Community Interests

WHAT YOUR INDUSTRY IS TALKING ABOUT ... WHAT HOMEOWNERS NEED TO KNOW







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Community Interests

THE MAGAZINE FOR COMMON INTEREST COMMUNITIES

MAY 2016

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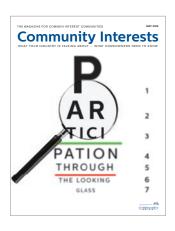
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MINDY MARTINEZ, CIC, CISR, CIRMS, DCAL, NVEBP. 2016 CAI PRESIDENT

President's Message

PARTICIPATION: A GLIMPSE OF HOAs IN 2020

It's hard to know what the future will hold. For example, most of us are surprised at the dynamics erupting in the 2016 presidential election. The stakes are higher than ever, and Americans are voting in primaries and caucuses in record numbers. The same holds true for HOAs. No one can envision the future exactly, but we can peer through the looking glass to predict what our CAI will need to prepare for in 2020. Just like in the 2016 presidential election, CAI predicts that participation will be key to the success of HOAs in 2020.

Many Americans—when it comes to politics—are described as apathetic. They never vote. They simply don't care one way or another. This year, that perception is changing because so many people are becoming fired up about one candidate or another. The same is true for HOAs. Many of our friends in HOAs are often thought of as indifferent. It's perceived that they more or less accept the status quo. Whether true or not, there's a belief that most of these people keep to themselves without offering ideas or improvements to the greater HOA community.

While the majority of homeowners that don't get involved in their HOA can be perceived as apathetic, I believe the truth falls elsewhere. Perhaps folks simply misunderstand everything an HOA does, and require more education on how they can help. Perhaps they're simply happy with the current system in place for their HOA – and that's okay.

CAI goal is to encourage as much participation as possible among our HOA members by 2020. We want to get to a point where folks are participating not just because they've received a violation and they want action now - but because they care about the future of their HOA as much as we do. It's time to start using different language when we talk about our HOA communities. Instead of complaining about how apathetic people are, let's instead start brainstorming ways we can get our communities involved. This means spreading the word about CAI and showing communities that we're there to help. This means fostering enthusiasm and opportunities for people to participate. It might take some blood, sweat and tears on our end, but the results will be worth it if more people become as fired up

about their HOAs as they are about politics right now.

So what can we as CAI members do to encourage broader HOA participation? It's my belief that we need to meet HOAs where they're at, according to their demographics and technological preferences. We will need to learn to balance communications between the Baby Boomers—many of which have permanently settled into HOA neighborhoods—and millennials, who might be relatively new to their neighborhoods. That means we may have to take a few extra minutes to call Mildred, who's a vivacious 75 years old, and then turn around and text Ashley, who's 30, about an upcoming meeting or event.

The millennials provide great potential for the future of the HOA because they are young, energetic and plugged in to social media. Through social media and e-mails, we can reach millennials to conduct business and reduce meeting times – hopefully recruiting many as local board members who will stay involved far into the future. By tapping into all the tools technology can offer, we could also see HOA documents in multiple languages by 2020 to accommodate our international melting pot.

CAI is here to guide and assist homeowners as they catapult into an unknown future. If CAI can remain patient and accommodating to all demographics of homeowners—and present them with unique opportunities to participate in their communities—the future will look far from apathetic. In fact, 2020 will be so sunny, you'll probably want to grab your shades.

Mindy Martinez

"CAI goal is to encourage as much participation as possible among our HOA members by 2020"



CHRIS SNOW COMMUNICATIONS MANAGER

Chapter Commentary

Are you living in a house of mirrors ... or ... caught in the middle of a funhouse horror story?

Do you sometimes feel you're living in a carnival world where everything is coming at you at once, like 'carnis' calling your name to entice you to play a fixed game?

Do you ever find yourself standing still and wondering in amazement at a scene in front of you as if you're staring into a funhouse mirror while thinking this can't be real?

Are you lost in a maze desperately seeking the correct path to the exit?

Imagining the carnival scenes above, have you ever been present at a board or homeowner meeting taking place right in front of you, where you experience the same type of 'carnival' atmosphere?

Ever wonder why? Think about it! Why is it that some associations have only one board member join CAI so that only that one particular board member can learn for the rest of the board? Do the others expect the one individual to be the expert among them?

I believe, and experience and history show, it is better to educate the entire board, so that every board member can contribute positively because of both the knowledge received at classes taught by experts and through real-life experience. This is so much better (an much less embarrassing in front of homeowners present) than hoping the one educated member will correct the others.

We recently offered the new 'Board Leadership Development Workshop' (formerly known as 'Essentials'). Dr. Robert Rothwell, Ph.D., DCAL, one of CAI Nevada Chapter members, was instrumental in the development of this course. It was encouraging to see many new faces attending as well as familiar faces 'sharpening' their board skills.

Education is a constant! CAI National rebuilt the 'Essentials' and the 'ABC's Course' knowing that education is always evolving as laws change and community associations grow in popularity.

The membership committee along with the Education committee would like to see new growth in the homeowner category and DCAL

program. And an important aspect is that for ALL volunteer leaders (homeowners) who are members of CAI, IT'S FREE! This is one of the many perks of your membership. Take advantage of these perks!

Let me give you an example of NOT taking advantage of perks included in membership. A few years ago, a family I know purchased a home in an upscale golf course community. All the benefits were explained at the time of purchase. One of the benefits was dining in the Country Club Café, without charge, up to the amount of \$6,000.00 per year. In 2 years, they have never once taken advantage of this 'perk.' So, in essence, they have thrown away \$12,000.00!

Don't throw away your money ... don't overlook your 'perks'. I would ask community association managers and those who have already received the distinction of receiving your DCAL recognition to re-energize yourselves in CAI and promote the advantages of receiving FREE education given to you because of your membership in a national organization. In addition to our CAI Nevada education courses, CAI National offers, at a very reasonable cost, an online learning center where members can download education materials and participate in webinars as well as having access to a library of over 3000 articles in the research library.

