

Vol. 35 • No. 9 • September 2017

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COMMON INTERESTS



Your CONSTRUCTION Toolbox

INSIDE:
Hiring the Right Manager
Construction Defects
Design Guide: What's Hot & What's Not
Painting, Roofing & Mold
And More!

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community
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COMMON INTERESTS

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President's Letter



DENISE HAAS
President
CAI-RMC

Budget season is upon us, you are reviewing your successes and your growth opportunities for 2017 and starting to anticipate how 2018 will look. The RMC Board and Committee Chairs are going through the same process. In August, we held a fantastic strategic planning session and now we are in the review phase, determining what will be the best course to follow for 2018. I am anticipating we will have some exciting changes to discuss at our Annual Meeting in November.

This is also a great time to think about volunteering to serve. We have two positions up for election on the Board of Directors. If you are interested in serving, please contact Bridget.

CAIRMC held a community outreach in August at Centennial Park by hosting a Festival. Several firms participated and were able to educate numerous community members on the benefits of CAI and the advocacy that happens on their behalf. We hope to continue this project in the future.

As I close this brief update, I want to take a moment to ask you all to please find a way to help our friends in Texas and Florida. I had the unfortunate experience of better understanding what they are going through first hand. They do need any help they can get. I know that several of our business partners are there now, trying to help rebuild, but they will still need so much more. We have a roof over our head, cold/hot water running, and electricity—many do not. Helping is something we all have the capability to do. If anyone is interested in donating, the Houston Chapter of CAI is asking that gift cards to places like Lowes or Home Depot be sent to their chapter. This, they have said, is the best way to help right now. If you'd like more information, please email Bridget. ↑

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

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Executive Director's Message



BRIDGET NICHOLS
Executive Director
CAI-RMC

Community is defined as a unified body of individuals; the people with common interests living in a particular area; an interacting population of various kinds of individuals in a common location. Common and community seem to go hand in hand.

When you saw the reports about Hurricane Harvey and Irma, what was your ultimate reaction? I found myself wanting something positive to hold on to in a time of such destruction. I desperately desired

something good to come out of the news cycle rather than focusing on the plight and desperation of so many people and animals. And then, just like that, it happened. I felt a sigh of relief as I saw people helping other people within their community.

For me, community means much more than a group of people with common interests or society at large. It's people doing uncommon things to help each other out because we're all in this together, despite our differences or interests.

The Rocky Mountain Chapter of CAI is proud of the individuals within our chapter that drove down to Texas and Florida to help the communities there. We are a community that helps other

communities. That's something to be proud of.

If you know of someone from our chapter who aided the Texas and Florida communities recover from the hurricanes, please send me an email with the name, details, and picture of the individual(s). We should applaud those people and be proud that our community has such giving and caring individuals to help the community at large. 🏠

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Hiring The Right Person To Manage Your Most Valuable Asset



John Ganoë,
Executive Director,
CAMICB

When thinking of homeowner associations, condo-miniums or cooperatives many people overlook the evolving complexities of community association management. Before hiring a community association manager it's important to understand the breadth and depth of what running a business entails, which is precisely what community association managers do.

A knowledgeable and committed community manager holds the Certified Manager of Community Associations (CMCA) credential. This is an important distinction. As a board member, trustee, or volunteer leader working with your association or cooperative, you have fiduciary responsibilities that obligate you to make decisions that may have a profound financial and social impact on your community. Receiving professional and accurate advice and guidance on issues such as reserves, maintenance, insurance, budgets, governance, contracts, the law, and rules enforcement can mean the difference between prosperity and chaos.

CMCAs solve problems before untrained managers even know they exist.

By taking and passing the rigorous CMCA examination, a CMCA has a proven and solid understanding of the business operations involved in being a community association manager, including:

- Contracting,
- Customer service,
- Ethics,
- Financial management,
- Facilities maintenance,
- Governance,
- Human resources,
- Insurance; and,
- Legal and reserve funding

Further, CMCAs must comply with continuing education requirements in order to maintain their credential. This is done through a process called recertification and is the cornerstone of best practices in the credentialing industry. Recertification is an ongoing process designed to promote and prove continued competency in the

community association management profession. This competency is demonstrated through participation in continuing education in the field of community association management by participation in at least 16 hours of continuing education coursework every two years.

The Community Association Managers International Certification Board (CAMICB) was established in 1995 to develop and administer the CMCA program. CAMICB insists on high ethical standards for community association managers because it not only strengthens the CMCA program, but protects consumers and associations that hire community association managers.

