establish committees or use other methods to obtain input from owners and non-owner residents.
- Conduct open, fair and well-publicized elections.
- Welcome and educate new members of the community—owners and non-owner residents alike.
- Encourage input from residents on issues affecting them personally and the community as a whole.
- Encourage events that foster neighborliness and a sense of community.
- Conduct business in a transparent manner when feasible and appropriate.
- Allow homeowners access to appropriate community records, when requested.
- Collect all monies due from owners and non-owner residents.
- Devise appropriate and reasonable arrangements, when needed and as feasible, to facilitate the ability of individual homeowners to meet their financial obligations to the community.
- Provide a process residents can use to appeal decisions affecting their non-routine financial responsibilities or property rights—where permitted by law and the association's governing documents.
- Initiate foreclosure proceedings only as a measure of last resort.
- Make covenants, conditions and restrictions as understandable as possible, adding clarifying "lay" language or supplementary materials when drafting or revising the documents.
- Provide complete and timely disclosure of personal and financial conflicts of interest related to the actions of community leaders, e.g., officers, the board and committees. (Community associations may want to develop a code of ethics.)

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What Does **FEDERAL LAW** Have To Do With My Pool?





Timothy M. Moeller, Esq.
Moeller Graf, P.C.

As the snow begins to melt and people trade their ski poles for sunblock, community associations across Colorado will begin to turn their attention to opening their swimming pools. While everyone loves to have fun in the sun, maintaining and operating a swimming pool may present legal challenges for community managers and boards of directors. While some issues are unique, there are some questions that arise fairly regularly. Below you will find what a typical conversation may look like.



Bujar Ahmeti
Moeller Graf, P.C.

A local swim league approached the association and asked if it could use the pool to host its swim meets. Are there any legal issues of which we should be aware?

Typically, community association pools are private, and as such, are not subject to Title III of the Americans with Disabilities Act (“ADA”). Allowing a local swim league (and its supporters) to use the association’s swimming pool may transform the swimming pool from a “recreational facility” to a place of “public accommodation.” As a result, the

association would have to ensure the swimming pool was compliant with Title III of the ADA. This was confirmed by the Department of Justice in a published Q&A regarding ADA accessibility where the DOJ stated that if a swimming pool/club located in a residential community is made available to the public for rental or use, then it is covered under Title III of the ADA. A pool categorized as a “public accommodation” would have to meet the ADA Standard for Accessible Design, which provides:

- If the pool is less than 300 lineal feet, then it must have at least one accessible means of entry, which must either be a chair lift or sloped entry.
- If the pool is more than 300 lineal fee, then it must also have a second means of access, which can either be another lift or ramp, or it can also be a transfer wall, a transfer system, or pool stairs.
- Clear deck space must be designated for easy access to the pool and easy transfer from a wheelchair or mobility device.

We have concerns about keeping the pool sanitary for all of our residents if we allow children in diapers to use the pool. Can we implement a rule that prohibits any person under the age of 4 from using the pool?

Even rules with the best intentions can find disfavor with the law. The Fair Housing Amendments Act (“FHAA”) prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, familial status and disability. Familial status

is defined, in pertinent part, as “one or more individuals (who have not attained the age of 18 years) being domiciled with a parent or another person having legal custody of such individual or individuals.” Some ask, “How can we be discriminating against families with children if we will allow children who are at least 5 years of age to use the pool?” When reviewing a rule or regulation for a potential fair housing discrimination claim, a reviewing court will look to whether there is a less restrictive measure to accomplish the association’s objective. Here, instead of enacting a rule adopting a complete ban on children under a certain age for sanitary reasons, an association is better served to promulgate a rule requiring an incontinent person or child who is not fully toilet trained to wear appropriate swim diapers or other appropriate waterproof sealing undergarments when entering the pool.

“While everyone loves to have fun in the sun, maintaining and operating a swimming pool may present legal challenges for community managers and boards of directors.”

A homeowner who is disabled attended the board meeting last week and requested the pool be modified by installing a chair lift so that the homeowner can use the swimming pool. Does the board have to allow installation of the chair lift, and if so, who pays for it?