Don't stand in bewilderment while a circus exists around you. Be prepared! Reach out to us and let us help you share the benefits of membership and education in the community around you.

Make the right choice! Take advantage of everything CAI offers you! You'll be a better person because of it ... you will notice your self-improvement and you can bet your neighbors will also notice it.

Chris Snow



MARK LEON, DCAL IS A BOARD MEMBER OF MOUNTAIN'S EDGE MASTER ASSOCIATION.

Effectiveness of Community Patrol

by Mark Leon

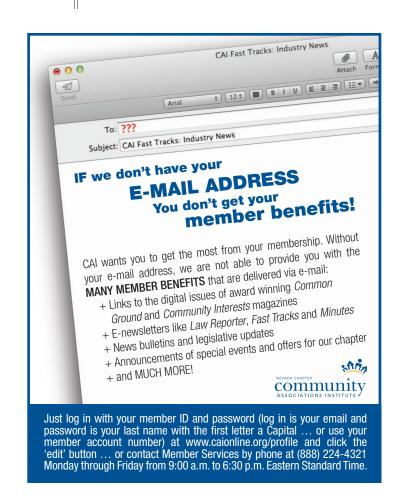
We're a large community and have a community patrol. It's not cheap – patrol services are a significant percentage of our budget. But is it worth it? This is the question that dogged our board this past fall at board meetings and on social media. Homeowner complaints that the patrol was ineffective and a waste of money were on the rise. The board formed an ad hoc committee of homeowners to review our community patrol and make recommendations. Here is their story.

The first task was to determine if community patrol lowers crime. Using crime mapping (www. crimemapping.com) we compared our patrolled neighborhoods with similar neighborhoods close by that had no patrol. Sure enough, we discovered that by any metric, the mere presence of community patrol lowers crime by 31 percent to 48 percent. OK, if they are so effective, why

don't homeowners see that? We then published an online survey to the 56 percent of households for which we had e-mail addresses, and it yielded an 11 percent participation rate. The results were that homeowners were neutral in their satisfaction with community patrol, but a large majority wanted increased neighborhood presence, while only half were willing to pay extra to get it. The essay comments revealed much of what we were hearing and reading in social media, that they can't or won't do anything and we never see them, yet those who reported having actual interactions with the patrol were generally pleased. What to do...

There was speculation, of course. What if we arm them? What if we have them dress all tactical in black uniforms with lots of pockets and equipment and stuff? What if we just fire these officers and hire better officers? It turns out none of those suggestions were solutions. It wasn't until the committee reviewed the post orders and spoke with the officers that some problems were revealed. The post orders, which had been established under developer control, specifically prevented the officers from taking assertive action, such as knocking on the door of a home where there was a noise complaint. The committee discovered that patrolling the interior streets of the community was better than sticking with the main thoroughfares, because the officer's familiarity with neighborhood cars and homeowner activity outweighed the benefits of increased visibility on the major roads and faster response to calls for service. The committee found that the officers felt a connection to the community and took pride in solving homeowner issues, rather than having to defer when the post orders lacked guidance or the authority to act.

The committee made several specific recommendations and the board adopted them all. Since then, homeowner response has been, well, non-existent. Which is to say that complaints about community patrol have, both in person and on social media, dropped to nothing, and that's saying something. The ad hoc committee, having performed its task in its three months of life, disbanded and scattered to the anonymity of their homes. And I am grateful for their service of improving the effectiveness of our community patrol.





DAWN M. BAUMAN, CAI SR. VICE PRESIDENT, GOVERNMENT AFFAIRS COMMUNITY ASSOCIATIONS INSTITUTE (CAI)

Clean Up Foreclosures in Your Community

by Dawn M. Bauman

Are unkempt, abandoned, damaged zombie foreclosure properties haunting your neighborhood? Banks failing to foreclose in a timely manner affect more than just the family who occupied the home. As a result of the unpaid assessments from zombie properties, the rest of the community's residents end up with higher assessments so the community may continue to deliver services to their community; like trash removal and common property maintenance and repair.

Community associations have been plagued by the failure of banks (mortgage servicers) to complete the foreclosure process in a timely and reasonable manner. There is a solution.

CAI has prepared a guidance document to help you and your community recover from zombie foreclosures – properties where a foreclosure was initiated and the homeowner has walked away, but the bank hasn't completed the process, leaving it in limbo for months or even years. There is something you must do to hold the banks accountable and get them to take action in your community. The civil codes vary, but in general, if the note holder fails to follow through on a pending foreclosure, it can be fined. Also, if the loan is held by Fannie Mae or Freddie Mac, the note holder must preserve the property. If this isn't happening, you must protect your community and file a complaint with the Consumer Financial Protection Bureau.

To file a complaint, you will need the property address of the property in foreclosure and your contact information. Go to: caionline.org/ Advocacy/MortgageMatters/CFPBcomplaint/ Pages/default.aspx.

Take action today to preserve the financial stability and home values in your community. •





AT DESERT SHORES.

Your Community... Through the Looking-Glass: The Winding Path from Apathy to Participation

by Cary Brackett and Mary Brackett

We all deal with apathy – a lack of interest, of concern or of passion – in our communities. There are various aspects of our lives that grab our attention and our interest such as family, church, hobbies, careers and so on. Sometimes these things are fulfilling in and of themselves, but other times we find our time and attention held hostage, while we are left unfulfilled and craving something beyond, something bigger than ourselves and our immediate sphere of existence.

This is exactly how Alice must have felt in Lewis Carroll's Through the Looking-Glass, and What Alice Found There. Her story opens in winter and the girl is alone in the house, busy doing next to nothing at all, while the boys busy themselves building a bonfire. In that moment, we feel Alice's longing to be a part of something, to participate in something bigger than herself. We can give our time working at a soup kitchen or give our resources to a charity that captivates our hearts, but sometimes we just desire something closer to home. Most often we lack the confidence to take that first monumental step and follow Alice through the looking-glass.