Maintaining High Ethical Standards

Due to the importance of community association managers' professional responsibilities, CMCA's must adhere to very high Standards of Professional Conduct, which govern their professional activities. These Standards of Professional Conduct range from understanding laws applicable to community association management, to being knowledgeable on association policies and procedures, to carrying out fiduciary responsibilities, and participating in continuing education coursework. Abiding by these Standards of Professional Conduct help protect consumers and associations that hire community association managers.

A Community of Motivated, Educated and Dedicated Professionals

To locate a CMCA in your city or state, simply visit the CAMICB directory of Credentialed professionals: <https://www.camicb.org/find-a-cmca>. Here you will find a wide community of professionals who often interact with one another at networking events, continuing education programs and industry conferences. This strong network of CMCAs provide one another an opportunity to share innovative ideas, best practices, support and guidance. Every housing community is unique; more experience and more knowledge are invaluable as CMCAs actively work to provide the best possible service to your association.

Linda Warren, CMCA, AMS, PCAM, of The Warren Management Group sums it up nicely, "Owner expectations have changed dramatically over the past 30 years. Managers understand they may not have all the answers but as a CMCA, they know where to find the right resources, thanks to a powerful network of experts to help answer the tough questions." ⬆

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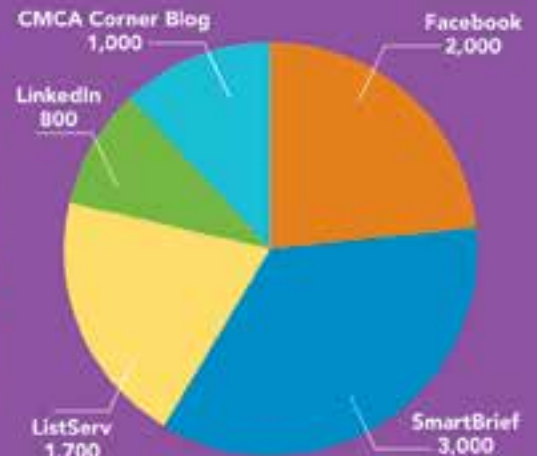


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CONSTRUCTION *DEFECTS*

**What Every Manager or
Property Owner Should Know**





Michael J. Lowder, Esq.
Benson, Kerrane,
Storz & Nelson

No one wants to find out that there may be construction defects in their home or community. Unfortunately, construction defects happen, even though local building departments inspect construction projects and most developers take steps to avoid them. Fortunately, as long as you act quickly to resolve construction issues with the developer of the community, homeowners and community associations can typically get construction defect issues resolved, even if the developer has gone bankrupt or out of business.

Tick-tock: Don't Let the Statute of Limitations Bug Bite!

Generally, a property owner must make a claim for construction defects within two years after they first notice a symptom of a problem. That two-year clock can start even if you do not know that the symptom is a construction defect, and even if you do not know the cause of the symptom.

For a community association, a report of a problem in an email to a board member or the community manager, or discussion of an issue in meeting minutes can start that two-year clock, so it is important to pay attention to reports of any problems that could be related to construction.

An example of such a problem might be a homeowner reporting in an email to the community manager: "There's a lot of ice in the concrete gutter of the alleyway. Can you have someone salt there?" This could be the symptom of a construction defect (inadequate slope of asphalt or concrete) and could start the two-year clock.

So, any time that you have complaints about issues in the community that might be related to construction, it is crucial to keep track of those issues so that you do not let too much time pass and lose your claims.

Working With the Developer

When construction problems come up, property owners and community managers usually turn to the builder to resolve the issues. While this can be a good first step, there are three things to keep in mind while you work with the developer.

First, developers sometimes will ask you to sign a "release" of claims in order for the developer or builder to fix the construction issues. Developers may ask for a "full and final release" of all claims. If you sign this type of release, you are releasing the developer for all potential claims you may have against it, even issues that you do not even know exist.

For example, you may have an issue with concrete spalling, and the developer agrees to fix it if you sign a full and final release of all claims. You sign the release, the concrete gets fixed, and then a year later, you discover that the developer installed the pool heater incorrectly, or that the roofer did not properly flash the roof vents. Since you signed the full and final release in order to get the concrete replaced, you waived your claims related to the

Construction Defect Cheat Sheet:

