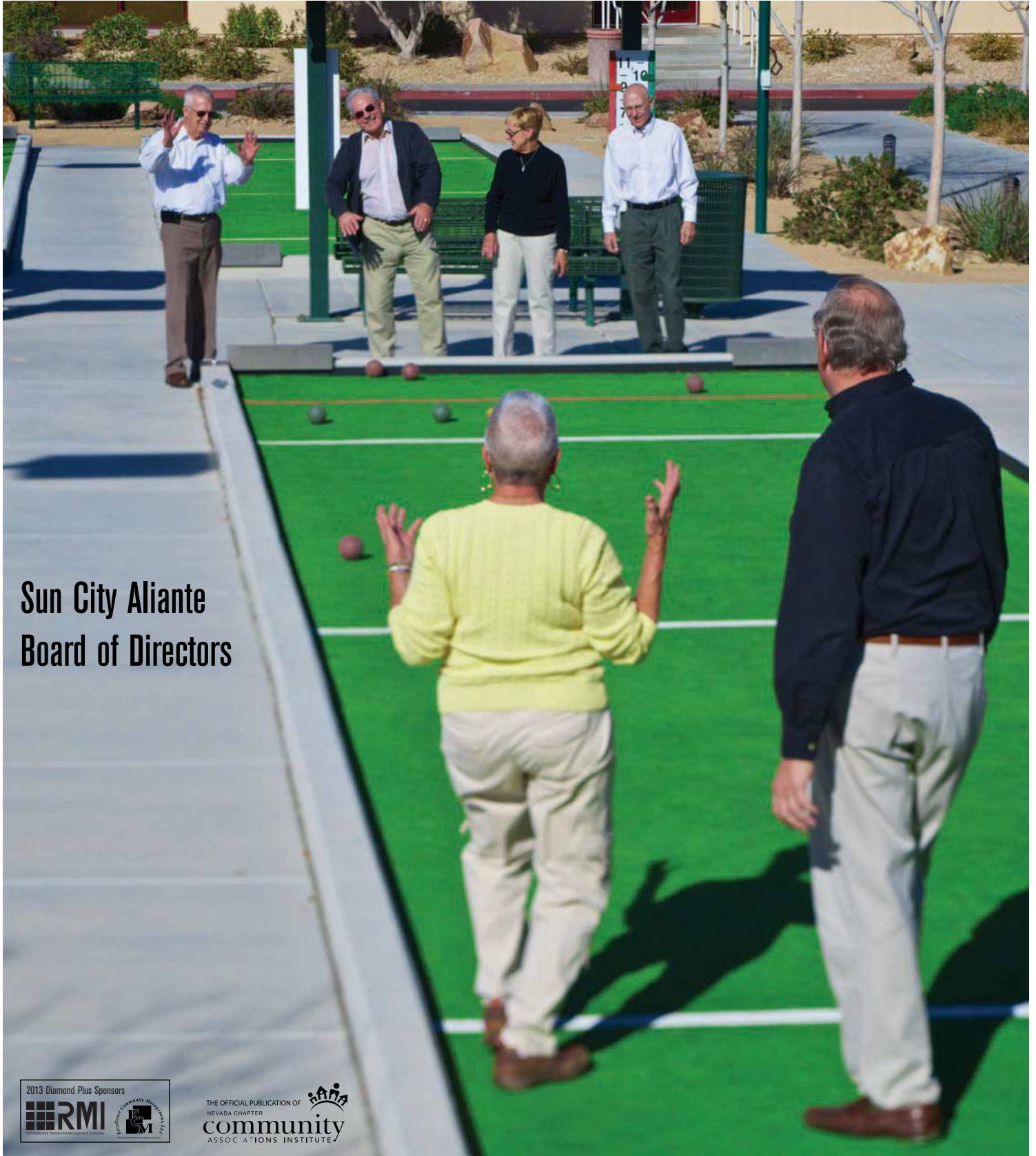


# Community Interests

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



Sun City Aliante  
Board of Directors





DAVID STONE IS  
PRESIDENT OF NEVADA  
ASSOCIATION SERVICES  
AND CO-HOST OF  
HOMEOWNER TALK TV

## Foreclosure & Short Sale Update

by David Stone

The Irvine, California-based RealtyTrac, which tracks foreclosures, reported recently that Nevada's foreclosure ranking has dropped from number 3 in the U.S. to number 2.