"Oh, Kitty, how nice it would be if we could only get through into Looking-glass House! I'm sure it's got, oh! Such beautiful things in it!" she tells Kitty, after getting bored with their game of chess, a few other games of pretend and upon catching the reflection in the mirror above the fireplace¹. She describes what she sees and what she expects may be beyond the view in the mirror in great detail before climbing upon the mantle, but let us imagine for a moment what would happen if Alice only saw her reflection and decided not to climb through into Looking-glass House.

Lewis Carroll's story would have ended right there and a form of apathy would set in. But this isn't how the story goes, instead Alice takes that first step, she participates and learns more about herself during her story than she ever does about the world around her. Alice's adventure is much more beneficial to her than it is to those she meets, just as our participation in something bigger than

ourselves can benefit us in a greater way than it ever does the community. Like the chessboard world Alice discovers beyond the Looking-glass House we can discover the reflection that we see can be amazingly different than what we expected when we exchange our apathy for passion and participate in something beyond imagination.

GETTING PAST THE APATHY AND INTO THE LOOKING

Our reasons for wanting to participate in something may be a thousand-fold, but they generally boil down to three very basic concepts: we want to improve our surroundings, we want to improve the lives of others or we want to improve our own lives. Very often our participation becomes a combination of these, especially as our own lives invariably improve as we improve the lives of others and our surroundings. Imagine, however, never taking that first step.

What would our lives be like if we never learned to walk? To ride a bicycle? To drive a car? Our sphere of existence narrows and our ability to move around in that sphere becomes limited. It's Alice locked in that single room, unable to find her way outside. "There's no use trying," she said: "one can't believe impossible things!"1 We have a bad habit of telling ourselves stories as we live in the day-to-day – we're too busy, there's no time, we're not capable, we lack the resources or the money or the skill. Basically, we tell ourselves "I can't." End of story and we lock the door.

So how did we get past the fear of taking that first step as a child? Of finally riding that bicycle or driving down the road? How do we unlock the door and join Alice on her adventures? Even Alice doubts herself during her travels. It's the White Queen who convinces her that even impossible things are possible if you believe, just as we had someone important to us - a parent, a sibling, a close friend - guiding us towards that first step, that first bicycle ride with no one holding on. We CAN do the impossible if we

believe and have the encouragement of others.

This is why we need Community Leaders. They are the voices that should be encouraging those we recruit so that they CAN make a difference. They need to seek out those with hidden talents and a desire to do the impossible, no matter how strange their ideas, and help them find the balance to make it all work

LAYING OUT THE CHESSBOARD - THE BIGGER PICTURE

When Alice first enters Looking-glass House she comes across the chess pieces who can't seem to see her because she is so much bigger than them. In the day-to-day operation of our communities, we can also become so focused on our own small piece that we completely lose the bigger picture.

To have participation we need to be able to communicate the big picture and how each individual's participation fits into it, just as each piece of the chessboard fits intricately into the playing field. Both short and long term goals should also be communicated to the community members involved, with larger projects broken into smaller steps, just as the chessboard is broken into smaller squares. For example, a large landscaping project should be laid out fully with the end result clearly communicated along with each step needed to reach it.

With such a project broken down into smaller steps and a written plan or charter, it is easier to see the needed jobs that can be brought together and the different passions that can come together to build a winning strategy. As each piece of a chessboard moves and interacts with its counterparts in specific and interactive ways, each community member involved in a project can use his or her passions and skills to create a successful project. For example, the lady down the street with a knack for creating beautiful flower gardens, the gentleman across the street that loves to organize, the person who loves design. All of these individuals can be brought together to create a winning team.

SEEKING PARTICIPATION - CREATING THE GAME PLAN AND CHOOSING THE PLAYERS

There are two ways to seek out participants for community projects, either we can sit back and wait for them to knock on our door, or we can seek the pieces to fill the board, those community members that have a recognizable interest, passion or talent that fits into the big picture and can help to build it. We then need to feed the individual interests and build them into a passion for the project at hand, through encouragement and support, by removing obstacles and opening doors.

Alice cries, "I never saw such a house for getting in the

way!"¹, when she finds herself unable to get away from the house down the corkscrew path. What house stands in your way? Don't have the time? Okay. How much can you give? Maybe there is someone else that shares a similar interest or skill and can share the workload. What about a shorter time frame for participation? How can the community accommodate what can be provided? No job should be too small, no interest should be considered too little and no passion too insignificant that it cannot be built into something greater. Just as Alice has to go in the opposite direction in order to go forward, sometimes we need to take a step back and take a different direction to meet our participants where they are. Not only will this foster participation in our current projects, but it sets up a standard that will grow participation for the future.

KEEPING THE PASSION GOING

Chess games, stories, everything must have a proper ending. Alice reaches the end of the chessboard and finds herself unexpectedly wearing a crown, having become a Queen, then finally returns home. Show your appreciation for a job well done. Your community members are volunteers and nothing feeds the passion and sense of accomplishment of a volunteer more than a heartfelt "thank you." Then, let them go home.

Sometimes we hold on too tightly to those who participate, especially those with the enthusiasm and eagerness to participate well. This leads to the burning out of those that have served well and can eventually drive them into apathy. Those not yet participating see this and become fearful of taking their first step towards participation, because we have shown them that participation will be never-ending.

We need to help our community members find the "other side of the board" through encouragement, support, the removal of obstacles and by showing them the vision. Help them become interested, even passionate, about the big picture. Turn them into cheerleaders instead of naysayers. The cheerleaders will grow into major players and the players will in turn become the Kings and Queens of community participation and the community leaders of the future.

