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COMMON INTERESTS

THE 2023

Insurance / Ethics

ISSUE

Ethics of Collections

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Partners to Make Our
Partnerships Stronger**

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Prioritizing Mental Health

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Karli Phifer
Chapter President
CAI-RMC

Turning the page to June, we are hitting the half-year mark coming off a great CAI Annual Conference in Dallas this year - marking 50 years of excellence with CAI. The conference was well done and CAI always hits the target with the education and networking they provide.

Amidst this moment of celebration, I would like to take a moment and recognize our own executive director Bridget Sebern for her contributions to CAI and to our chapter. Often operating behind the scenes, her humble nature provides much benefit to the members she serves but largely goes unrecognized by the national organization. Her commitment to the chapter extends an unwavering moral compass that points true north, being the advocate for the many members and their interests. The CEO forums that are hosted, the committees she organizes, and the education she passionately helps facilitate make all members successful. A huge RMC thank you, Bridget.

This issue emphasizes Insurance and Ethics as it relates to the HOA world. For Owner's Associations and the professionals that service them, upholding high ethical standards is essential for our organization and its members. To do this, it requires trust and transparency among HOA board members, managers, and residents. Ethical behavior in HOAs encompasses various aspects, including the enforcement of rules and regulations, unbiased decision-

making, responsible financial management, and respectful communication. Board members are entrusted with the responsibility of making decisions that benefit the entire community, prioritizing the collective interest over personal gain and Managers are entrusted to do the same. These principles ensure that HOAs maintain integrity in their dealings with vendors, contractors, and service providers. By embracing ethics in all aspects of HOA operations, it allows for all of us to continue to work for the common goal of protecting the residents' most valuable asset, their homes.

For those of you with whom I have had the pleasure of serving with in different capacities in CAI, you know how passionate I have been about mental health as it relates to our community. May was mental health awareness month, and as we continue to scratch the surface of the issues related to mental health, I think a large majority of our members suffer in silence - from the demands of work, the understandable needs of family, and the pressure of client expectations. My request of you, therefore, is to take a moment today or this week and extend a hand of support and recognition, focusing on your or your peers accomplishments rather than dwelling on mistakes. In a world where it is all too common to emphasize the negative, let us be the ones who highlight the positive, the things people do right.

Together, let us continue to prioritize mental health, build strong and supportive communities, and make a positive impact on the lives of those we serve. 🏡



Editorial Calendar

Issue	Topic	Article Due Date	Ad Due Date
August	Finance	06/15/2023	07/01/2023
October	Tech / Modernization	07/15/2023	09/01/2023
December	Planning Ahead / Goals / Community Vision	10/15/2023	11/01/2023



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EDITORIAL STAFF

Bridget Sebern
(303) 585-0367
bridget@cai-rmc.org

Design & Layout
Lauren Klopfenstein & Kelli Dotts
Lauren Graphics Inc.
lauren@laurengraphicsinc.com

EDITORIAL COMMITTEE

Nicole Hernandez—nicole.hernandez@ppbi.com
Meaghan Brown—mbrown@agsconstruction.com
Amanda Ashley—aashley@altitude.law
Ginny Campbell—ginny.campbell@denvercps.com
Kimberly Corcoran—kcorcoran@associaolorado.com
Bryan Farley—bfarley@reservestudy.com
Geneva Cruz-La Santa—gacruz-lasantacpandm.net
Heather Nagle—heather@thereceivergroup.com
Steve Walz—steve.walz@realmanage.com
Marcus Wile—mwile@ochhoalaw.com
Mike Wolf (Board Liaison)

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ROCKY MOUNTAIN CHAPTER OFFICE

CAI Rocky Mountain Chapter
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Broomfield, CO 80021
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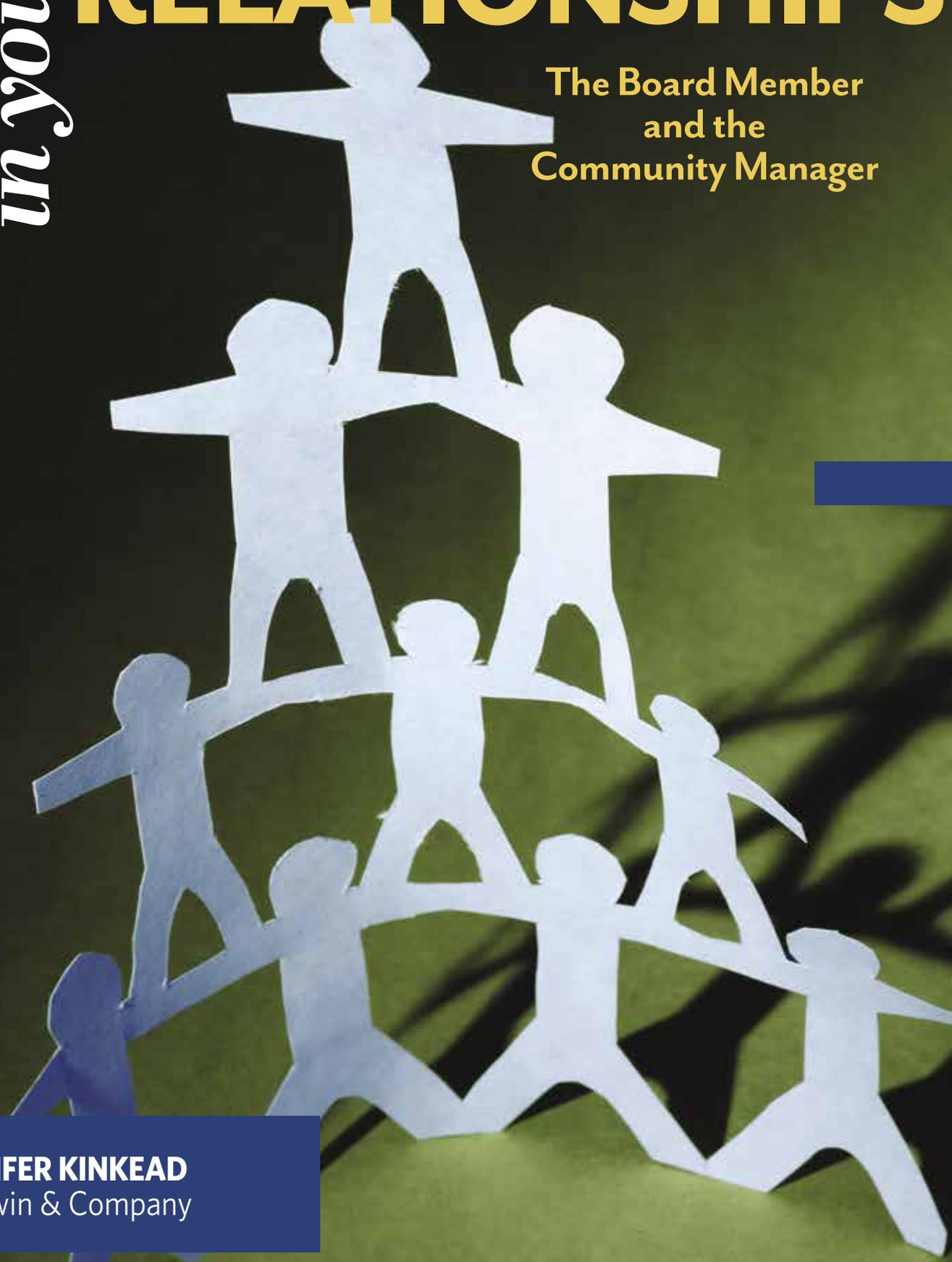
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STRENGTH *in your* RELATIONSHIPS

The Board Member
and the
Community Manager



JENNIFER KINKEAD
Goodwin & Company

90% of the Community Management Business is the relationships we build with our vendors, our peers, and, most importantly, our Boards of Directors. The relationship between the Community Manager and the Board of Directors can be defined as the most important relationship to nourish. The role and responsibility of a Board member is so important when it comes to managing an HOA correctly and accurately. We can all agree that being a Board member can be a thankless job at times, as they are homeowners who are graciously volunteering their time to serve the community they love.

The best way to understand the role of Board member is to understand their responsibilities to the Association they are serving on. The most important role of the Board of Directors is the fiduciary responsibility they have to the Association. It is crucial that all Board members commit to enforcing the Governing Documents of the Association, that is their job. This can be difficult for some Board members as some rules can be a point of contention to their fellow neighbors. Board members dedicate their time to guaranteeing the Association is being managed according to the law and Governing Documents of the Association. Current Board members play a huge role in developing current and future leaders in the Association who will represent the Community once they are gone.