A drop in foreclosure sales has resulted in diminished housing inventory. Because of this, we are seeing a slight strengthening of the housing market. However, this good news could be short-lived.

I believe we are going to see an increase in foreclosures, particularly if Nevada foreclosure law changes in 2013.

Currently, banks are reluctant to commence foreclosure proceedings, resulting in the shrinking inventory of foreclosed-upon homes.

Proposed changes in the foreclosure law would provide incentive for banks to pursue

foreclosures again. If that happens, we will see a quick uptick in the number of foreclosed-upon homes.

A popular alternative to foreclosures is short sales, in which a home is sold for less than the amount of the outstanding mortgage loan, usually with the lender's permission. However, when attempting to sell a home by short sale, everyone needs to be flexible in helping to facilitate sales of these properties. Those parties include not just buyers, sellers and lien holders, but real estate agents.

I was asked to speak to a group of real estate agents recently about short sales and misconceptions regarding super priority liens.

There is a lot of misinformation out there regarding a collections agency's ability to negotiate past-due assessments. Many real estate agents don't realize that collections agencies do not always have the authority to negotiate past-due assessments. We are also limited in what information we can share due to the Fair Debt Collection Practices Act (FDCPA).

Real estate agents have said that misunderstandings about the amount of collections charges their clients will have to pay have caused promising short sales to fall through. Some have accused us of trying to kill a sale. That's simply not true; there are just some things we are unable to do.

Short sales are here to stay — at least for a while — and associations need to be willing and able to work within the financial confines of a short sale. Any association that dismisses them or is not willing to work to get short sales closed is making a mistake. ●

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# Community Interests

THE MAGAZINE FOR COMMON INTEREST COMMUNITIES

FEBRUARY 2013

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\*CAI Board Member Liaison

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## Magazine Deadline

*Community Interests'* deadline for advertising or editorial submissions is the 5th of every month to be included in the following month's magazine.

## Correspondence

Send business card, ad copy or articles for reprinting to CAI of Nevada, 9171 W. Flamingo Road, Suite 100, Las Vegas, NV 89147, along with payment. The publisher retains the right to edit articles to conform to content and space requirements. Authors are to be clearly identified in each article and the author is responsible for developing the logic of their expressed opinions and for the authenticity of all presented facts in articles. Opinions expressed in *Community Interests* are not necessarily the opinions of CAI, CAI of Nevada, its board members or its staff. Authors are solely responsible for the authenticity, truth and veracity of all presented facts, conclusions and/or opinions expressed in articles. Article submissions should be in Word format or plain text.

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DONNA TOUSSAINT IS  
A CAI HOMEOWNER,  
BOARD MEMBER AND  
2013 CAI-NEVADA  
CHAPTER PRESIDENT

## President's Message

WOW, the elections are over, the Holidays are gone and we now have time to reflect on the past few months and look toward the future.

The 2013 Legislative Session has begun and we, the members of CAI, will work together to improve Common Interest Communities.

Our HOA industry is like a large jigsaw puzzle, all the pieces fit together to make a pretty picture with management companies, managers, business partners, vendors and homeowners working together to put the jigsaw puzzle pieces together.

This year our focus is homeowners... those of us who pay the bills and make it possible for an entire industry to evolve. We are the ones who pay our assessments on time, all the time, and we are the ones who have to pick up the slack when others don't pay their assessments. Owners come from all walks of life; some are even business partners or vendors.

Like so many of my neighbors, I enjoy living in an HOA. In many cases, when people are happy and satisfied with their Association, no one ever hears from them because there is nothing to talk about ... life is good. However, there are a few residents in some communities who have had a disappointing experience while living within an association. We can't always please everyone, but we can try. Situations such as they have experienced must be dealt with in a manner that is best for all members of the community.

We want to hear everyone's thoughts on how best to address problems in HOAs.

Working together everything is possible.