REFERENCES:

1. Carroll, Lewis. Through the Looking-Glass, and What Alice Found There. The Annotated Alice. 2000:128-274.



CATHARINE LINDSAY DCAL BOARD PRESIDENT WESTCHESTER MANOR HOA

Having "THAT" Conversation About the HOA

by Catharine Lindsay

During a recent conversation, a person I had just met made a crude reference about living in an HOA. My response was one I've honed over the last few years.

"There are thousands of associations throughout the country and only a percentage of a percentage ever go before commissions or wind up in court. The truth is most people are just fine with their HOA until the moment they get held to the same rules and regs as everyone else."

He sputtered. I continued.

"Is there a specific issue that gave you such a negative view of your neighbors?"

Him: "Neighbors?"

Me: "Yes, your neighbors. The first word in HOA is homeowner. The entire purpose of an HOA is neighbors helping each other maintain their community and creating an environment we all want to live in. So, what

did your neighbors do to give you such a bad view of your association?"

And he stopped. And he looked startled. And then I waited. Each time this conversation occurs it usually takes a few beats for the realization to sink in that I'm not going to allow for general HOA slamming and expect more to their story than just restating bits and pieces of media hype.

In this case, the discussion turned to specific issues his actual next door neighbor had, or as I pointed out, what his neighbor told him. I stressed how most of us will not tell a story painting ourselves in a bad light and due to the individual right of privacy, the board or management company would never be able to shed any light on the situation. Then I suggested several options his neighbor could use to resolve the problem. Because, if willing, there are always options.

In other cases, the discussion has become more generic, referencing media stories and here in Nevada, the recent construction defect fraud. It's important not to allow someone to get too wound up because the first and most overlooked point is that the homeowner associations were the victim in the fraud, not the perpetrator. The scheme was created in order to steal from the HOAs.

Once this conversation starts to become more thoughtful and less nasty, it's important to offer a gracious way out. Since most media outlets presented the story with an emphasis on fraud and not so much emphasis on the HOA as victim, the confusion is understandable. If you offer that piece of information, it brings the story full circle and hopefully, alters their view of the homeowner association world.

A few years ago I would have been the person snarking about the HOA's hold on the homeowners. With education, experience and the guidance of others, my position has changed. "That" conversation is going to keep happening. But we can change the dialogue, one neighbor at a time.

Have something to share with other members?

Put it in the CAI Nevada Chapter's What's Happening Page Or Members' Brag Page

Submissions are due before the 5th of the month preceding publication. Submit your items to info@cai-nevada.org or fax to 702-240-9690.

COMMUNITY ASSOCIATIONS INSTITUTE - NEVADA CHAPTER Presents...

Northern Nevada Tradeshow JULY 21, 2016 • PEPPERMILL HOTEL



SCHEDULE

8:00AM "Ask the LAC & Ombudsman" Panel Discussion

9:00AM **2015 Legislative Update Class**

3 hours CE. CE.0187010-CAM Law Credit

12:00PM Trade Show Luncheon



Class Admission: \$30 CAI Members & \$50 Non-CAI Members Admission price includes Seminar and Luncheon Trade Show

Exhibitor Table: \$375 includes one Lunch Ticket

Date: Thursday July 21, 2016

Location: Peppermill Hotel, South Virginia Street

R.S.V.P. to CAI NV at 702-648-8408 or admin@cai-nevada.org



BARBARA HOLLAND REGIONAL MANAGER FIRSTSERVICE RESIDENTIAL

The Super Priority Battle Will Be Back in 2017, Lets Be Prepared!

by Barbara Holland

We need to educate the public, educate our board of directors and most importantly educate our legislators. You may not be aware of what is happening behind the legislative scene as to political changes to NRS 116 foreclosure and the nine month superior lien laws that could become law in 2017.

You may not even be aware of a major article that was published on June 28, 2015, where the past president of the Greater Las Vegas Association of Realtors, Keith Lynam, had an article published in the Review Journal with the headline, "Realtor groups say HOA foreclosures unfair."

I was greatly disappointed in many of the comments made in this article that I consider "fear tactics" as opposed to being factual statements from the past president. For the record, please note that I was the 1996 president of the Greater Las Vegas Association of Realtors.

First, let's address the foreclose issue. Mr. Lynam states "unfortunately for Nevada homeowners and financial institutions that hold the overwhelming amount of debt on these homes, an effort to remove Nevada HOAs' ability to use their superpriority lien position to extinguish mortgage lenders' financial positions in HOA foreclosures just ran out of time in the Legislature."

There is absolutely no reason for lending institutions to lose their loans on any homes if the lending institutions follow the procedures as noted in the Nevada NRS 116.3116 subsection 2c. which require the lending institutions to cure the homeowner's default in paying their assessments not to exceed nine months of assessments.

In a number of Nevada State and Federal District Court cases, the lending institutions have been chastised by the courts for not taking the legal steps to protect their loans. In fact, in its decision, the Nevada Supreme Court noted that the banks receive adequate notices

and warnings through the Notice of Default and Notice of Trustee Sale, both of which are required to be sent to the bank before a foreclosure sale can proceed. An association cannot just waive a magic wand and take possession of a home.

In addition, please note that in 2013, the Nevada State Legislature passed a bill (Senate Bill 280) that would allow lenders to impound association fees, similar to current lender practices of impounding property taxes and insurance expenses, NRS 116.3116 (3). Unfortunately the majority of banks did not take advantage of this new law to insulate their underlying loans.

During the 2015 legislative session, a proposed law which would require lending institutions to impound association assessments failed as the proposed law was greatly opposed by the lenders.

For years, homeowner associations (HOAs) have felt the brunt of the inactivity of the banks on foreclosures. A hefty financial burden hits communities when banks refuse to pay fees on foreclosed homes. In addition, communities suffer when banks don't keep homes in good physical condition. Right now, there are still hundreds of abandoned homes, which have delinquent bank loans, where the associations are not receiving any assessments and where the banks have yet to take any foreclosure actions on these delinquent homeowners.