I think it's safe to assume that serving a community cannot be done without some assistance; and this is where the management company comes in. Boards entrust the manager, the same way the homeowners entrust the Board members. Together, the Board and management company accomplish the duties of the Association. It's important that managers nourish the relationship with the Board, as that can also be the defining factor in them continuing to work with the management company they represent.

Board members are also trusted to represent the homeowner and speak on their behalf. It's important to make sure there are active Board members at all times, and any vacant seats get filled according to the Governing Documents.

How is that done? BOARD RECRUITMENT!

Board recruitment is an on-going process as Board seat terms do expire and finding volunteers also cannot be easy, but it is meaningful to the Association. Below are just a few ways to recruit Board members:

1 Homeowner Involvement : Engaging with your fellow residents and gathering their ideas is a great way to recruit Board members. This will allow current members to decide where a new member can best serve the community based on their individual skills or trades.

2 Community Events : Attending events being held throughout the community is another advantageous way to recruit Board members. Any successful community event allows the owner to observe all the great things that come from serving the community. Social events also allow the community to gather and enjoy their neighbors. You want Board members who are personable but also Board members who are not afraid to uphold the Governing Documents of the Association.

3 Clearly Define the Role and Responsibilities of the Open Position(s) : The role of each Board position is usually defined in the Governing Documents of the Association but it's important to give them a heads up on what they are getting themselves into. New potential members should be advised of how many hours per month they will be needed, how many Board meetings they need to attend to achieve quorum, or any extra approval processes they will be needed for.

4 Advertise/Broadcast : If your Governing Documents are not opposed, it's a great idea to put the word out there ahead of time. Posting notices on the open Board Positions or sending Broadcast emails allow owners the time to decide if they can join the Board.

As any relationship requires attention to grow; the same applies with your Board relationships. Once you are assigned to a new community, or a new Board has just been elected to your current community, don't be afraid to nourish the relationship you have with them. The goal is gaining their trust to ensure you are serving the Community as one voice. ⬆



Jennifer Kinkead is a senior community/special district manager for Goodwin & Company. She is so thrilled to be part of an industry that is so rewarding, and so proud to help bring Goodwin & Company to Denver Colorado!

Why D&O?!?

Risk
Insurance

NICOLE HERNANDEZ, PCAM, CIC

Putting it in today's terms, one of my biggest "cringe" moments being an HOA insurance specialist is when a Board of Directors decides they do not wish to procure Directors and Officers Liability Insurance (D&O). In my mind, (and I'm sure many of you share this same opinion), this coverage is absolutely necessary to protect the Board from allegations of wrongdoing and the defense against such claims. Often, I find that the reason a Board may choose to decline procuring D&O coverage is because they do not understand why this coverage is necessary and what exactly it covers.

I recall the time I experienced a discrimination complaint in my prior life as a Community Manager. A resident was dissatisfied with the general landscape maintenance of the common areas and filed a complaint with DORA against the Board of Directors, the landscape company, Management, and the Association itself. Fortunately, we did have a D&O policy in place and coverage for the response and defense was provided by the insurer.

The first step in the complaint was gathering all the documentation related to the matter to bring forth with our response. In this case, we wanted to provide records of all landscape work orders, all planned and executed landscape projects and architectural control records related to landscape modifications. Additionally, any meeting minutes that mentioned the same and phone records were requested. I imagine with today's technology, the compilation of these records would be much more streamlined, but back then it was a process to collect all this various documentation. Additionally, as management contracts often work, the additional time required to gather the records, copies and claim management were outside of the standard routine services as defined in the management agreement, so this all resulted in additional expenses for the HOA.

The greatest expense for the community was the attorney fees and court costs required to respond to the complaint. The attorney had to review the records through the lens of the complaint and draft a response to the State regarding the allegations. As is common with such claims, additional information needed to be provided before the State eventually closed the complaint with no finding of any violation by the defending parties.

Due to the nature and desired resolution of the original complaint and the Board's sincere desire to rectify the issue and resolve any lingering feelings of being wronged, several

meetings were held with the complaining party, Board and landscapers trying to come to a satisfactory resolution of the landscape in question. The additional meetings required a mediator, which was also provided and funded by the HOA itself.

In the end, the response and defense of the claim took over nine months and an estimated expense of \$50,000 in attorney fees, court costs, and settlement expenses, all of which would have been funded by the association if it had not carried D&O coverage. I am not aware of any communities that regularly budget a \$50,000 contingency, attorney fee expense, or other relevant line item, so it is likely that a loan or special assessment would have been necessary to fund this unexpected expense.

It seems like such a silly example. We had to engage attorneys, a mediator, and the court system to resolve an aesthetic issue with common area landscaping (I hear the chuckles coming from my Community Management friends now....do I dare mention native grasses?!), but these are common situations when we live in proximity and are unable to find common ground on matters that may be seen from different perspectives.

I use my personal example of landscaping to illustrate the types of D&O claims we experience in HOAs. Allegations of discrimination, unequal covenant enforcement, improper meeting notice or elections, ACC processes, or decisions are all examples of an issue that may arise at any point in our communities. Without Directors & Officers Liability coverage, the community would be left to self-fund the additional expense related to the response and defense of the claim. Remember, this is not just attorney fees and court costs; the additional time and energy costs should be considered too.



With over twenty-two years of combined Community Association Management & Insurance experience, Nicole understands the structure of Community Association Management and the challenges Managers and Boards face daily. Nicole is passionate about helping Boards and Managers assess their risk and designing proper insurance programs that cater to their communities.

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Insurance Updates

RYAN M. HURLEY
AssuredPartners

What happens when products such as insurance, where the perception of quality is often based on how little it costs, suddenly becomes universally perceived as cost prohibitive? As consumers, we all recognize the importance of maintaining adequate insurance coverage, even if its sole purpose is to comply with mortgage lending requirements and applicable state laws. However, as premiums continue climbing towards record highs, these rising costs are beginning to impact community associations, especially condominium and townhome communities who, for the most part, are required to maintain adequate property insurance coverage on their residential structures.

As budgets continue to be blown out by unexpected rate increases, (in some cases as much as 500% or more over the expiring premium), many board members must make difficult decisions, which may even include

the temptation to underinsure the Association's building property to intentionally save money. Before heading down the road of bad choices, we need to understand that there are many ways to adequately protect residential buildings other than relying solely on the traditional condo/townhome insurance approach.

The traditional condo/townhome insurance model, where the associations maintain high-limit property policies with low standard policy deductibles, is proving less effective and more expensive than ever. This model, when coupled with the Personal Lines HO-6 Insurance Carriers firmly (and rightfully) adhering to their 'excess' insurance role when losses occur within their insured's unit, results in more losses showing up on condo/townhome communities' loss history reports, which further drives up renewal premium and can even compromise an association's future insurability.

To manage costs without compromising coverage, we must begin thinking outside the box to design a more practical approach to transferring risk. Fortunately, covenant-controlled communities are a perfect candidate for implementing unorthodox coverage strategies thanks to the contractual influence the CC&Rs and supporting policies/procedures have over the association's master property policy and owners' personal HO-6 policies.

For many years, condo/townhome board members and individual unit owners have worked together to amend their association's governing documents to reduce the burden placed on the association by assigning more insurable interests to the respective owners, usually

through amending the insurance section of their CC&Rs from "all-in" or "original construction" responsibilities to a version of the "bare walls" coverage model while staying within the guidelines set forth by CCIOA. This time-tested, proven strategy has helped reduce associations' master insurance costs while enabling individual homeowners to have more significant control over the reconstruction processes when losses occur within their homes. Yet this is just the beginning of what is possible when we intentionally establish policies and procedures to spread risk between the association and individual owners.

For example, we can establish non-traditional coverage models using peril-specific wildfire deductibles and/or a sub-limit to reduce the obligation on the primary insurance carriers for communities in high-risk wildfire zones. Including parametric insurance products and establishing contractual language to trigger the individual owners' HO-6 policies to fill in the gaps, we can further stack deductibles and limits to reduce the primary layers' costs without compromising the coverage quality. These non-traditional risk management strategies will soon become even more valuable as Colorado legislatures continue working on House Bill 1288, a quasi-governmental backed "last resort" insurance product, to offer primary coverage options to homeowners and associations in areas deemed uninsurable by the private insurance markets due to high risk of wildfire.