Five Things Every Manager or Property Owner Should Know

1. Timing is everything! Property owners (including associations) may have as little as 2 years to take action to preserve their legal rights after they know (or should know) of construction defects.
2. Property owners and associations have a maximum of 6 years from the time construction of a project is complete to make a claim for defects.
3. Working with the builder to address construction concerns informally typically does not extend the time periods for bringing a claim. The clock is always running!
4. If you have the following complaints or maintenance burdens at a property, they may be a sign of construction defect issues:
 - Roof, window, or door leaks evidenced by wall or ceiling staining or swelling, peeling paint, drywall cracks, or moisture on floors or window sills.
 - Building cladding (siding, stucco, or brick/stone veneer) problems evidenced by cracking, water stains, bulging, peeling, or other signs of premature deterioration.
 - Patio, balcony, or deck problems evidenced by water ponding, staining, cracking, or premature deterioration.
 - Damaged concrete or asphalt - cracking, settling, heaving, or premature deterioration.
 - Site grading or drainage problems evidenced by ponding water or muddy/swampy areas, or ice accumulation.
 - Foundation problems evidenced by cracking movement of the foundation, interior drywall cracks, or nail pops.
 - Fire suppression system or other plumbing issues evidenced by leaks, corrosion, or other damage.
5. If you're receiving complaints or are calling for repeated repairs regarding any of these issues, then you should consider contacting an attorney sooner rather than later to best preserve the property owner's legal rights.

pool heater and the roof vents. Therefore, it is important to be very careful about any release the developer asks you to sign. You may want to have it reviewed by an attorney.

The second thing to keep in mind is that property owners and community managers often have the misunderstanding that working with the developer to resolve issues stops the two-year clock, and your claims will not expire. Unfortunately, under Colorado law, "working with the developer" does not stop claims from expiring. Therefore, it is essential to pay attention to any time that passes after the symptom of the defect is first noticed.

"Working with the developer" can take time, and you do not want the two-year clock to run out while you are in this process. If the two-year period expires and you do not resolve the issue, then you may not be able to pursue formal legal action against the developer anymore. If you want to work with the developer for an extended period and do not want to worry about your claims expiring while you do so, ask the developer to enter into a written tolling agreement to toll (pause) the statute of limitations or repose.

Finally, you want to make sure that whatever repairs the developer is willing to perform will actually fix the underlying problem, and not just cover up the problem or delay symptoms temporarily. It is wise to consult with a contractor or engineer before accepting any repair the developer offers.

"But It Passed Inspection?!"

There is a common misconception that if a home or a community passes the inspections by the local building department, it was built correctly. Unfortunately, this is not always the case. Building

inspectors simply cannot look at every condition in every location on every building, and building inspectors sometimes fail to spot construction defects and building code violations. Building inspectors perform a function similar to the police: they catch some violations, but they do not catch every violation. Just as citizens are expected to obey the law, whether or not they are caught by the police, developers and builders are expected to follow the minimum standards of the building code, regardless of whether a building official finds a building code violation.

No Money in the Bank?

Another common misconception is that if a developer goes bankrupt, or is out of business, homeowners have no recourse. Fortunately, that is not always the case. Even if a developer is out of business or has declared bankruptcy, owners and community associations with construction defects may be able to recover funds to make repairs from the developer's insurance company, based on insurance policies the developer bought during construction.

Construction defects do not need to be a headache. If you stay on top of the issues in your community and remember to be vigilant with the passage of time, you can put your community in a great position for long-term stability, even in the face of construction defects. ⬆

Michael J. Lowder is a senior associate attorney at Benson, Kerrane, Storz & Nelson, P.C. Michael represents property owners and community associations suffering from construction defects throughout Colorado and Minnesota, and also serves on CAI-RMC's Programs & Education Committee.



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DESIGN GUIDE

What's Hot and What's *Not*?

by CAI-RMC Editorial Staff

Have you ever looked back and thought, "What were they thinking"? We bet you might have, especially when it comes to design trends! To jog your memory, here are the highlights over the years: avocado green and harvest gold, sponge painted walls, Hollywood mirrors, Tuscan kitchens, wallpaper border print, popcorn ceilings, vertical blinds, blush and dusty pastels, floral everything, faux greenery, jewel toned wall to wall carpet, and so on. So, what's hot and what's not in today's design trends? While "good" style is always subjective and a snapshot of its time period, here are the emerging trends gaining popularity today.



The Kitchen: Appliances and the Battle of the Smudge

Stainless steel's distinct, sleek look has lured us all in with its modern elegance and functionality. It has stood the test of time, becoming the go to for kitchen appliances for more than a decade. But, if you have children, pets or people in your home, you have endured the never ending battle against your beautiful stainless steel appliances remaining smudge free! Yes, it can be easily wiped down, but the second anyone or anything comes into contact with it, it looks like a CSI fingerprint team snuck in. (Oh, and don't scrub too hard because you will scratch it!)

So, what is a sleek modern functional appliance-loving homeowner to do? The largest and most recognized manufacturers are heavily marketing alternatives to stainless steel including: matte finishes, high gloss, colored enamel and glass. All satisfy the modern sleek look without the grubby finger prints. Another design upgrade includes counter depth fridges. With all of the options available, we can have peace of mind and fingerprint free appliances.