Often associations are financially unable to initiate foreclosures on their delinquent homes for nonpayment of assessments. Many of the homes were upside down (loans being substantially greater than the current market value), consequently in these cases, the associations were unable to sell the homes at their foreclosure auctions. This left communities paying the collection costs as well as assuming homeownership and incurring new expenses, such as property taxes, maintenance and insurance. In addition, HOAs are often afraid to foreclose on a home in this uncertain

legal atmosphere and they are unsure if they can get a clean title.

Increased assessments or special assessments are paid by the remaining homeowners within communities to assume the lost income in operating their communities, or worse, increased assessments with decreased services in order to create a balanced budget. In addition to the unfairness to the other homeowners in the community, many of the homeowners cannot afford to pick up those costs forced on them by their "neighbors."

Many States have adopted association lien statutes. One of the primary purposes of adopting a Uniform Act is to make uniform the law with respect to its subject matter among the states enacting it. In a 2013 report, the JEB addresses the recent foreclosure crisis and the incentives the crisis created for first security holders to strategically delay foreclosures. This report endorses the decision in Summerhill Village Homeowners Association v. Roughley, 289 P.3d 645, 647-48 (Wash. Ct App. 2012) which addresses a statute using the same superpriority language of the State of Nevada.

Lynam criticizes associations for "...being very aggressive the past couple of years in foreclosing on homes..."
Forget about the fact that association boards have a fiduciary responsibility to its members, the MAJORITY of who pay their assessments each and every month to collect assessments. Should associations not take any foreclosure actions and let its delinquency rate increase to a point where that MAJORITY of homeowners have to absorb the operating loss through increased assessments and mid-year special assessments in order to pay their basic operating expenses?

Lynam further states "... in some cases, HOA management companies and their hired collection

companies have entered agreements with investors to purchase the HOAs debt and proceed to foreclose on the homes for these investors". This is an inaccurate statement on many levels. Association board of directors make these decisions not management companies or collection companies. Ask yourself a question, why would an association allow an investor to pay the delinquent homeowner's debt? Simple answer, because the association needed the operating funds because the lenders failed to either pay the nine months assessments or take action to foreclose on the homeowner. (There is a direct correlation between a homeowner who is delinguent with their assessments and also delinguent with their mortgage payments). Finally, associations did not continue to foreclose on these homes for the investors - the investors continued to foreclose on them.

In closing, there are a few facts that need to be made, as follows:

- 1. State law regulates the amount of interest an association can charge on delinquent assessments (NRS 116.3115 (3), a law that has been on the books since 2009.
- 2. Since 2009, state law authorized the CCICH Commission to regulate collection costs which have been capped and in 2015 legislative session the collection costs were revised and made part of the law.
- 3.A 60 day redemption period was passed in the 2015 legislature which allows both the homeowner and any interested party to protect its security interest before an association can obtain a foreclosure deed.

Continued on Page 14



Realtors list and sell homes. Realtors have close relationships with the lenders in order to consummate these transactions. We need to start inviting not only The Greater Las Vegas Association of Realtors' or Nevada Association of Realtors' officers or legislative committee chairs but our legislators to sit down and talk with us. The Realtor Organizations need to realize that their positions in this matter is very much a detriment to the average paying homeowner (including the realtors who live in associations!). We cannot afford to have the realtor organizations support changing our non-judicial foreclosure law to judicial foreclosure which would be economically devastating to our associations.

As a footnote to this article - homeowners you will be hearing from your boards and management companies of the multitude of lawsuits and ADR claims that the banks have just recently launched against associations. Right now, associations are contacting their insurance companies - deductibles can range from \$1,000 to \$7,500 per claim that will be paid out of your operating account which was probably not budgeted for 2016.

Realtors can expect to have more issues in selling association homes as these lawsuits and ADR claims will be included in their resale packages. Be aware that at least one major insurance company has stated that they will not insure associations which are being sued over the superior lien and foreclosure actions. Insurance rates are bound to increase even more than they have over these past years because of the banks not taking action when they had the opportunity to protect their assets.

It is way past time for the Nevada legislators to realize who really are the victims and it is not the lending institutions who continue to be rewarded for their bad faith actions as noted by the Nevada State Supreme Court.

It is past time for board members to take action. Community Managers must encourage their board members to start talking to their representatives!



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CATHARINE LINDSA'
DCAL
BOARD PRESIDENT
WESTCHESTER

The Even Numbered Board

by Catharine Lindsay

The one thing worse than a five member board with only three members is a five member board with four. As one homeowner said to me "It's fraught with peril!" Except I don't see it that way.

Her point - having an even number on the board means you could end up with a 50/50 vote on any item and ultimately the HOA business won't get done. She knows what she's talking about. Just a few years ago our HOA was caught in this precise situation and everything ground to a halt. It's taken eight years to pull out of the financial and physical mess left behind and no one wants to see it repeated.

But my point is: that previous board was overwhelmed by the nationally developing real estate crisis. And it was a board supported by a management company that had never experienced anything close to a 50 percent homeowner default rate. The managers came up with good guidance, it was just too late to make a difference. And while I hate to admit it, it was a board polarized by personality conflicts.

Our board today is educated on how to tend to our HOA. Our vendors have created multiple contingency plans designed to help us respond quicker and with more authority when any crisis occurs. We even have the support of the legislature because they have put into place revised statutes aimed at making the homeowner and board better defended in the event there is another crash.

How does this make that four member board less likely to go to a tie vote? It doesn't. But the four people on the board do. We are not an alliance based board. We are not there because of personal agendas. And we respect each other and the homeowners enough to negotiate and resolve conflicts instead of taking a stand and watching the walls crumble around us as a result.