However, to effectively design and implement these non-traditional coverage models, we must address how board members often direct their community managers to shop for alternate insurance options. As stated for years by many of my insurance counterparts throughout CAI, the old-fashion approach of blasting out RFPs to as many agents as possible does not work and will likely lead to much higher premiums. It may even compromise a community's ability to insure its property to total replacement cost values as agents block each other out of the limited carrier availability in this volatile insurance market. Furthermore, these new coverage strategies don't come in a "one size fits all" box, but require input from a knowledgeable HOA Insurance Agent working with an experienced HOA Attorney. Board members who take the time to interview multiple insurance agents before selecting a single agent to design their renewal coverage platform will have far better pricing and coverage options for their upcoming coverage term.

Throughout our industry, we all agree that change is inevitable, and how we respond to it will dictate our success in the future. This is an opportunity for us to collectively work together to develop more efficient ways to insure Colorado's condo/townhome communities. By intentionally developing risk management strategies to address costs while implementing policies/procedures to expedite reconstruction processes when losses occur, we can reestablish more predictability during the budget season while better managing losses as they occur within our communities. ⬆️



Ryan M Hurley *I started my insurance career in the late 1990s as a personal insurance agent before transitioning to commercial insurance. I have specialized exclusively in Colorado's Community Association Insurance Industry for nearly twenty years. As the head of AssuredPartners' Community Association Insurance Department, the value my team offers our client communities is the unique understanding of the relationship that exists between the personal lines and commercial insurance forms that make up a complete community association coverage platform.*



FROM OUR BUSINESS PARTNERS

TO MAKE OUR PARTNERSHIPS STRONGER

In the community association industry, business partners play a crucial role in helping managers and boards achieve their goals. They provide valuable services, sponsor events, educate stakeholders, and volunteer countless hours to support the industry. However, their contributions are often overlooked or undervalued, leading to miscommunication, misunderstandings, and missed opportunities.

To help bridge this gap and foster better relationships between community associations and business partners, we recently held a Business Partner Forum where we asked them what they would like us to know to help them be the best they can be. Here are some of the responses we received:

1. Time: Business Partners understand that managers and boards have projects that happen unexpectedly and that time will be of the essence to obtain quotes. We need to be fair when it comes to time constraints and bidding. Bidding costs money, takes time, and requires expertise to compile a bid. Business Partners will drop what they are doing to service us, but they request that we set realistic expectations as to when the bid is expected and if it is a real project that will happen or just a budgetary number for the community to build upon.

2. Transparency: When submitting an RFP or an email with directives to put together the bid/quote on, be specific. For example, if you want a white vinyl handrail on all porches that are over 36" in height, state that. Do not state, please provide a bid to install handrails on all porches. If you have a community with a board that needs some extra TLC, tell them. Remember that our business partners are our support team. The more information we give them, the more successful you, the board, and the community will be.

3. Pre-Bid Meeting: If the project you are working on has a lot of intricate details, hold a pre-bid meeting with all of the selected business partners. Invite the board and then come prepared with a spec sheet of the information you want them all to know at the same time. Allow time for the business partners to ask questions of the board. Once you are done with the pre-bid meeting, follow up with the questions in an email back to all of the business partners to quote the project. Doing this will ensure that you will get apples to apples bids. This is one of the biggest complaints that boards and business partners have. A quote I once heard has really stuck with me, and it fits this type of situation, "The more you sweat in peace, the less you bleed in war." In other words, do the work upfront. Time is a precious commodity and the one thing you cannot make more of.

4. Boards: Once the RFP has been reviewed by the board, invite the business partners to meet the boards and discuss their proposal. Allowing the business partners to meet the boards helps your boards have buy-in to the work that they are deciding to do.

5. Managers: One of the biggest frustrations voiced by the business partners is when an appointment is made with them to walk the property with you, and you do not show up. Honor your commitments. Remember that business partners' time is valuable as well.

Above are just a few of the tips we learned. We hope you are able to find something helpful to make your job easier. Business Partners help us be successful every day. Let's partner with them to make their jobs easier. ⬆



Denise Haas
CAI-RMC Membership Forum Lead



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Ethics of COLLECTIONS

KIKI N. DILLIE, ESQ.
Altitude Community Law, P.C.

No one feels good about collections. Board Members don't relish sending their neighbors to collections. Professionals, be they managers or account techs or attorneys, don't enjoy it either. However, the reality is that collections is a necessary reality for nearly every Association at some point. No one feels good about collections. Board Members don't relish sending their neighbors to collections. Professionals, be they managers or account techs or attorneys, don't enjoy it either. However, the reality is that collections is a necessary reality for nearly every Association at some point.

Sometimes a homeowner is in a bad financial situation through no fault of their own, such as a medical issue. Sometimes a homeowner is unable to pay an emergency special assessment. Sometimes a homeowner just doesn't want to pay because they are unhappy with the Association's lack of maintenance. Regardless of the reason behind the non-payment, the end result is the Association now has a homeowner with a delinquent balance. Inevitably, the Association where you are a Board Member or an Association you manage or an Association you represent will have someone that is unable or unwilling to pay their balance.

This situation can be uncomfortable for everyone involved. The Board has responsibilities to the Association and is obligated to ensure all homeowners are complying with the governing documents of the Association, which includes paying assessments timely. But, the Board is also aware that they are sending their neighbor to collections, which can be awkward when meeting that homeowner at the mailbox or park. Conversely, the Association has its own responsibilities to uphold and relies on all homeowners paying their assessments timely. If some homeowners do not, the Association may not be financially able to provide the services and amenities it is contractually obligated to provide. If enough homeowners fail to pay their assessments timely, it could result in the need for a special assessment, essentially making the paying homeowners pay their fair share plus a portion of their neighbors' shares.

The Board has a duty to uphold the governing documents of the Association, including the Association's Collection Policy. Therefore, when a homeowner falls delinquent, regardless of the circumstances, the Board should follow the Association's Collection Policy and send the notices as listed under the policy. However, if a homeowner reaches out to the Board before the balance has been sent to an attorney for collections, it is generally recommended that the Board and homeowner have an open dialogue to try to reach a resolution. Both the Board and homeowner should be reasonable and try to resolve the situation. For example, a waiver of late fees and/or interest may be a reasonable solution. Alternatively, an extended payment plan option may be reasonable.

However, it is important for both the Board and homeowner to understand the limitations of the discussion as well. Generally, a waiver of assessments is not recommended or permitted by the Association's governing documents.

Additionally, the Board should be careful to avoid possible selective enforcement claims. All homeowners in similar situations should be treated similarly. Having standard practices in place can help avoid selective enforcement. For example, a Board could have a blanket practice that any homeowner that initiates settlement discussions with them will be offered a waiver of late fees and interest if the remaining balance is paid in full. What Boards should avoid is unilaterally waiving a balance for a homeowner or deciding to not follow the Collection Policy for a particular homeowner just because they happen to know about a medical condition or financial misfortune impacting that homeowner. It is entirely possible that other homeowners are experiencing the same misfortune, but the Board does not know about it, resulting in potential selective enforcement claims.

Collections is often uncomfortable for all parties involved and most people want to reach an acceptable resolution to help the homeowner get out of debt to the Association. It is important for Board Members to be aware of the potential problems with waivers or settlement negotiations, such as waiving assessments or selective enforcement. However, with the proper knowledge, collections can be done with compassion, while also being sure the Association is properly funded. ⬆



Kiki Dillie is a Shareholder and Debt Recovery department head at Altitude Community Law, P.C., located in Lakewood, Colorado. Altitude Community Law specializes in representation of community associations all over Colorado and has offices in Lakewood, Loveland, Colorado Springs, Frisco and Durango.

Reach for the SKY!

Civil Liability and Insurance Cost and Coverage Implications of
Shootings and Other Violent Criminal Acts in Common Areas

ZACHARY A. GOLDBERG

Winzenburg, Leff, Purvis & Payne, LLP

**How concerned should
Colorado common interest
communities be about civil
liability arising from third-
party criminal acts committed
on the Common Elements?**

Until recently, a common answer may have been something like: *Not terribly concerned at all*, especially in communities where individual owners share fractional, undivided interests in the Common Elements. *Trailside Townhome Ass'n v. Acierno*, 880 P.2d 1197 (Colo. 1994) is a seminal case on this issue, involving a townhome owner severely injured after diving into a community swimming pool. Colorado's Premises Liability Statute focuses on whether the injured person was a "trespasser," who enters the property without the owner's consent; a "licensee," who enters the property for his own interests with the owner's consent, like a social guest; or an "invitee," who enters the property to transact business with the owner's consent or at the owner's invitation, like a vendor. In *Trailside*, the Supreme Court of Colorado held that the owner was not considered a "licensee" for purposes of premises liability analysis, but that the Declaration was the source of the applicable Association standard of care. Unlike an owner who has a right to use common areas without Association consent by virtue of her ownership, trespassers, licensees, and invitees have no right to enter the property without landowner consent. The Court concluded that if an Association's governing documents contain a standard of care as to owners, those provisions control. If not, courts will look to general principles of negligence.