Flooring

Wood floors dominate the game. Whether it's tile, laminate, vinyl or actual wood, the wood-look is the most popular. We are seeing trends in wood floors that increase demand for local, sustainable and reclaimed wood, wider and longer plank flooring that showcase the natural character of the wood, as well as patterned floors like herringbone and parquet.

Thanks to technology, we have access to high quality lookalike and low-maintenance flooring options. "Wood-look" tiles are on the rise with high quality and a low price point. Although not "new," this option is more commonly being used throughout the whole house and not just in bathrooms and kitchens. Luxury-laminate is still the go-to flooring for homeowners.

Trending Flooring Colors

Ultra dark—The most popular pick, there is an increase in Ebony floors. But, beware: the darker you go, the more you will see imperfections and dirt. If you still want the dark look, we recommend dark walnut, which is much easier to maintain.

Blonde—Coming in 2nd place, this option provides a lighter, whitewashed look and favors a more natural/low gloss finish while providing a crisp clean finish.

Gray—Gray is steadily increasing in popularity, with a rise in gray/brown blends. This cool color palette pairs well with both modern and traditional finishes.

Storage

Kitchen, bath, and laundry room storage have spiked in priority. It seems people are paying closer attention to the functionality of a space and not just the look of it. A well thought out design now includes how the space can help make our lives easier. Effective storage helps keep clutter at a minimum and makes your space easier to live in.

Bath

Vanities are making a comeback, but not your typical "find it at Home Depot" vanity. Homeowners are going rogue and repurposing chests of drawers, industrial cabinets, vintage consoles and more to create unique, one-of-a-kind pieces.



Outdoor Living

Outdoor living spaces are a great way to live outside of your walls. These spaces have morphed into full kitchens, fireplaces and fire pits, all furnished in style. As always, low maintenance is should take priority. Technology has also enabled us to include affordable and functional outdoor lighting options. Courtyards are on the rise and include a variety of construction using timber, stone, concrete and smaller garden spaces.



Exterior

We're welcoming grand entryways with curb appeal and character over subtle understated entrances, choosing brick and natural stone over vinyl siding and custom homemade details. The increased use of statement house numbers is not only functional but an added element, while no fuss landscaping is replacing large cluttered shrubs. Unique fences are more increasingly being incorporated into landscaping designs, and the red front door is retiring while opening our hearts to Dutch doors and ironwork.

A Fond Farewell to These 2016 Design Trends

What's on its way out? First off, DIY everything! Put the mason jars down, oversized furniture, all-white rooms, indigo, Edison bulbs, brass overkill (thumbs up to a subtle satin brass accent), rooms with all one period of furniture, chevron, shiplap, faux Mid-Mod, overdone gray (all gray is becoming the new beige), and neon, which is self-explanatory.

Now with all of that said, what is always in? Going against trends! Trends are designed to make people feel insecure about what they don't have. Design is about what makes you happy and what makes you feel at home. Being authentic is always the best go to! 🏡

CLAC's Legislative Roundtable and Mixer

October 25th, 2017 - 3:00pm-6:00pm

Heritage Eagle Bend Clubhouse
23155 E Heritage Pkwy, Aurora, CO 80016

Join us to meet legislators and city council people from across Colorado. In a loose roundtable format, we will discuss issues important to the community association industry including the CAM Sunset Review, FHA Rules, Construction Defect Laws, Transfer Fees, FEMA and more. Support CLAC by attending and take this opportunity to meet people who make critical housing industry decisions. Anyone interested is welcome. A cash bar and light refreshments will be provided.

The Colorado Legislative Action Committee (CLAC) is a CAI National committee that represents both Rocky Mountain Chapter and Southern Colorado Chapter here in Colorado. CLAC lobbies on behalf of Colorado community associations, management companies and business partners for a variety of issues at the local, state and national levels. It is funded by donations, by the local chapters based on membership, and by this fundraiser. Learn more at CAI-RMC.org/Advocacy

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DUE DILIGENCE

in Association Contracts

And Other Easily Avoided Disasters





Adam T. Brown, Esq.
HindmanSanchez.P.C.

As the saying goes, an ounce of prevention is worth a pound of cure.

Whenever a client asks for our assistance in handling a contract dispute with one of the association's vendor's, one of the first discoveries we make is that the client did not request a legal review prior to entering the agreement in the first place. In many of these cases, the agreement is either poorly drafted altogether, or contains one or more provisions which would have prevented us from recommending that the Association enter the agreement without further changes.