Under the FHAA, a community association may not discriminate against anyone with a disability by treating said person less favorably than those that are not disabled. The association must permit disabled persons to make reasonable modifications to existing dwellings or common areas that are necessary to afford the disabled person full enjoyment of the dwelling. A “reasonable modification” is a structural change made to existing premises, occupied or to be occupied by a person with a disability, in order to afford such person full enjoyment of the premises. However, an association can place reasonable conditions on the modifications. These conditions include requiring the disabled person to: (1) provide a reasonable description of the modifications; (2) provide reasonable assurances that the work will be done in a workmanlike manner; (3) make the modifications in accordance with the association’s reasonable aesthetic requirements that do not increase the cost of the modifications; and (4) obtain any required building permits. Generally, the requestor is responsible for the cost of the reasonable modification.

As is the case with operating any common area within a community association, a community swimming pool requires more than just proper chlorine levels to properly function. Of course, a community association can mitigate any potential risks by ensuring compliance with its governing documents and any federal or state laws. ⬆

Timothy M. Moeller is a founding partner of Moeller Graf, P.C. and has practiced community association law exclusively since 1999.

Bujar Ahmeti is an associate attorney at Moeller Graf, P.C. whose practice is dedicated solely to addressing the needs of Colorado community associations.

RETAINING WALLS

Facts & Maintenance Guide



Mike Barclay
Reconstruction
Experts, Inc.

Chances are, if you are a Community Association Manager, at least one of your communities has a retaining wall. Most of the time, retaining walls are overlooked until there are major issues resulting in costly repairs. There are some simple tools and tricks Managers and Boards can use to prevent catastrophic failures. Reconstruction Experts has provided quick tips below for you to use on your next inspection.

Maintenance Guide

- Yearly inspections by General Contractor or Engineer
- Maintain landscape surfaces around the wall
- Avoid using salts and deicers around the wall
- Immediately correct any improper grading around the wall

Retaining walls are often more than an aesthetic accent to your HOA Community. Most retaining walls are used to retain soil, rock or other materials and require proper installation and maintenance.

Common Types of Retaining Walls



Timber Wall



Modular Block Wall



Concrete Wall

How to Identify Retaining Wall Failure

During your property inspections look for the following on your retaining walls:
Bulging, Bowing, Cracking, Tilting, Sinking, and Uneven Surfaces

Do I Need a Permit?

Every municipality has different requirements for permitting. Generally, however, you can build a retaining wall up to 3ft high without an engineer's report or permit. Anything higher than 3ft must be designed by an engineer and will require a permit.

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Denver's **GREEN ROOF** Update





Justin Foy
Senior
Vice-President,
SBSA

While many of Denver’s community associations nervously anticipate the true impact of the new Green Roof Ordinance, the city’s newly formed 24 member Task Force has been meeting to try and figure out ways to best achieve the goals of the Ordinance. The Task Force was assembled by Denver’s Department of Public Health and Environment to develop recommended modifications, clarifications, and improvements to the Ordinance through a collaborative, consensus-based process that “honors the vote.”

Several clarifications and interpretations have arisen from the Task Force meetings that may apply to community association buildings:

- The Denver City Attorney’s office clarified the Ordinance language for exemptions and variances. Exemptions are circumstances in which the Ordinance does not apply while variances are circumstances in which the Ordinance applies but warrant relief from provisions in the Ordinance.
- Exemptions do not trigger the Cash-in-Lieu-of provision, which requires a \$25/square foot payment for reducing the

amount of green roof provided. Previously there was confusion on whether an exemption triggered the cash-in-lieu fee.

- If a building is unable to provide the green roof coverage as required, an application may be submitted to the Denver Planning Board for either a complete exemption to the requirements or to provide a smaller green roof area than would otherwise be required.
- A building may cover its entire roof area with a solar energy collection system to be exempt from this Ordinance.

The Task Force is exploring utilizing a Green Building scorecard system similar to what Chicago uses for quantifying points of green benefits. The intent is to provide flexibility while meeting the intent of the Ordinance.

The Task Force has met five out of the eight scheduled times and had its first City Council debrief on April 2 with formal recommendations due at the end of May. If desired, the City Council can modify or repeal the Ordinance after six months with a two-thirds majority vote.

A Mayor-appointed Technical Advisory Group composed of experts in the industry will soon be formed to serve as the recommending body for technical issues with the current Ordinance. They will assemble formal amendments and provide periodic review as changes are proposed. ⬆

Justin Foy, SBSA Community Associations Institute’s Rocky Mountain Chapter’s Green Roof Ordinance representative and Advisor to the Denver Green Roof Task Force.

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CAI-RMC MISSION STATEMENT

To provide a membership organization that offers learning and networking opportunities and advocates on behalf of its members.