Thus, the crux of premises liability concerns—at least relative to individual owners—has historically been linked to an association's standard of care per the governing documents, if any, coupled with a standard negligence gap filler. Thus, even for planned communities, or others in which Common Elements are association-owned, common law negligence principles, as opposed to the Premises Liability Statute, are the source of a community association's duty of care, at least to individual owners. But a recent, as-yet-unresolved, skirmish among Colorado courts and legislatures stemming from the 2019 mass shooting at the Rocky Mountain Planned Parenthood (RMPP) in Colorado Springs could signal a broader Association duty to owners and tenants, and proportionately broader liability risk, relative to third-party criminal acts.

Why, one might ask, would that tragedy perpetrated by a mass shooter with religio-political motives have any bearing on common interest communities' duties of care and potential liability?



Zachary A. Goldberg is an attorney with the law firm of Winzenburg, Leff, Purvis & Payne, LLP, headquartered in Littleton, Colorado. His practice includes counseling and advocating on behalf of Colorado common interest communities.

Like RMPP, a common interest community is considered a "landowner" for premises liability purposes and may now be a more prominent and frequent target for lawsuits stemming from shootings and other violent attacks. In *Rocky Mountain Planned Parenthood, Inc. v. Wagner*, 467 P.3d 287 (Colo. 2020), the Supreme Court of Colorado granted certiorari to weigh in on whether individuals who cause mass casualties without regard to their own survival or capture are necessarily the predominant cause of harm to their victims, such that a landowner cannot be liable under the Premises Liability Statute. The Colorado Court of Appeals held, and the Supreme Court of Colorado affirmed, that a landowner can be held liable as a substantial factor in causing harm without considering whether a third-party criminal act was the cause of that harm.

In 2022, the Colorado State Senate introduced Colorado Senate Bill 22-115 which, if codified into law, would directly contravene the *Wagner* holdings on this issue, and a related one as to the foreseeability of third-party criminal conduct based upon whether the goods or services offered by a landowner are "controversial." The Bill expressly states that the *Wagner* cases "are contrary to the stated purpose of the landowner liability statute to the extent that it does not create a legal climate that will promote private property rights and commercial enterprise and foster the availability and affordability of insurance." In addition to an express declaration that the *Wagner* cases were improperly decided, the bill would redefine "landowner" under the Premises Liability Statute as "an authorized agent or a person in possession of real property and a person legally responsible for the condition of real property or for the activities conducted or circumstances existing on real property."

Nevertheless, and although *Trailside* is still "good law," unless or until the legislature scales back the substantial landowner liability augmentation effect of the *Wagner* cases, community association Boards, managers, and insurers may be more exposed to lawsuits by victims, and potential related civil liability and costs, following violent criminal acts within the communities they serve. While community associations may provide services less controversial than Planned Parenthood services, entities offering "controversial" services and "noncontroversial" services alike are now susceptible to heightened potential liability in connection with third-party criminal acts committed on property they operate and control and, importantly, this issue will have important liability insurance coverage and cost implications. ⬆

20+ YEARS ANNIVERSARY

Thank you

for being a committed and active long-standing member of CAI Rocky Mountain Chapter.

CAI congratulates you for being a HUGE part of our Chapter's success. You've been with us for 20 years or more - that means something. CAI-RMC was established in 1976 and these members have been an established part of what makes our organization so great.



20+ Years

Michele M. Giometti, CPA	09/08/2003	All Property Services, Inc.	08/12/1998
Executive Coatings & Contracting, Inc.	07/08/2003	McKenzie Ryan & Mena, LLP	07/31/1998
PG Construction Services, Inc.	03/20/2003	PCMS	05/27/1998
SOLitude Lake Management	11/12/2002	Sentry Management, Inc.	04/12/1998
ASR Companies	10/04/2002	Canyon Club Condominium Owners Association	04/07/1998
Kerrane Storz, PC	01/09/2002	LCM Property Management, Inc.	02/27/1998
KC & Associates, LLC	04/24/2001	Weidner & Associates, P.C.	08/19/1997
Aspen Reserve Specialties	04/19/2001	East West Hospitality	04/11/1997
Reconstruction Experts, Inc.	04/17/2001	Tri-Plex Painting, Inc.	03/17/1997
Charles Taylor Engineering Technical Services	04/04/2001	Citywide Banks	12/30/1996
Touchstone Property Management, LLC	03/05/2001	Vista Management Associates, Inc.	10/02/1996
Spencer Fane LLP	02/27/2001	Starwood Homeowners Association	09/30/1996
Sherman & Howard, LLC	01/07/2000	Coatings, Inc.	02/05/1996
Community Management Specialists	08/27/1999	Fence Consulting Services, LLC	12/29/1995
Keystone Pacific Property Management - Denver	07/06/1999	The Roof & Gutter Guys	12/29/1995
TMMC Property Management	04/13/1999	Palace Construction Company, Inc.	01/24/1995
Western Roofing, Inc.	03/25/1999	Mitchell Powell, CMCA, PCAM	11/07/1994
Pennant Investment Company	10/30/1998	McMahan and Associates, LLC	09/19/1994
Mountain West Insurance & Financial Services	10/13/1998	Association Reserves - Rocky Mountains	03/23/1994



30+ Years

Cherry Creek Townhouse Corporation
 Cherokee 1 Homeowners Association, Inc
 Barnes Custom Enterprises, Inc.
 Myatt, Brandes & Gast
 Tamarac Hills Homeowners Association
 James Moore & Associates CPA's
 Radiant Lighting Services, Inc.
 Associa Colorado, AAMC
 Colorado Property Management Group, AAMC
 Miller-Dodson Associates
 Frie, Arndt, Danborn & Thiessen, P.C.
 RBC Wealth Management
 Westwind Management Group, LLC, AAMC
 Altitude Community Law P.C.
 The Management Trust
 Bold Property Management Solutions

05/01/1993
 03/01/1993
 08/01/1992
 07/01/1992
 12/01/1991
 10/01/1991
 03/01/1991
 03/01/1991
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 10/01/1989
 07/01/1989
 02/01/1987
 11/01/1986
 02/01/1985
 11/01/1984
 01/01/1984



40+ Years

Mr. John Hammersmith, CMCA, AMS, PCAM
 Hammersmith - REALMANAGE FAMILY OF BRANDS, AAMC
 Homestead Management Corporation
 Winzenburg, Leff, Purvis & Payne, LLP
 Mark E. Kreger, CMCA
 ACCU, Inc.
 Springman, Braden, Wilson & Pontius, P.C.
 Association and Community Management
 Windsor Gardens Association

04/01/1983
 04/01/1983
 03/01/1983
 07/01/1982
 01/01/1981
 01/01/1981
 11/01/1980
 09/01/1979
 01/01/1976





COMMUNITY ASSOCIATIONS INSTITUTE PROFESSIONAL MANAGER CODE OF ETHICS

The Manager Shall:

1. Comply with current bylaws, standards and practices as may be established from time to time by CAI subject to all federal, state and local laws, ordinances, and regulations in effect where the Manager practices.
2. Participate in continuing professional education through CAI and other industry related organizations.
3. Act in the best interests of the client; refrain from making inaccurate or misleading representations or statements; not knowingly misrepresent facts to benefit the Manager.
4. Undertake only those engagements that they can reasonably expect to perform with professional competence.
5. Exercise due care and perform planning and supervision as specified in the written management agreement, job description or duly adopted Board policies.
6. Disclose all relationships in writing to the client regarding any actual, potential or perceived conflict of interest between the Manager and other vendors. The Manager shall take all necessary steps to avoid any perception of favoritism or impropriety during the vendor selection process and negotiation of any contracts.
7. Provide written disclosure of any compensation, gratuity or other form of remuneration from individuals or companies who act or may act on behalf of the client.
8. Insure that homeowners receive timely notice as required by state statutes or legal documents and protect their right of appeal.
9. Disclose to the client the extent of fidelity or other contractually required insurance carried on behalf of the Manager and/or client and any subsequent changes in coverage, which occur during the Manager's engagement if the amount is lower than the contract amount requires.
10. See that the funds held for the client by the Manager are in separate accounts, are not misappropriated, and are returned to the client at the end of the Manager's engagement; Prepare and furnish to the client accurate and timely financial reports in accordance with the terms of the management agreement, job description or duly adopted Board policies.