Unfortunately, if proper legal review of a contract is not completed ahead of time, it often locks the Association into unfavorable provisions which hinder their options once a dispute arises. Whether an Association makes this decision due to the legal fees they may incur in the due diligence, or for any other reason, it can often result in major financial and legal consequences to the Association once a dispute arises with the vendor, which may have been avoided altogether if a proper legal review had been conducted.

Two of the most common problematic areas we see when reviewing contractor agreements involve provisions related to the term and termination of the agreement, as well as the attorney fees provisions.

Poorly-written or inflexible termination provisions are one of the most frequent culprits of frustration in any contract dispute. For instance, many contracts have automatic renewal provisions that automatically lock the Association into another term of years if not terminated properly. Other termination provisions may provide only a limited window of time prior to the end of the contact within which the Association must send notice of termination, or lose their chance entirely.

As an example, one of our clients had a waste services agreement in place, which provided for an initial term of five years under the agreement. For the Association to terminate the agreement, it was required to provide notice anywhere from 90-180 days prior to the end of the contract termination date, and if notice was not sent during that timeframe, the agreement was to be automatically renewed for an additional five-year term. Because our client did not give notice during the proper timeframe, the agreement was automatically renewed and prevented them from terminating the agreement for another five years

As a general rule, for most contracts we recommend that termination is permitted at any time during the term of the contract, with or without cause, upon either thirty or sixty days' written notice. However, in some certain instances more stringent requirements will be needed. In any case, we always recommend that our clients negotiate with the vendor to modify inflexible termination provisions, and often we will not recommend signing the agreement altogether unless the termination provision is replaced completely.

In addition to poor termination provisions, another problematic area tends to be provisions regarding attorney fees. Attorney fee provisions can make or break the Association's ability to effectively manage a contract dispute and/or litigation. In most cases, a proper attorney fees provision should include language in which the prevailing party is awarded all costs and attorney fees at judgment. However, many contracts do not provide any provisions at all related to attorney fees, which means that even if the Association does end up successfully pursuing damages against a contractor, they will also have to pay the attorney fees expended in recovering those damages. While there are certain attorney fees that may be awarded by operation of statute in some cases, we always recommend that the contract itself provide this.

The termination and attorney fees provisions are just two examples of provisions which could drastically alter an Association's ability to have recourse against a vendor, even when the Association has otherwise upheld its end of the contract and done everything correctly.

We encourage our communities to budget the cost of legal review for any contract they may enter into in a given year. It is much more beneficial to all parties involved if disastrous results can be avoided later on by undertaking this minor due diligence at the outset of negotiations with a vendor. ⬆

Adam Brown is a transactional attorney at HindmanSanchez P.C. and specializes in representation of Homeowners Associations and Community Association law. Please visit www.hindmansanchez.com for more information.

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Why is **EXTERIOR PAINTING** So Important?



The purpose of exterior painting is to protect your building or home. While changing the colors may be exciting for residents and homeowners, the aesthetics of a paint project are the least important aspect when starting the process. Each project may be different but the steps to a finished product are all the same.

Prior to painting, we start with the most important part of a painting project: the preparation process. There are a few steps in the prep process that are significant to assuring the protection of the building or home.

First there will be a power wash to make sure there is a clean surface to apply paint properly. Caulking is used in a few different ways to help protect the project. Over time, caulking around window trim and doorframes begins to weather and crack because of the constant exposure to the elements. It is crucial to seal these areas so moisture does not get into the wood and cause dry rot.

Next, counter sunk nails will need to be sealed with caulk as well. Sealing counter sunk nails prevents moisture from getting into the area to avoid nails from oxidizing and causing rust stains. It also stops water from sitting in those countersunk areas. After caulking these areas, painters will begin to focus on peeling and chipping paint. These spots must be scraped of all loose paint before feather sanding. The feather sanding is used to create a surface for the primer to anchor itself. It is necessary to prime any areas of bare wood because the wood needs to be protected from the elements and the paint needs a strong surface to latch on to. It is essential

to make sure your contractor is taking these steps because wholesiding and trim replacement is a lot more expensive than taking the detailed steps of preventative maintenance on a painting project.

“The effects of the four seasons in Colorado often cause properties to be damaged a little quicker, unlike other areas of the country.”

Along with the prep process, there are other ways to protect your property from the harsh Colorado winters and summers. The effects of the four seasons in Colorado often cause properties to be damaged a little quicker, unlike other areas of the country. It is usual for Southwest facing sides of properties to get eight to twelve hours of sunlight per day. While it is impossible to prevent fading to occur over time, there are ways to help protect the sides of the property that get the most sun. Prior to painting, a full coat of primer on the siding and trim will add an extra layer of protection from the elements.

The finished product of a painting project should have the property's infrastructure protected from moisture and other elements.