*Donna Toussaint*

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MARY RENDINA  
CHAPTER EXECUTIVE  
DIRECTOR

## Chapter Commentary

As we publish the second magazine issue of the year I would like to offer my congratulations and gratitude to Andrea Chestnut and the entire magazine committee for the amazing work they have done in re-branding the chapter magazine. The magazine committee has historically been the one committee most members shy away from serving on. The members rarely are seen being recognized openly at our events but work tirelessly every month to obtain and edit articles. I'm sure you can agree the new look is refreshing and sure to be a hit with our readers.

While I'm on the subject of recognizing committee members a huge shout out of thanks and congratulations to Amanda Lower and the Awards Gala Committee for the incredible job they did on this year's gala. Each year we are faced with how to top the year prior and I can honestly say this year was the best one to date. Congratulations to all of our winners and thank you to our business partners who made it all possible. The after party sponsored by One

Stop Shop was a wonderful way to allow attendees to celebrate together.

Don't forget to mark your calendars if you plan on attending the CAI Annual Conference and Expo April 17-20, 2013 in San Diego.

You can register at CAI National's website [www.caionline.org](http://www.caionline.org)

Our next major chapter event will be our Las Vegas Golf Tournament

May 3, 2013 at Siena Golf Club. Information can be found under the events tab on the Chapter's website [www.cai-nevada.org](http://www.cai-nevada.org).

Warm Regards,

*Mary Rendina*

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## CAI Nevada Chapter Members' Brag Page

### MARILYN BRAINARD, DCAL, HAS BEEN APPOINTED "PUBLIC MEMBER"



Marilyn Brainard, DCAL, has been appointed by Governor Brian Sandoval as the "Public Member" of the Nevada State Board that oversees 'dispensing' Opticians ... those who help fit glasses and/or fill prescriptions for glasses

ordered by Ophthalmologists or Optometrists. In Nevada, 'dispensing' Opticians must be licensed. ●

*If you have anything you want to share, please submit it by the 5th of each month so it can be included in the next magazine. Anything received after the 5th of the month may not make it into the next magazine, but will appear in the following issue. Please submit your items to [info@cai-nevada.org](mailto:info@cai-nevada.org) or fax to 702-240-9690.*



ANDREA CHESTNUT IS CHAIR OF 'COMMUNITY INTERESTS' MAGAZINE COMMITTEE, NOTED AUTHOR AND A MEMBER OF NATIONAL SPEAKERS ASSOCIATION

### In This Issue

by Andrea Chestnut

Communities are created ... they don't just happen. By being a part of the process, you get a place to really call 'home'.

Our cover story this month is about a community that not only sees Aliante as "home," but sees that they can make a difference in the lives of others through volunteering for the good of all. *So You Want to be a Volunteer* by Robert Rothwell brings to light that being a volunteer is more than you might think. While Andrea Behrens' *Right Communications Between Generations* is a must read for those that are open to why we just don't get our thoughts across to others sometimes.

This month you will get an up close and personal look at the Grassroots movement, most of all how and why your voice is

important. You will learn how to be a part of the process by communicating with your legislators via email, phone calls and possibly in person regarding your positive outlook on HOA living and your being in favor of beneficial bills. Your voice counts!

*Tales from the Ombudsman's Office/A Division of NRED: Draw Your Own Conclusions:* this story is thought provoking and timely. The key here is to draw your own conclusion. As the old saying goes, it is food for thought. We, the magazine committee and CAI, welcome your thoughts and comments. ●

*Editor's Note: We apologize for the error in the January issue which stated Donna Toussaint is the Chapter's first CAVL President.*

*Jean Georges was the Chapter's first CAVL President in 1999. Donna Toussaint is the second CAVL President.*



# New Federal Qualified Mortgage Standards Guidelines

by CAI International

On January 10, the Consumer Financial Protection Bureau (CFPB) released its long-awaited federal Qualified Mortgage (QM) standard. The new federal guidelines, which are required by the Wall Street Reform and Consumer Protection Act (commonly known as the Dodd Frank Act), establish minimum requirements for all mortgage loans.

As anticipated, the QM standard considers community association assessments a key factor when determining if a borrower is qualified for a mortgage. Ensuring borrowers can afford to pay association assessments will lead to stronger communities and prevent foreclosures.