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PRIORITIZING Mental Health

LESLIE ALVAREZ, CMCA, AMS, LSM, PCAM
Community Association Consulting Experts

These past several years have been indescribably stressful for everyone. Economic concerns after a year's long pandemic, lack of socialization, mask-wearing, and general fear and anxiety have only increased the slow erosion of kindness and empathy we have seen devolve over the past few years. In our business, verbal and written abuse have reached new, unacceptable levels, and basic respect and common courtesy are no longer so common. We are told not to take the job personally, but it is personal. It's our livelihood. It's our reputation. It's our name. It is very hard to not take insults and rudeness personally. Our health takes a toll.

One time I lost 20 pounds in less than six months due to the stress of a position, and I have seen and experienced other managers suffering other stress-induced health issues. I believe it's time for some important behavioral changes in the industry.

We need a significant focus and shift to ensure community managers are treated with respect and courtesy. It all starts with

setting reasonable boundaries for your mental and physical health. If more of us do that, we can start a movement and create real industry change for the next generation of community managers.

Here are a few boundaries to establish to maintain a healthy work-life balance.



Leslie Alvarez, CMCA, AMS, LSM, PCAM is the manager of St. Andrews Country Club POA in Boca Raton, Florida and also provides consulting & education services to community association boards and managers through her company Community Association Consulting Experts. LeslieAAlvarez@hotmail.com

Establish an appointment-only policy

Many times, residents will stop in the office and demand to see the manager. They wouldn't do this to their cardiologist or attorney. Yet, with us, they have no hesitation. Establish the fact that you are a professional and require appointments. If your board opposes this concept, you can offer a schedule of "open-door" hours where walk-in traffic can access you freely.

Establish a weekly update meeting

Oftentimes, we spend hours meeting with every director. They pop into the office for just a couple questions, and our morning is blown. This repeats itself with each director. The bigger the board, the more our week can get blown away bit by bit. However, we can take control by scheduling a recurring weekly meeting with board members to give updates on pending projects and priorities for the week. This is not considered an official meeting. Ideal participants are the president and the treasurer.

Schedule as many board meetings and committee meetings as possible during business hours

This may be a challenge for board members who have full-time Jobs. However, when you serve on the board for a professional nonprofit organization like the United Way or Red Cross, your meetings are not at 7 p.m., and certainly are not on the weekends.

When you leave the office, leave the office

Establish the understanding with your boards that while you are available for an emergency, you are not available for everything that strikes their fancy to talk to you about after hours. If you respond to a non emergency email after hours, you are effectively training your board to believe you will respond, and they will have an expectation as such.

Manage your email

An organized email inbox is imperative to your success. In today's technological age, some things can be a quick phone call, text, or Microsoft Teams message. This helps to avoid bogging down everyone's emails for a quick conversation and avoids frustration and unnecessary delays when waiting for a response on something relatively easy.

Manage your time effectively

Time block for big projects. Blocking time out to accomplish projects allows you to be focused on the actual task and project without feeling the need to multitask.

Prioritize your personal events

Make sure your personal schedule is a priority and is on your professional calendar. This way you won't double book yourself and miss important personal events. 🏠

Let's not just talk about change, let's go make it happen.



COMMUNITY ASSOCIATION EQUALITY PLEDGE

Our community supports and will foster the following leadership behaviors that support equality:

- ① **COURAGE.** We will take actions and make decisions that support equality.
- ② **INTEGRITY.** We will stand for equality as a core value and never compromise in situational challenges and policymaking.
- ③ **INTOLERANCE.** We will be an ally, and we will be intolerant of others who are not mindful of equality and call them out (gently and with tact) when they behave inappropriately.
- ④ **SELF-AWARENESS.** We will be aware of our own biases and the effect that they have on equality. We will take responsibility for increasing understanding of our own privileges and prejudices.
- ⑤ **SELF-REGULATION.** We will maintain control over our own decisions and actions in the matter of equality.
- ⑥ **MOTIVATION.** We will pursue equality with energy and persistence and relentlessly challenge its achievement in the community. We will intentionally and deliberately engage in nonbiasing activities. We will educate ourselves, and we will engage in conversations about race.
- ⑦ **EMPATHY.** We will understand how inequality affects community members emotionally; treat the victimized compassionately; and appreciate that people have unique mindsets that affect their perception of inequality.
- ⑧ **SOCIABILITY.** We will manage relationships to establish a common ground of equality in the community.

These commitments are guiding principles. They are not governing documents or legally enforceable and do not give rise to penalties if they are not followed.

If you agree with these commitments to equality, please sign and return the document.

COMMUNITY ASSOCIATION NAME

ADOPTION DATE



#WeAreCAI



The equality pledge was adapted in part from *Becoming a Leader: Nine Elements of Leadership Mastery* by Al Bolea and Leanne Atwater.

HOW TO ADOPT THE EQUALITY PLEDGE IN YOUR COMMUNITY

- ① **DISTRIBUTE** the document throughout your community, announcing and publicizing where and when the adoption will be considered.
- ② **EXPLAIN** why this is important to your community and the benefits it can create.
- ③ **REVIEW AND DISCUSS** the merits of the principles at an open meeting of your board of directors.
- ④ **SOLICIT INPUT** from homeowners.
- ⑤ **HOLD A BOARD VOTE** to adopt a resolution endorsing the Community Association Equality Pledge.
- ⑥ **SHARE THE NEWS** of adopting the Community Association Equality Pledge throughout your community regularly. Post on your website, social media, and on every community association meeting agenda.
- ⑦ **TELL CAI** that you've adopted the Community Association Equality Pledge.

DATE OF ADOPTION

COMMUNITY ASSOCIATION NAME & WEBSITE

PRIMARY CONTACT NAME

PRIMARY CONTACT INFORMATION (ADDRESS, PHONE, & EMAIL ADDRESS)

Complete and email to government@caionline.org. Questions? Call (888) 224-4321, or submit an online form at www.caionline.org/EqualityPledge.



#WeAreCAI





SPECIAL EVENTS INSURANCE

*Does Your Community Association Need **ANOTHER** Insurance Policy?*

ALETTA MARCIANO
ADV Insurance Agency

If you've spent any time working for, or around, community associations, you know that they tend to carry a lot of insurance. These standard policies include general liability insurance - to cover the slips, trips, and falls that can occur on association ground; property insurance - to insure the value of the common areas, association property, and buildings and clubhouses the association is responsible for; directors & officers insurance - to protect the interests of the community members serving in their capacity as elected board members; and workers compensation - to protect the association in the event an employee is injured during the course of work at the association (to name a few, many associations have additional policy types, but these four are standard).

With so many different policies and coverage types, many associations fail to see the need for an additional short-term policy, because these underlying policies should be more than sufficient, right? Not quite. The policies listed above are designed to protect the association during the day-to-day activities seen on premises, not for the types of risks seen during a special event. Special event insurance should be obtained if the association is planning any of the following:

- ★ *Weddings, Birthday Parties, Fundraisers*
- ★ *Event open to the public, not only unit owners*
- ★ *Event involving alcohol for sale or distribution*
- ★ *Event involving bounce houses, slides, or other structures children will climb on*
- ★ *Events involving the pool or other water features*
- ★ *Events with live music*
- ★ *Events involving sports or activities*
- ★ *Events with food for sale or distribution*

Now, you may very well be thinking, "every event in the history of enjoyable events has one of these features", and you'd be right! Special events insurance should be obtained for any out of the ordinary planned occurrence

where people may congregate to ensure the association is adequately protected from the additional risk present as a result of the event. The benefits of this type of policy are tremendous, but for convenience and quick reference, the four biggest benefits are listed below:

1. *It's inexpensive relative to the coverage provided*

The premium for a special events policy averages \$250 for a one-day event and can provide coverage of \$1 million per occurrence (per claim). This coverage would apply to property damage and bodily injury that arise as a result of the event.

2. *You can add additional insureds that apply only to this event*

Many cities and counties require permits for large events, and require they be listed as an additional insured in order to obtain the permit. Instead of adding them to the liability policy for the association, and then taking them off again after the event (a hassle for both you and your insurance agent), you can simply add them to this short-term policy to satisfy the requirements to obtain a permit.