And one final note...painting can and will beautify the homes as well! 🏠

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HB17-1279 Creates Additional Hurdles for Associations Holding Developers Responsible for Shoddy Construction



Heidi Storz, Esq.,
Benson, Kerrane,
Storz & Nelson

During the last legislative session, the Colorado legislature passed House Bill 17-1279. The new law, now codified as C.R.S. § 38-33.3-303.5, creates additional hurdles for community associations to jump over to hold developers and builders responsible for shoddy construction. The law does this by creating new requirements that must be met before a community association is entitled to bring a claim in court or arbitration.

The requirements of the new statute kick in when the notice of claim process has failed, and community associations are left with no other choice but to take legal action against developers and builders. Before taking such action, however, a community association must now provide additional disclosures to homeowners and must hold a homeowner meeting. The developer/builder is entitled to attend the meeting with the presumed purpose of trying to convince homeowners not to vote in favor of further legal action. After the homeowner meeting, the association must collect written votes from a majority of the homeowners within a specific timeframe.

Happily, the additional disclosure requirements in the statute are relatively evenhanded and are disclosures that most construction defect attorneys have typically already provided to associations and homeowners. Per the statute, homeowners must now be informed that:

1. The construction defects might result in increased maintenance and repair costs;
2. The association's claims will expire if it does not take legal action;
3. Sellers have a duty to disclose the defects until the defects have been repaired;
4. The association has hired attorneys and must identify the terms of the attorney fee agreement;
5. Legal costs may be incurred and must identify what those legal costs are estimated to be;
6. The association may have to pay its own attorney fees if the association does not prevail on its claims;
7. A court or arbiter may require the association to pay the developer/builder's costs and fees if the association does not prevail on its claims;

8. There is no guarantee that the association will recover enough to repair all of the defects;
9. The value of the home may be less until the defects have been repaired;
10. It may be more difficult to sell or refinance the home until the legal action is resolved or the defects are repaired.

With respect to the homeowner vote, the legislature did try to even the playing field by limiting whose votes will count to meet the majority requirement. For example, the statute specifically excludes votes for units that the developer/builder still owns, votes from bank-owned units, votes from unit-types that do not have defects, and votes from units where the owners are deemed "unresponsive."

If an association is within a city that has enacted a construction defect ordinance that spells out different disclosure and voting procedures, the new state statute is expected to override the city ordinance. Similarly, if the association's governing documents spell out different disclosure and voting procedures, it is anticipated that the new state statute will override the association's governing documents.

Though the new statute creates additional hurdles for associations to jump over to hold developers and builders responsible, the hurdles are manageable and will not stop associations and homeowners from obtaining redress in court or arbitration. Given that developers and builders were originally pushing laws designed to provide them with a complete shield from liability, the legislature did well in enacting House Bill 17-1279. ⬆

Heidi E. Storz, Esq. is the Managing Partner of Benson, Kerrane, Storz & Nelson, a law firm that represents homeowners and community associations with construction defect cases.





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*By Robert A. Woellner,
President and
Industrial Hygienist—
QUEST Environmental,
Greenwood Village, CO*

We often think of residential mold as a homeowner issue, but sometimes the water damage that leads to mold growth impacts a shared location in a multi-unit residential building. Water damage may be caused by a roof leak, building envelope damage that has allowed water to intrude from the exterior, or migration of released water from one unit to another (particularly flowing downward into an underlying unit). In these instances, mold growth may become the community association's concern. Should this be the case, it will be useful to know the basics of mold assessment in order to provide the best service to your homeowners and reduce the community association's risk.

Ambient Microflora Assessments

An ambient microflora assessment is the best choice when it is not known whether indoor mold growth is present. Perhaps an occupant begins feeling sick in their home and suspects mold exposure, or perhaps there is a musty odor that can't be traced to an obvious source. An ambient mold assessment could also simply be precautionary, such as following a water release that was promptly dried.

During an ambient mold assessment, an industrial hygienist or mold inspector will conduct a visual inspection to search for signs of water staining, damage, and visible mold growth. If any of these are observed, the inspector will attempt to identify the potential source(s) of moisture. The inspector should also utilize a moisture meter to check for moist building materials in the area of concern. (Building materials containing more than 12% moisture content are typically considered to be moist.) If available, an infrared thermometer/camera can be used to check for moisture-related temperature anomalies in locations that are difficult for the inspector to reach with the moisture meter.