Editorial Calendar

Issue	Topic	Article Due Date	Ad Due Date
June	Insurance / Security	04/15/2018	05/01/2018
August	Finance	06/15/2018	07/01/2018
October	Tech / Modernization	08/15/2018	09/01/2018
December	Beautification / Upgrades	10/15/2018	11/01/2018

Board Leadership Development Workshop

LEARN HOW TO BE AN EVEN MORE EFFECTIVE BOARD OF DIRECTORS.

Education for homeowner leaders just got better. The new CAI Board Leadership Development Workshop teaches you how to communicate with association residents, hire qualified managers and service providers, develop enforceable rules, interpret governing documents and more. It provides a comprehensive look at the roles and responsibilities of community association leaders and conveys information to help create and maintain the kind of community people want to call home.

Community association board members and volunteer leaders step up to take on positions of service and responsibility. They're expected to anticipate issues, solve problems, meet the expectations of their residents and protect property values.

The workshop will teach you how to become a more successful board member and how you can recruit and support new volunteers. You'll learn the role of the board, the president and other leadership positions, and you'll identify effective ways to work with professional managers and service providers.

The workshop consists of five modules:

- Module 1: Governing Documents and Roles & Responsibilities
- Module 2: Communications, Meetings and Volunteerism
- Module 3: Fundamentals of Financial Management
- Module 4: Professional Advisors and Service Providers
- Module 5: Association Rules and Conflict Resolution

COURSE MATERIALS

The workshop includes a toolbox of support materials:

- *The Board Member Toolkit*, a best-selling book from CAI Press
- *The Board Member Toolkit Workbook*
- Brochures and publications, such as *The Homeowner & the Community Association*
- A copy of CAI's award-winning *Common Ground*™ magazine

In addition to a toolbox of support materials, each student receives a certificate of completion and recognition on the CAI website.



**April 21, 2018
9am-3pm
Parker Library
Event Hall A
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Welcome New Members

Alyssa Anderson, CMCA, AMS—Summit HOA Services

Kevin Andrew—Mesa View Estates

Joe Armstrong—First Hyland Greens

Andres Arroyo

Rick L. Bacon—Mastino Management, Inc.

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Tamara Bockhouse—

Backflow Consulting Testing and Repair, Inc

Courtney Bolla—Associa Colorado Association

Kelly Brockett, CMCA—Snowmass Hospitality

Matt Brozovich—First Hyland Greens

Meagan Carper—Precision Concrete Cutting

Randy Chambers—Hammersmith Management, Inc.

Windi Chowanec—5280 Property Management

Jacqueline Colton—Asset Preservation Group

Christopher Crawford—

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Kristen Dale—Mesa View Estates

Jerry Dreiling—Mesa View Estates

Cynthia Dugan—Hammersmith Management, Inc.

Jean T. Fowler, CMCA—

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Jennifer Gill—Associa Colorado Association

Joe Glassman—Waterside Lofts

Kyle Greenhaus—Vail Beaver Creek Resort Properties

Helen Hardin

Rocky Hill—Waterside Lofts

Renee Hook—Mesa View Estates

Rex Hughes—Mesa View Estates

Bob Husson—The Pinery Homeowner's Association Inc

Cory Johnson—Zenith Home Finishes

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Randy Lewis

Miss Sabrina Ann Lopez, CMCA—

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Jim Mallon—Waterside Lofts

Raj Manikam—SteamMaster Restoration and Cleaning

Vito Maretski—Gutter Maintenance Pro

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Linda Mollard—First Hyland Greens

Pam Moores—First Hyland Greens

Shelley Nordin

Bill Opp—Mesa View Estates

Kevin Offercrans—Waterside Lofts

Lisa Phelps—Hammersmith Management, Inc.

Norman Pinkham

Jeffrey Powles, CMCA—CCMC

Brittany N Pulver—Core Contractors

Adam E. Queen—AQ Property Solutions, LLC

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Jennifer Singleton

Glenn Sliva

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CAI-RMC EVENT CALENDAR

APRIL

18 Wed	Speaker Series Denver Tech Center
19 Thu	HOA Roundtable Boulder
20 Fri	M202 Vail
21 Sat	Board Leadership Development Program Parker
25 Wed	Mountain Education Vail

MAY

16 Fri	Mountain Education Frisco
18 Fri	DORA Day (20/20) Denver
22 Fri	HOA Roundtable Aurora
23 Fri	Mountain Education Steamboat Springs

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