3. *Many policies offer the addition of liquor liability to the special events policy*

If you're serving or selling alcohol at the event, you need liquor liability insurance. This will protect the association from claims of contributing to the intoxication of a person, serving to underage patrons, and/or violating ordinances or regulations relating to the distribution or use of alcoholic beverages.

4. *Many policies offer the addition of workers compensation coverage*

If your association has no employees, they may not carry workers compensation insurance. If this is the case, obtaining this coverage as a part of your special event insurance policy will provide for medical, disability, or death benefits in the event an "employee" is injured in the workplace.

These policies are quick and easy to obtain, and provide a tremendous amount of coverage and an additional layer of protection for your community. There are programs online where board members can input the event specifics and have a policy in hand the very same day, and any insurance agency specializing in community associations will be able to assist boards and managers in reviewing and obtaining these types of policies should more assistance be needed. Insurance should provide peace of mind, and in obtaining special event insurance you're purchasing just that! Plan the party, get the policy, then relax and enjoy your hard work! 🏡

¹ Some general liability policies have restrictions surrounding hosting events where alcohol is served or sold, be sure to check with your association insurance carrier to ensure your event does not void the terms of your underlying general liability policy.

² Multiple courts nationwide have found that subcontractors and contractors are considered "employees" of the business (in this case the association) if they do not have workers compensation coverage elsewhere, for this reason all associations who hire contractors and subcontractors should have at least a volunteer workers compensation policy.



ADV Insurance Agency is an independent insurance agency specializing in habitational risks and community associations, working closely with board members and managers to provide the education, products, and understanding needed to empower associations to make the best insurance choices for their communities. **Aletta Marciano** is the Lead Community Association Producer for the state of Colorado, and has specialized in community associations since 2019.



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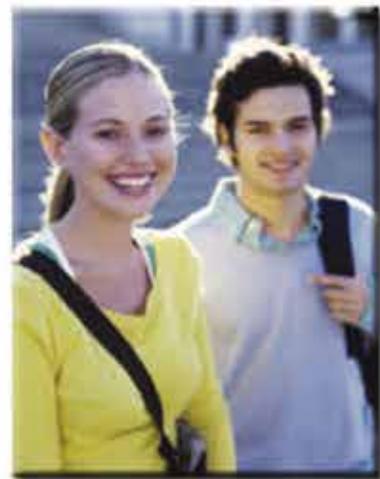
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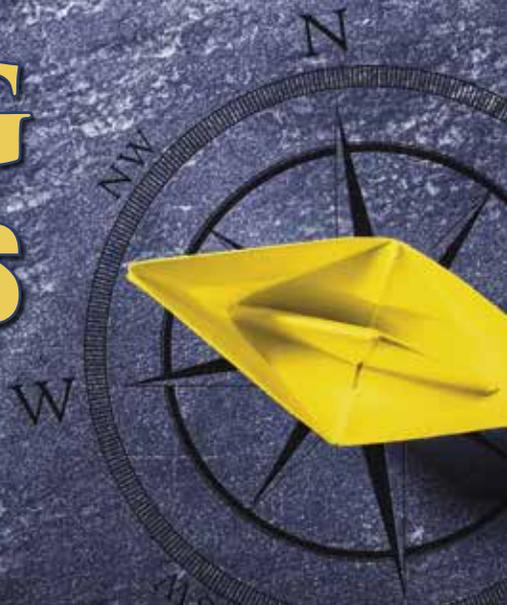
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NAVIGATING Employment Issues

in Colorado Community Associations



AARON J. GOODLOCK

Orten Cavanagh Holmes & Hunt, LLC

Employment law issues can seem daunting to community associations, which are typically governed by volunteer boards of directors. This is due, in large part, to the myriad of complex state and federal employment laws, administrative regulations, labor standards, tax codes, and case law governing employers and employees. And although most associations don't directly employ staff, having employees can be advantageous depending on the community's particular needs. For example, many condominium and resort communities employ onsite managers, operations and housekeeping staff, and maintenance personnel.

The following is a brief overview of key employment law concepts and considerations in the context of community associations.

CLASSIFICATION OF EMPLOYEES AND INDEPENDENT CONTRACTORS

A fundamental concept with respect to employment is understanding the distinction between association *employees* versus *independent contractors*.

Colorado employment laws define "employee" as any person, including a migratory laborer, performing labor or services for the benefit of an employer. Relevant factors in determining whether a person is an employee generally include (1) the degree of control the employer may or does exercise over the person, and (2) the degree to which the person performs work that is the primary work of the employer. Individuals who are primarily free from control and direction in the performance of the service, and who are customarily engaged in an independent trade, occupation, profession, or business related to the service are not considered employees. If an individual meets the criteria for an "employee," the Association has an obligation to comply with applicable employment laws.

Misclassification of workers as independent contractors instead of employees creates risk, including civil and statutory penalties (i.e., fines) for violation of state and federal employment laws, in addition to liability for unpaid employment taxes. In Colorado, if an employer willfully misclassifies an employee, the employer may be fined between \$5,000 and \$25,000 per employee.

To avoid these risks, if the worker meets the criteria of an employee, the association should classify the individual as an employee and pay applicable employment taxes and premiums, etc. If the worker is not considered an employee (i.e., if they are engaged as an independent contractor), the association should ensure that specific language to this effect is included in the written contract between the Association and the worker.

EMPLOYEE PAYROLL AND EMPLOYMENT TAXES

Employers are obligated to withhold employment and payroll taxes (e.g., income tax, social security tax, Medicare tax, unemployment tax). Failure to properly remit employment taxes could subject the association to additional tax liability, fines and other penalties from state and federal tax authorities.

For federal employment and tax purposes, it's important to note that Colorado law and the IRS have different criteria for defining employees and independent contractors. Associations should review IRS Form SS-8, Determination of Worker Status for Purposes of Federal Employment Taxes and Income Tax Withholding, to determine if workers should be treated as employees or independent contractors for federal tax purposes.



WORKERS COMPENSATION

Most associations carry workers compensation insurance to protect against liability even if the association doesn't have employees. Under the Colorado Workers' Compensation Act, associations are required to carry workers compensation insurance covering association employees. Workers compensation insurance provides coverage for employee job-related injuries and substantially protects the association for additional tort liability.

WAGE AND LABOR LAWS, EMPLOYMENT PRACTICES

Associations with employees must comply with applicable minimum wage laws, overtime pay requirements, mandatory meal and rest period regulations, employer record-keeping and posting requirements, and Colorado's employment discrimination laws.

With limited exceptions, the Colorado Wage Act ("CWA") requires employers to pay employees overtime at one and a half times the regular rate of pay for any work in excess of: 40 hours per week; 12 hours per day; or 12 consecutive hours, regardless of the start and end time of the workday.

The CWA also requires employers to provide minimum meal breaks and rest periods based upon the length of the employee's work shift.

The Colorado Anti-Discrimination Act ("CADA") encompasses a broad range of employment-related practices that most employers are strictly obligated to comply with. CADA prohibits discrimination in the workplace based on protected class, which includes disability, race, creed, sex, sexual orientation, gender identity, gender expression, religion, age, national origin, ancestry,

and pregnancy. In that vein, CADA also prohibits: (1) refusing to hire employees; (2) discharging employees; (3) refusing to promote employees; (4) demoting employees; (5) harassing employees; (6) discriminating in compensation; and (7) discriminating in the terms, conditions and privileges of employment, based on or because of an employee's protected class or in retaliation for engaging in protected activity. CADA also requires employers to provide reasonable accommodations to employees with disabilities.

OTHER EMPLOYMENT ISSUES - VICARIOUS LIABILITY

Associations can be vicariously liable for an employee's negligent acts. If an employee causes damage or injuries to another person and the damage or injury occurred while the employee was acting within their scope of employment, the association may be vicariously liable for any damages or injuries sustained. In addition to maintaining appropriate liability insurance, associations can mitigate the risk of liability by exercising reasonable care to prevent negligent or careless behavior. Adopting and implementing policies and employee handbooks, providing training, and ensuring reasonable employee oversight will help to mitigate this risk.

Understanding the distinction between employees and independent contractors is important, especially when analyzing how employment issues can impact an association's relationship with workers and services providers. Additionally, because the landscape of employment law is continuously changing, consulting an attorney or other employment specialist can be helpful to proactively mitigate and manage employment-related risks. 