I would love to have that fifth board member at the table, and we'll continue to look for someone interested in improving the community as one of the directors. Unfortunately it's the memories of our dysfunctional period most often named as the reason potential candidates don't want to come play. It's why the four of us have to work even harder to make sure our even numbered board makes the choice to negotiate and resolve instead of argue and pout.

So here's to the even numbered board. I'll let you know how it goes.





ROBERT W. BROWNING, PCAM, RS, K6RWB

Ham Radio Bill in Congress May Invalidate CC&Rs

by Robert W. Browning

Usually in these pages CAI provides information on proposed legislation in the Nevada legislature affecting community associations. However, this month we are moving from the state house to the nation's Capitol, to beat the drum in support of killing or substantially altering two proposed bills that may affect most associations in Nevada. The two companion bills, H.R. 1301 in the House and S. 1685 in the Senate, seek to prohibit private land use restrictions (CC&Rs) from applying to amateur service communications. More clearly stated, if these bills are signed into law, community associations will be prohibited from restricting amateur (ham) radio antennas, towers and masts.

Allowing ham radio licensees unfettered access for the installation of any form of exterior mast, tower or antenna, (along with the associated ancillary equipment for its operation) may have unintended negative consequences for those who have made the choice to live in communities with restrictions. But before we outline these consequences, let's first look at the ham radio hobby.

According to the Amateur Radio Relay League, ARRL, the organization representing hams and the two bills above, "Amateur Radio is a popular hobby and service that brings people, electronics and communication together. People use ham radios to talk across town, around the world, or even into space, all without the Internet or cell phones. It's fun, social, educational and can be a lifeline during times of need."

Hams serve an important role in many areas including disaster response, health and welfare, public service events and other activities that benefit our communities.



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Visit www.caionline.org and register for this course online. Register online four weeks ahead and receive a \$25 discount. So how can a "hobby" that does so much good have a potential negative impact on community associations?

The ARRL has represented to Congress that there is a strong federal interest for hams to have their radio stations established at their residence. This means the ancillary equipment like a tower or mast with an antenna will be able to be installed with no board oversight.

Licensees who volunteer their time for events such as wildfires, earthquakes, missing persons, hurricanes, tornadoes, etc., are required to report to a specific location and have equipment available to be used anywhere. As a 20-year-plus Ham myself, Hams use ready-to-go radio kits or "go-bags" with portable radios, batteries, generators, portable masts and antennas, and other equipment available to be used anywhere. What makes ham radio so special is that these volunteers are self-sufficient and are ready and able to work for days at a time under trying conditions.

Two major concerns of CAI include maintaining property values while the housing market is still limping and who will be liable for losses as a result of unregulated installations of masts and towers

CAN WE FIND COMMON GROUND?

Where is the common ground allowing community associations and amateur radio licensees to co-exist? History has shown Hams are a resourceful and creative bunch of energetic volunteers, not unlike the many board members serving their community associations. Perhaps with some patience and cooperation, amateur radio licensees can enjoy their hobby and serve the community, while maintaining their property values and fostering community harmony.

In Nevada specifically, Hams and community associations have co-existed for a long time. Some community associations allow licensing classes to be taught in their clubhouses as well as host ham clubs within their community. Some also allow equipment to be set up in the common area during specific times. Nevada is a good example why this federal legislation is not needed.

These are just a few ways how the ham radio community and community associations may find some common ground without introducing this onerous federal legislation.

For more information, please go to www.caionline.org/hamradios to read an expansion of this article Ham Radio and the Community Association -- Unintended Consequences of H.R. 1301 and S. 1685 and other information on how you can help.





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DAWN OSTERODE, CMCA, AMS, NEVADA CERTIFIED SUPERVISING COMMUNITY MANAGER IS WITH ASSOCIA SIERRA NORTH

WHAT IS YOUR VISION Shaping The Future Of Your Association

by Dawn Osterode, CMCA, AMS

Whenever anyone asks me what I do for a living, they are often surprised that there is an industry surrounding the management of homeowners associations. I will admit that my childhood dream did not have "Community Manager" on the list, but this industry amazes me every day and keeps me hooked! Since starting my HOA journey in 2002, I have met community managers with diverse backgrounds and skillsets from teachers, construction managers, real estate agents, to social workers and so many more. We all have laughed and shared our stories of how it came to be that we arrived in the world of HOA management. What does it come down to?

The diversity of the profession. What other careers provide you the ability to exercise skillsets in budgeting, problem solving, contract negotiation, project coordination, staff development, mediation, financial management and the list goes on. I think we can all say that every day is completely different, and you can never truly plan

on what the day will bring. From the people to the properties, you become connected in the success of every community for which you serve. You may not live there, but it feels just as important that the property is cared for just as if you did!

A homeowners association is a connected neighborhood, an independent community. As a community manager or board member, you work in tandem to bring the membership together to find harmony and understanding regarding the management of their common interests. Patience and understanding help define successful associations. Conflict can easily occur, and always keeping the bigger picture that we are here to serve the community and its members often helps us through those challenging times.

Every community should annually review their purpose statement in their Articles of Incorporation to remind them why the

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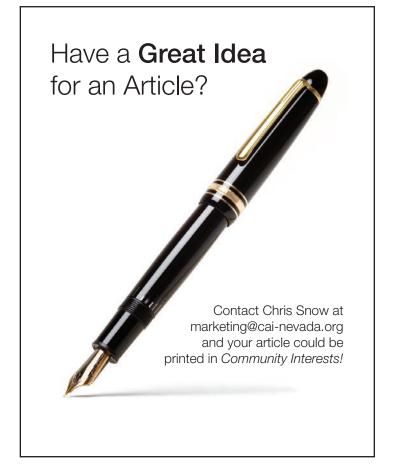
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association was formed in the first place. There is a long standing stigma of living in an association, but if as an industry we remain focused on the purpose and connecting our memberships to build community, we can bring a positive light to association living.