The relative humidity should also be monitored throughout the area of concern to make sure that an environment conducive to mold growth is not being created by elevated indoor relative humidity. (We recommend that indoor relative humidity be kept at or lower than half of the indoor temperature, so we typically recommend around 35% relative humidity as an indoor maximum.) Finally, you may wish to have the inspector conduct a sampling survey for airborne fungi to assess whether the indoor air quality is being adversely affected by mold. There are two main categories of mold sampling:

Non-viable/total fungi sampling visually identifies all mold spores in the sample, without discriminating between living and dead spores. This type of sampling can identify mold spores down to the genus level but cannot distinguish individual species.

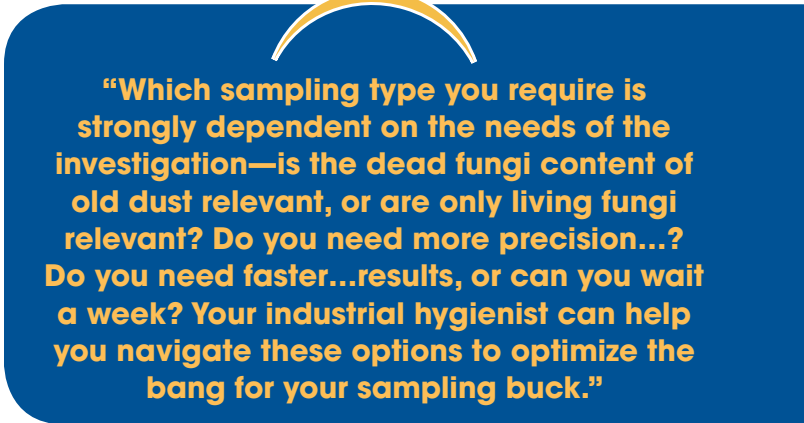
Viable fungi sampling identifies only living, culturable "colony forming units" of fungi. For this reason, laboratory results usually take 7-10 days to be issued, since the living fungi need this time to be cultured on agar plates. Viable analysis can identify fungi down to the species level, and is the method of choice if litigation or adverse health effects are anticipated.

Which sampling type you require is strongly dependent on the needs of the investigation—is the dead fungi content of old dust relevant, or are only living fungi relevant? Dead spores may be very old and not indicative of active growth, but they could still be contributory to adverse health effects for occupants. Do you need more precision in the fungal identification? Do you need faster—

even same-day—results, or can you wait a week? Your industrial hygienist can help you navigate these options to optimize the bang for your sampling buck.

Pre-Mitigation Microflora Assessments

A pre-mitigation assessment assumes that mitigation is going to take place. It is likely that visible water damage and/or mold growth have already been observed. In this case, the inspector will carry out the assessment in much the same way as the ambient assessment, with all of the same elements of investigation described above, but with even further emphasis on identifying and quantifying the areas of concern to be mitigated and the potential contributory sources to be resolved. The industrial hygienist should also provide a detailed, site-specific scope of work for the mitigation contractor to follow in order to fully mitigate all of the areas of concern.



“Which sampling type you require is strongly dependent on the needs of the investigation—is the dead fungi content of old dust relevant, or are only living fungi relevant? Do you need more precision...? Do you need faster...results, or can you wait a week? Your industrial hygienist can help you navigate these options to optimize the bang for your sampling buck.”

Post-Mitigation Microflora Assessments

After the mitigation work has been done, it is tempting to breathe a sigh of relief and assume the mitigation and cleaning work have been performed successfully. We recommend that the project not be considered a wrap, however, until a post-mitigation inspection and final clearance sampling survey have been conducted. Beyond providing peace of mind for the occupants, the post-mitigation assessment also reduces the risk assumed by the community association.

The same investigative elements as in the ambient and pre-mitigation inspections are employed, but with emphasis on assessing the completeness of the mitigation and cleaning activities, making sure there is no remaining visible mold growth, and confirming the absence of mitigation-related dust and debris in the work areas. An airborne fungi sampling survey should then be conducted to confirm that the indoor air quality is normal, with the total fungi concentrations in the indoor samples similar to or lower than that of an outdoor sample and expected background concentrations, and with the types of fungi identified indoors representative of normal outdoor air. Once these criteria have been met, we can be confident that the mitigation work was adequately performed.

In order to avoid a real or perceived conflict of interest, we recommend that the industrial hygienist or other inspector you hire to conduct any of the above assessments be a third party, entirely independent from the mitigation contractor. With these steps in mind, handling a mold concern need not be a confusing hassle. Instead, it can be an opportunity for a community association to shine. ⬆

OUR HOA'S ROOF SITUATION?!