Aaron J. Goodlock is an attorney at Orten Cavanagh Holmes & Hunt, LLC. He provides general counsel and transactional services to community associations throughout Colorado and serves on the Colorado Legislative Action Committee for CAI.

Not Our Problem..

Or is it?

Why Community Associations Without Direct Employees Should Still Consider Carrying Workers' Compensation Insurance

TRESSA BISHOP, MBA, CIC, CIRMS
USI Insurance Services

Picture this: The association's manager hires a contractor to trim trees and bushes on the community's property. They require the contractor to provide a current Certificate of Insurance (COI) showing General Liability coverage and Workers' Compensation coverage. The dates on the COI show that the policy will cover the dates that the work is scheduled to be completed. During the project, a worker is injured and goes to urgent care for treatment. The claim is reported to the contractor's Workers' Compensation carrier, however, it is denied as the policy was canceled the prior month due to nonpayment of premium.

Community associations frequently use independent contractors to perform various services. It is difficult, if not impossible, for an association to verify with absolute certainty that all of the independent contractors they use have an in-force Workers' Compensation policy at the time work is being performed onsite. Even a signed statement by the independent contractor verifying their independent contractor status may not be enough to keep an association out of a claim.

Under certain circumstances Colorado statutes allow individuals who are injured while in the service of another to make a claim against that person or organization for Workers' Compensation benefits without regard to previous representations by such person that they are an independent contractor. Contrary to popular belief, it is not possible to sign a waiver eliminating a statutory requirement. If the injured party is successful in showing that they were an employee, as defined by Colorado's Workers Compensation statute, and that their injury occurred during the

course of serving an association, they, or their heirs, are entitled by law to Workers' Compensation benefits.

The Commercial General Liability coverage carried by community associations does not apply to Workers' Compensation claims.

In fact, it specifically excludes coverage for such claims. The only way to fill this gap in coverage is for community associations to carry a Workers' Compensation and Employer's Liability policy.

Community associations carrying Workers' Compensation policies with no direct employees are rated on zero payroll. The carrier is not intending to cover anyone under the policy but will respond to a claim if any exposure presents itself during the term (referred to as If/Any coverage). They will audit the policy during or after the term to pick up any incidental payroll for contractors who weren't able to provide proof of coverage.

In addition to the If/Any coverage afforded to associations by a zero payroll Workers' Compensation policy, there are some policies offered in the marketplace which include Volunteers in the definition of Employee. This could be very helpful for an association with an active volunteer pool. If a person volunteering for the association at the direction of the Board is injured, the volunteer may be covered under the policy.

These relatively low-cost policies do have a few requirements that must be met in order for the volunteer coverage to be afforded:

1. The volunteer duties must be approved by an official motion of the Board of Directors. We recommend a standing Board meeting agenda item for upcoming volunteer efforts within the community.
2. The volunteer duties must not require specific licensing or training (for example, it could not be electrical or plumbing work that would otherwise require the individual to be licensed in the trade).
3. There can be no payment whatsoever to the volunteer for their efforts. For example, no gift cards, cash payments, etc.

Below are a few examples of volunteer claims* covered by such policies that include Volunteers in the definition of Employee:

- Person fell removing tree stakes, fractured hip and leg - \$236,943
- Tripped on tree root, fractured knee and shoulder - \$123,970
- Slipped and fell on ice, fractured shoulder - \$30,662
- Hand laceration - \$5,500

Even communities that try to do everything possible to reduce the chance of loss can find themselves involved in a situation where they must "self-insure" or pay out of pocket for an accident that may have been covered by a low-cost insurance policy. It is highly recommended to speak to an insurance professional who specializes in community association coverage about the need for a Workers' Compensation policy for your community. ↑

*Source: <https://www.caislive.com/coverage-considerations>



Tressa Bishop, MBA, CIC, CIRMS is an Executive Vice President with USI Insurance Services. Tressa has specialized in the community association insurance niche for over seven years and has helped hundreds of communities with strategic insurance placement, claims advocacy, and Board and member education. She holds the Community Insurance Risk Management Specialist (CIRMS) designation through CAI, the Certified Insurance Counselor (CIC) designation through The National Alliance for Insurance Education & Research, and has earned a BA from Colorado State University and an MBA (Finance) from Fairleigh Dickinson University.



Keep It Down!

Noise is an inevitable reality in condominium communities. Condominium dwellers live in such close proximity, it's essential that we consider the effect noise will have on our neighbors when deciding on floor coverings, where to mount the flat-screen television or when to knock out a wall.

We—you and your neighbors—all have a right to enjoy our homes in peace and to furnish them as we like. But remember, how you furnish your unit may be a nuisance to your neighbors in theirs.

Hard flooring—wood, ceramic, stone—is fashionable and collects far fewer allergens than carpet, making it very popular. But it can be a problem for the folks downstairs, even if you make an effort to tread lightly or wear soft shoes. If you're considering installing hard flooring in your unit, first install a sound barrier—like cork—to reduce noise. And hope the people above you do the same.

Flat-screen televisions are becoming more affordable every year, and many of our residents have them. Please mount your screen on an interior wall—not a wall you share with a neighbor. Reverberations from wall-mounted televisions can be an annoyance for those on the other side.

How much noise does it take to be a nuisance? One definition says nuisance is a level of disturbance beyond what a reasonable person would find tolerable. But, sometimes the question isn't how much noise we make, but when we make it. You or your neighbor might find the raucous party next door entirely tolerable—until about 10 or 11 p.m. A noisy renovation downstairs might be intolerable if it's a religious or ethnic holiday for you. Whatever you're planning, give some thought to the day as well as the time of day for your activity.

If you have noisy neighbors, talk to them. They probably have no idea they're disturbing you. Maybe you work nights and their teenager—whose room backs up to yours—blasts the audio system after school each day.

The Golden Rule applies here: Treat your neighbors the way you want them to treat you.

talk. listen. respect.



Community Association Civility Pledge

A commitment to fostering a climate of open discussion and debate, mutual respect, and tolerance between all who live in, work in, and visit our community.

- 1. We expect each individual**, whether a resident, guest, board or committee member, community association manager, staff member, business partner, or contractor, to be accountable for his or her own actions and words.
- 2. We believe all interactions in the community should be civil despite any differences of opinion on a particular issue.** We believe in finding common ground and engaging in civil discussion about community issues important to each of us.
- 3. We vow to respect all points of view and will strive to provide a reasonable opportunity for all to express their views openly—without attacks and antagonization.** We agree to keep our discussions focused on the business issues at hand, as well as on the ideas and desired outcomes.
- 4. We urge all residents to be engaged and informed.** Get to know your neighbors, your board members, and your community manager. Attend meetings, join a committee, or serve on the board. Understand the community's rules, regulations, and covenants, and the value they add. Ask questions, share your opinions, and vote.
- 5. We also encourage all residents to review Community Associations Institute's (CAI) Rights and Responsibilities for Better Communities.** The principles laid out in the document can serve as important guideposts for all those involved in our community: residents, guests, board and committee members, community association managers, staff members, business partners, and contractors. Read more at www.caionline.org/RightsandResponsibilities.
- 6. We believe these commitments to civility, as well as engaged and informed residents, are a vital part of our shared goal of being a vibrant, thriving community.**

These commitments are guiding principles. They are not governing documents or legally enforceable and do not give rise to penalties if they are not followed.

If you agree with these commitments to civility, please sign and return the document.

COMMUNITY ASSOCIATION NAME

ADOPTION DATE

By the creation and adoption of the CAI Civility Pledge, the College of Community Association Lawyers (CCAL) recognizes the importance of civility in community association governance. Complete and email your civility pledge to government@caionline.org. For questions, call (888) 224-4321.



CATASTROPHIC Losses & INSURANCE Costs

MICHAEL SCHLEICH, MBA
Distinguished Programs

This article offers tips for community associations to manage rising insurance costs and mitigate losses after major disasters. The increasing cost of insurance premiums is due to catastrophic losses and the need for more reinsurance. To keep costs down, community associations should focus on risk management, regular maintenance, and work with experienced insurance brokers.

What happened to getting multiple insurance quotes and saving money each year on my insurance premiums? Where have the coverage enhancements and low deductibles gone?

The Surfside condo collapse in June of 2021 serves as a tragic reminder of the importance of having a robust risk management program that includes planning and setting aside reserves for the future. All properties age, and it's never too early to develop a plan for roof replacement, structural engineering surveys, and implementing the subsequent recommendations. Consistent and regular inspections of buildings, facilities, and systems should be a part of every association's risk management plan. With the help of property managers and their insurance advisors, I'd encourage board members to make risk management an important priority, not just once a year when the insurance renews but a consistent practice throughout the year.