Utilize those skillsets with your board, committees and management to find creative ways of bringing the neighborhood together. May it be a movie in the park event, trunk or treat event, summer barbeque or holiday decorating contest, these are items of value to the members. If event planning is not feasible, create an annual disclosure document of why the association is in place, what they do and how they benefit all members. If the membership is not reminded of the benefits, they question why it is in existence and begin to express feelings of negativity towards the association.

Use your resources to shape the future of your association. Every day is different and you have the power to change directions at any time!





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What CAI Is Working On For You! FEDERAL UPDATE!

by Robert Rothwell, Ph.D., DCAL

THE 'HELPING OUR MIDDLE-INCOME EARNERS' (HOME) ACT,

introduced by Representative Anna Eshoo (D-CA) in the beginning of March. This bill would allow residents within homeowners associations making a household income of up to \$115,000, to be able to deduct up to \$5,000 of their homeowners association fees and assessments from their federal tax liability. CAI has been working with Rep. Eshoo's office and will begin efforts on sending 'calls to action' asking CAI members to contact their local representatives asking them to co-sponsor the legislation. There is still a lot to be figured out as far as the mechanics of the legislation and how the deduction would work with the tax code

PRIORITY LIEN

The Missouri LAC was able to sit down with Congressman Lacy Clay who is a ranking Democrat in the Consumer Credit and Financial Institutions Sub-Committee. Tom Skiba was able to attend a fundraiser for Rep. Clay the following week and CAI followed up by sending some materials to Rep. Clay's office. CAI is also continuing similar efforts in other states including MA and NJ.

THE 'HAM RADIO PARITY' BILL

CAI has had one meeting with congressional staff and the (American Radio Relay League) AARL representatives and thought we had made progress to the degree that there was a compromise such as a balancing test between the community association and the type of antenna and the location where it was to be installed. CAI received a concession that antennas could not be installed on general common property without the community's approval. CAI was directed along with the AARL to come up with language that would express the "balancing of interests." CAI made a proposal to the AARL, with some specific language. The AARL countered with their language that brought us back to square one. CAI drafted another proposal that was also rejected by the AARL. CAI has appealed to the Chief aide to the Committee.



FHA

Fannie Mae and Freddie Mac will be announcing a consolidated lender questionnaire for lenders looking to sell a condominium unit mortgage to Fannie Mae/Freddie Mac. There will now be a uniform 'Lender Questionnaire' for condos. The form will be optional for the remainder of this year so it can be adjusted before being made a requirement in 2017.

FEMA 'FAIRNESS FOR COMMUNITY ASSOCIATIONS'

As a part of the 'Omnibus Funding' bill passed in December, some language was included from Congressman Israel (H.R. 1471). This bill was also sponsored by Rep. Nadler (D-NY) and supported by CAI. After almost a year, this bill unanimously passed the House of Representatives. There is still an active action alert on HR 3863, Rep. Israel's bill, asking constituents to ask their representative to co-sponsor the bill.

CONSUMER FINANCIAL PROTECTION BUREAU

We need everyone to get involved with our 'Zombie Foreclosure Campaign.' We will be launching a program that will urge community associations to file complaints with the CFPB for zombie properties in their associations. ©





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VICKI NIGGEMEYER, CO-CHAIR OF SAGE HILLS HOA DISASTER PREPAREDNESS COMMITTEE

HOAs through the Looking Glass of City Councilman Bob Beers

by Vicki Niggemeyer

When it comes to understanding state and city governmental entities, peering through the looking glass of past, present and future, Bob Beers is well qualified. Beers is currently serving as a Councilman for Ward 2 in the city of Las Vegas. He has also served in the Nevada State Legislature as both assemblyman and senator (1999 – 2008). In addition, Beers is well qualified to evaluate the impact of HOA/CICs in Nevada and its cities. He has lived in an HOA for nearly 20 years.

"In many ways HOAs and cities run parallel courses, both about quality of life. I see the role of the city as to do the things everyone wants done, but nobody wants to actually do them," Beers says. "No one wants to sit at the edge of their property with a hose pointed at the roof all night. So we decide to all kick in a little bit and hire people who will roll on a moment's notice even in the middle of the night to respond to a 911 call." HOAs pay vendors to mow the grass, prune the trees, maintain the pools. "All those mundane, everyday things that most of us take for granted because they're just there every day. That's what government does, and what an HOA does as well."

Beers points out that "HOAs take over duties that otherwise would go to cities and counties; and as it turns out they do so in a manner that doesn't decrease the government entities' revenue." When it comes to fiscal matters, Beers, a CPA by profession, is certainly capable of ascertaining monetary realities. According to Beers, revenue for the city actually increases within a designated HOA area because of the higher value per acre. "So in addition of taking over work that the local government would normally do, it actually serves to enhance local government's coffers."

What do HOAs do that relieve the city or county? In gated communities, the HOA is responsible for maintaining streets, street lighting costs, parking and towing enforcement, plus costs of parks/pools/exercise or other facilities. In gated and non-gated communities, HOAs take care of individual community parks and landscaping that otherwise would fall upon the city to attend to. Beers notes that in communities with HOAs "there's six feet of grass, with a tree planted every 50 feet. That's not true elsewhere in the city."

HOAs also take care of the smaller, annoying things that otherwise fall upon the city to



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deal with. "As a city councilman [living in an HOA], my colleagues [who do not live in an HOA] take calls from neighbors angry that the dog next door barked last night. I don't, because my HOA president does!"