By Jason Domecq, R3NG, LLC

As a licensed roofing contractor serving the HOA industry, one of the most common questions I receive when meeting with different community association boards is “What do you recommend we do about our roof situation?” For any property, the roof is one of the most important systems. An informed roofing selection, along with proper installation, will protect your investment, add immediate value, and most importantly, shelter residents from the elements. If you’re planning to maintain or replace your roofing system, here’s are a few things to consider:

The Contractor

A contractor who is licensed, insured, supported by a major manufacturer and highly respected in the industry are just a few key aspects to consider when selecting a contractor. These qualifications can be validated by:

- **A verifiable and diversified reference list**
- **Evidence of current licensing within the county the work is to be performed**
- **Evidence of the appropriate type of contractor's insurance**
- **Documentation stating support from a major manufacturer**
- **The contractor's history of availability after completion to support the community and any issues that may arise**

Choosing the right contractor is like choosing a great pair of shoes: there are a lot of contractors to choose from, but it's crucial that you identify one that's a good fit. Consider a contractor the community trusts and is comfortable with. Nancy Sinatra said these boots are made for walking. You don't want the boots running all over you!

The Shingles

Think of the future when considering the type of shingle to be installed. Which direction is the board taking the community and how does the community want to look in 10-15 years? Is there a potential to paint next year, or in five years? The type of shingle selected will define the look, feel, and contribute in the future property value. When determining the type of shingle there are, primarily, three different types:

- **3-tab**—An older, linear type of shingle that is slowly starting to disappear from use
- **Dimensional**—One of the more popular shingles that provides adequate coverage, while delivering a great updated look, to nearly all kinds of roofs. This type of shingle comes in a variety of colors and most manufacturers offer an impact-resistant option.
- **Designer**—A stylish way to alter a community's look while also upgrading the community's value. These shingles provide superior coverage and provide a similar look to the high-end custom materials at a fraction of the cost.

A few accessory items to consider when replacing the roof system are:

- **Underlayment Felt**—This is a crucial layer of protection between the shingles and the roof decking
- **Ice & Water Leak Barrier**—This creates a seal around the perimeter and in areas that are susceptible to water penetrating the unit (i.e eaves, rakes, valleys and chimneys).
- **Ventilation**—Proper ventilation throughout the attic will allow for continued airflow and will work in conjunction with the unit's HVAC system help to keep you house cool in the summer and warm in the winter.

The Installation

Once a contractor and materials have been selected, it's important to know that the roof system is being installed correctly. Best practices by contractors include:

- **Documenting the installation while it's in production**
- **If a permit has been pulled, ensuring the contractor is following the permit guidelines**
- **Manufacturer inspections of how the contractor installed the product**

The Warranty

Most states require a licensed contractor to provide a minimum 2-year warranty for a roof replacement. When reviewing warranty options, consider a contractor that is supported by a manufacturer. GAF, for example, stands behind a select few contractors, supporting the availability of a 25-year workmanship warranty. These select contractors are licensed and insured, have a proven track record of superior installations, enjoy respectable relationships within the industry, and will stand behind their work. It's important to know that you can count on both the contractor and manufacturer to be there for the community after the project is complete.

The Maintenance

The climate your community resides within plays a huge factor on how much and how often your roof may need a little TLC. For example, a climate that experiences hot and dry summers followed by cold and wet winters needs to have the sealant used on the roof inspected on a yearly basis. This will ensure there isn't water penetrating the building. Preventive inspections mean less maintenance, and will significantly minimize the costs associated with larger repairs caused by water penetrating the roof.

The Decision

There are clearly many things to consider when you need a new roofing solution. With my decade of industry experience with R3NG, I believe the most important is your community's needs both today and 10-15 years from now. Once your goals are set, remember these key points:

- **The contractor you select will support the community over the next few years.** Examine a company's work history and culture. Will they offer a cohesive relationship with the community? The completion of the roof installation should not be the last time you see the contractor.
- **Protecting residents and the community's investment against the elements should always be of primary concern.** Choose the type of shingle that will ensure the community's future growth, integrate seamlessly with future projects and increase the community's overall property value.
- **Consider a warranty that covers an extended period for both workmanship and manufacturer's defects.** This will allow you to rest easy knowing that you have prolonged coverage, ensures the contractor and manufacturer are committed to your HOA, and provides your community peace of mind knowing they are supported by both the contractor and manufacturer.
- **Lay out a maintenance plan to protect your investment.** Annual inspections of the roof system and its critical areas are essential for its prolonged life. ⬆

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CAI-RMC EVENT CALENDAR

OCTOBER

11 Wed	Mountain Education Vail
12 Thu	Mountain Education Breckenridge
12 Thu	Manager's Lunch Denver

18 Wed	Mountain Education Steamboat Springs
19 Thu	M-204 Westminster
24 Tue	Membership Orientation Greenwood Village
24 Tue	Lunch & Learn Greenwood Village

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Don't forget to register for events as prices are significantly higher the day of the event.