The Increasing Cost of Insurance

Did you know that in 2022 there were 18 natural disasters in the U.S. - each causing over one billion dollars in damages? Bottom line, avoiding at least some changes to your insurance program in the coming year will be challenging. The question becomes - what to do about it?

Insurance is based on the principle that says the premiums of many pays for the losses of a few. So, when a hurricane or building collapse happens in Florida, it has a ripple effect on all insurance buyers, no matter where the association is located.

There has been a lot of discussion about reinsurance (insurance for insurance companies) as the leading driver in premium increases. Chances are your insurance provider purchases reinsurance to help stabilize the effect of catastrophic claims. Most insurance companies do. The size and scope of the devastating losses has forced reinsurers to charge insurance companies more premium, which is passed along to you.

The increased cost comes in the form of higher premiums, but it can also include increased deductibles, decreased capacity, and even reduced or eliminated coverage, i.e., wind or wildfire exclusions. Even if your association hasn't filed any claims, the losses resulting from other parties' claims will still impact everyone, including you.

Navigating the Choppy Waters of Community Association Coverage

Why a High Deductible Might Be the Right Choice for Your Association

I recommend that buyers opt for a deductible that is as high as possible but, at the same time, one that the association feels comfortable covering out-of-pocket in the event of a loss. This can help keep premiums lower, but it's important to ensure your association has reserves available. Governing documents may need to be reviewed or revised to allow for a higher deductible.

A common belief by underwriters is that a frequency of claims ultimately increases the likelihood of a severe claim—“frequency leads to severity.”

How Your Claims History Affects Your Association's Insurance Premiums

A common belief by underwriters is that a frequency of claims ultimately increases the likelihood of a severe claim - “frequency leads to severity.” Having several minor claims on your loss history might make underwriters think there is a chance the next claim will be a large one. For example, several smaller claims on older properties can indicate that maintenance is lacking. Underwriters may charge more for the risks with these characteristics than for a loss-free risk or decline to quote.

Your individual claims history is critical. A high deductible will help keep your loss history clean, and some savings might be available. Although sometimes a high deductible might be a minimum requirement to do business with certain insurance companies.

Conclusion: Ensuring Your Community Association Is Properly Protected for the Future

So, how do you get the best advice and receive the best options for your association's insurance purchase? Find a broker committed to the industry. The best community association brokers tend to focus solely on community association insurance. Many individuals showcase their commitment by becoming CIRMS - Community Insurance and Risk Management Specialists. They are up to date on current trends and represent top-rated carriers in the market. These specialists can offer guidance and suggestions on keeping costs under control while ensuring that the board members' fiduciary duty to protect the association is not compromised. ⬆



Michael Schleich, MBA is the National Business Development Leader for Community Associations at Distinguished Programs. Distinguished Programs has been providing insurance solutions through its broker partners to community association clients for over 25 years. With over 30 years of experience advising brokers and working with clients, Mike has developed a comprehensive approach to risk management programs for community association insurance clients.

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9 Things YOU NEED TO KNOW ABOUT WILDLIFE REMOVAL

1. You may need a permit for wildlife removal.
2. There are exceptions to the rule.
3. Nuisance animals are also regulated.
4. Snakes, in particular, often come with extra restrictions.
5. It is illegal to release animals on government land.
6. Folk tale remedies don't always work.
7. It's a good idea to do your research.
8. They're not for sale.
9. Wildlife indoors should be excluded versus eliminated.

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*To provide a membership organization
that offers learning and networking opportunities
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Congratulations to our newest credentialed professionals! CAI credentials help ensure that your manager has the knowledge, experience and integrity to provide the best possible service to your association. Earning a CAI credential demonstrates an elevated commitment to their professional education—and your community's welfare.

CAI-RMC is proud of the following individuals who have demonstrated a personal commitment to self-improvement and have elevated their practical knowledge and expertise:

NAME	ORGANIZATION	DESIGNATION	AWARD DATE
Kirk J. Hansen, CMCA, AMS	HGC Management, LLC	AMS	03/17/2023
Angela Christensen, CMCA	KC & Associates, LLC	CMCA	04/20/2023
Diana Jansen, CMCA, AMS		AMS	03/27/2023
Patricia Bayer, CMCA, AMS	Associa Colorado	AMS	03/21/2023
Leslie Moskowitz, CMCA, AMS	CAP Management	AMS	04/05/2023
Autumn Brin, CMCA	TMMC Property Management	CMCA	03/30/2023
Heidi Lynn Scanlan, CMCA, AMS	Haven Community Management	AMS	04/05/2023
Kristina Urias, CMCA	Summit 2nd Homes, LLC	CMCA	04/10/2023
Carly Spengler, CMCA	Haven Community Management	CMCA	04/14/2023
Kirsten Miller, CMCA		CMCA	04/28/2023
Rachel Newberg, CMCA	Vista Management Associates, Inc.	CMCA	04/19/2023
Patricia Segó, CMCA	Vista Management Associates, Inc.	CMCA	04/25/2023
Kelly Anne Miller, CMCA	Vista Management Associates, Inc.	CMCA	04/19/2023
Kelsie Treloar, CMCA	Vista Management Associates, Inc.	CMCA	04/28/2023

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



Welcome New Members

Michael W. Brennan

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Jennifer L Reinbrecht

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Joel T. Walker

Crystal Wilson

Cindy Dugan–Associa Colorado

Shane Luke–Associa Colorado

Lawrence J. Healy–Beauvallon Condominium Association, Inc

Michael Jaskulski–Building Services of America

Chris Booth–East West Hospitality

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Brandy G Hughes–KC & Associates, LLC

Maria Arelly Armenta–
Mountain Chalet Property Management, Inc

Priscila Van Sciver–Mountain Chalet Property Management, Inc

Diana Powell-Bittle–
Piney Creek Maintenance/Recreation Association

Trace Kaker–PMI Breck

Elizabeth Beach–Sentry Management, Inc

Dominic Fiore–Sunland Asphalt LLC

Bob Husson–The Pinery Homeowner’s Association Inc

Julia Hanes–TMMC Property Management

Sara Sedlmeier–Vacasa Community Association Management

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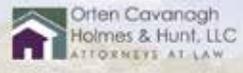
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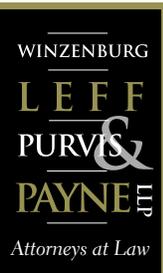
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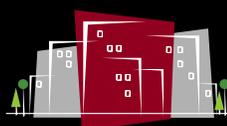
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(303) 790-7572
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EDITORIAL

Nicole Hernandez
(719) 922-6366
nicole.hernandez@ppbi.com

Meaghan Brown
(303) 933-6652
mbrown@agsconstruction.com

HOMEOWNER LEADERSHIP COMMITTEE

Patrick O'Hayer
(720) 200-2830 x303
patrick.ohayer@realmanage.com

Kiki Hennigan
(720) 556-7022
khennigan@eastwestum.com

MARKETING & MEMBERSHIP

David Ford-Coates
(720) 885-1444
dfordcoates@allianceassociationbank.com

Lauren Morley
(720) 281-8729
Lauren@cpandm.net

MEMBER FORUM COMMITTEE

Denise Haas
(720) 961-5150
denise@5150cm.com

MOUNTAIN CONFERENCE & ANNUAL MEETING

April Ahrendsen
(303) 257-7273
april.ahrendsen@firstcitizens.com

Holly Sutton
(970) 875-2808
hsutton@steamboatassociations.com

NOMINATING COMMITTEE

Jeff Kutzer
(720) 977-3859
jeff.kutzer@mdch.com

PROGRAMS & EDUCATION

Alyssa Chirlin
(720) 550-7280
achirlin@sjjlawfirm.com

Natalie Tuccio
(303) 783-2562
natalie.tuccio@reconexp.com

SPRING SHOWCASE & TRADE SHOW

Bryan Farley
(303) 394-9181
bfarley@reservestudy.com

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(303) 530-0700
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August

01 Tue	Peak 2 - Financials
08 Tue	Business Partner Forum
29 Tue	Community Association Workshop

September

18 Mon	Mountain Conference & Annual Meeting
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October

20 Fri	Annual Clay Shoot
24 Tue	CEO Management Co Forum
31 Tue	Community Association Workshop

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