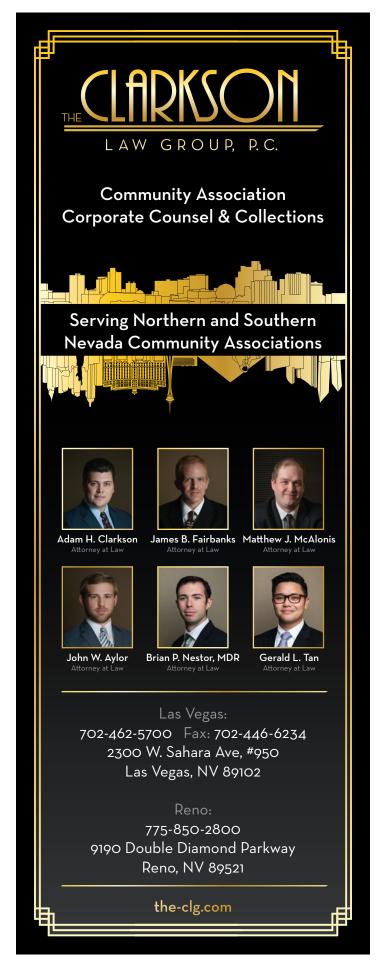
Those are some of the parallels. There are major differences as well. The city has hurdles "that HOAs are not constrained by." Beers explains: "We have a lot more chapters [in NRS] and a lot more legal constraints on us. We have very specific issues on how we buy things, when we build things, we have to pay a third more than the going rate for labor because of certain provisions in state law."

Allowing new businesses in the city versus the master planned communities is a good example of differing restrictions. "The city mandate under state law is that it can decide whether that [business] will be allowed only on the basis of that particular land and what's around it. The city is not allowed to look to the caliber of the operator and history of the individual in determining whether they are going to run the kind of shop that we would like for them to run. Howard Hughes has the ability to do that and make a decision on that. If the city tried to do that it would be sued in an instant – and lose. So there are actually some tools to managing the infrastructure where HOAs have less constraints than local government does."

Another major difference Beers identifies is the disparity within the Nevada Revised Statutes. "In the chapters describing local government, every city in the state has its own chapter. The legislature has somehow managed to fit HOAs from four to 12,000 residents into one chapter. This one size fits all approach is almost remarkable in the audacity of thinking that you can fit all of those entities in under one umbrella. And that's always going to be a source of difficulty and friction."

What's ahead? Beers opines that "the hay day of HOA expansion, at least in Las Vegas, is probably nearly done. I say that because in my mind HOA expansion is fueled by two primary things: Green Valley and Summerlin. They were probably about 75 percent of the growth of HOAs over the last 20 years. And we are out of vast swaths of private land. It doesn't seem likely to me that we will experience the same kind of growth rate in population that we experienced between 1980 and 2005."

Through the looking glass of past, present or the future, it is a certainty that Beers is a very satisfied homeowner. "My HOA pretty much looked the same way five years ago, and HOAs are going to continue looking like HOAs today. It's about quality of life! HOAs definitely do things for quality of life that cities could not."





JEFF POPE, CMCA LEVEL PROPERTY MANAGEMENT COMMUNITY MANAGER

Know when to Hold 'em, Know when to Delete 'em

by Jeff Pope

The two most important lessons I've learned from the world of business are always get it in writing, and never put it in writing. The secret to success is knowing when to use which nugget of wisdom.

Take for example political figures that use work phones and computers to e-mail and text for personal reasons or send pictures of their body parts to their significant other mistresses. If they had used that part of their phones that allows you to talk to the person live instead of capturing the conversation or photo for all eternity, we might think of them as accomplished politicians still. At least not as complete idiots. Also, has a news story about a celebrity's Tweet ever been good for that celeb? Ever? Seriously.

Once upon a time, people handwrote love letters or banged out their frustrations on a typewriter. Then they took the time to fold and place that letter in an envelope, write an address and place a stamp on the letter. Then in several weeks or months, that letter would arrive in the hands of its recipient. I'm of course referring to every year before 1995.

In the age of instant messaging, texting, sexting and super-duper sharing, our mistakes are instantaneous and permanent.

In our little HOA world, this advice comes into play daily. On the one hand, we want to ensure all our contracts and bids are in writing with the details and exclusions spelled out. We need to use layman terms to specify what work is being provided and what's not included so there's less conflict later.

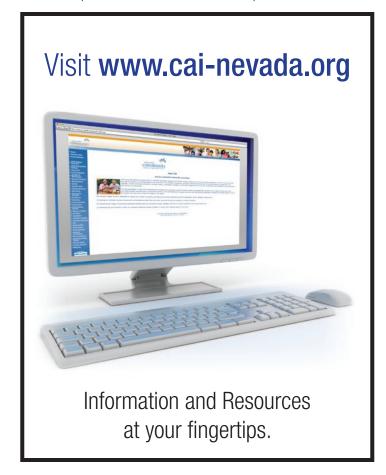
It would be nice if a handshake and a gentleman's agreement were enough to do business, but try convincing a jury what that handshake meant to you. Ever been divorced? If so, what did that vow mean really when you were divvying up your stuff?

Now the more important point, which is not putting it in writing. I'd bet that even Mother Teresa talked trash about people. But we'll never know because she never wrote it in an e-mail and hit "reply all."

If I had a dollar for each board member's e-mail or homeowners' complaint about a neighbor that potentially was libelous or malicious, I'd be in jail for extortion, but I'd be the wealthiest extortionist in the joint.

It's so easy to think our words will never come back to hurt us. Work e-mails seem like the product of private domain and we send so many of them that it's easy to forget what we wrote, when and to whom. We trust the recipients not to share them or to know we were just kidding. When we vent our frustrations, we need to do so to people who know our idiosyncrasies and we need to do it in person so they get the context, body language and tone, which are forms of communication that don't come through in e-mails.

To update an old adage, give a man enough characters, and he'll hang himself. Now, here are a few people I'd like to hang. Wait. Who did I send this to?





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CAI's Nevada Chapter is now accepting nominations for this year's celebration of ordinary people's extraordinary measures that truly make a difference, impacting others in a positive way. If you know of such an unsung hero, please let us know! The 2016 OPEM Committee will determine which nominees will be honored at CAI's September 13th breakfast meeting.

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