“The Ability-to-Repay standard will ensure home buyers are able to fulfill all their financial obligations related to owning their home—including their association assessments. This will create a greater degree of financial stability for community associations, while at the same time helping to ensure fairness and equity for all owners in the community,” said Thomas M. Skiba, CAE, chief executive officer of Community Associations Institute.

Under the QM standard, lenders are required to prove borrowers have the financial resources to pay mortgage principal and interest, insurance premiums, property taxes and association assessments. Lenders that extend mortgage credit without fully documenting a borrower’s income and assets and ensuring the borrower has the ability to make all monthly mortgage payments will face stiff penalties and fines.

Lender documentation of association assessments and special assessments required to meet the new ability to repay standard will be a key issue for CAI members. CAI will continue to work with the CFPB and the banking industry to ensure that all parties understand the role played by community associations to provide lenders assessment information in a reasonable and cost-effective manner.

Key features of the QM standard include:

- **Ability to Repay**—lenders must document that borrowers have sufficient assets and

income to make monthly mortgage payments and pay other mortgage-related obligations such as community association assessments.

- **Borrower Debt-to-Income Ratio**—borrowers may not spend more than 43 percent of their monthly income for payment of mortgages and mortgage-related obligations such as association assessments.
- **Legal Safe Harbor for Lenders**—except in the case of high-cost mortgages, lenders that comply with the ability to repay standard will be offered protection from borrower litigation.
- **High Risk Loan Terms Prohibited**—lenders are no longer permitted to offer mortgages that allow loan balances to increase (negative amortization) or interest-only payments. Mortgages may not have terms of greater than 30 years.
- **Transitional Standard**—all loans eligible to be guaranteed by Fannie Mae and Freddie Mac or for Federal Housing Administration insurance will be granted QM status during a transitional period.
- **Delayed Effective Date**—lenders will have one year to comply with the QM standard, which is effective January 2014.

CAI is reviewing the final QM standard and will provide additional updates to CAI members once a full analysis has been completed. Summary documents provided by the CFPB may be viewed [here](#).

With more than 32,000 members dedicated to building better communities, CAI works in partnership with 59 domestic chapters, a chapter in South Africa and housing leaders in a number of other countries, including Australia, Canada, the United Arab Emirates and the United Kingdom. CAI provides information, education and resources to community associations and the professionals who support them. CAI’s mission is to inspire professionalism, effective leadership and responsible citizenship—ideals reflected in communities that are preferred places to call home. ●



JUDITH HANSON,  
DCAL IS PRESIDENT  
OF ALIANTE MASTER  
ASSOCIATION AND  
MEMBER OF CAI  
NEVADA BOARD OF  
DIRECTORS

## Building Community ... the DCAL Way!

by Judith Hanson, DCAL

Did you know that Sun City Aliante Community Association Board of Directors has the distinction that all members have earned the DCAL?

The first homeowner member appointed to the Declarant board was Mark Pallans, who now serves as President. Mark was soon joined by a friend, Mark Smith, a friend from Florida, who also moved his family to Sun City in 2003.

Other members of the board include Jerry Overton (elected 2009), Rita Worrall (elected 2007), Owen Egge (elected 2010), Don Schaeffer (elected 2006) and Judi Hanson, elected to the board in 2009.

When I was elected in 2009, education was, and still is, very important. By 2010, all members of our Board had completed the requirements to be recognized as a Dedicated Community Association Leader (DCAL).

But our education didn't stop there! Becoming a DCAL is only part of the challenge. We also attend the special Advanced DCAL classes offered by the Education Committee.

One of those courses stresses the idea of 'Building Communities' ... bringing neighbors closer together ... and we all take this very seriously.

Rita serves as board liaison to the Sun City 'Life Style Committee' and was instrumental in developing new committee and club guidelines.

She enjoys bridge and is active in the newly formed pickle ball club, as well as our newly formed 'Chinese Mahjong Group' and the 'Book Club.' She is also an active member of the Westside Newcomer's Club – a social organization based in the Summerlin area.

Mark Smith is active in the Grass Roots campaign and also is a devoted grandfather, perfecting the art of babysitting, babysitting, and more babysitting. Prior to moving to Nevada, Mark was a prosecuting attorney in the states of New York and Florida. So he is well qualified to serve on the grass roots campaign and to speak to legislators during the 2013 legislative session. Mark is a former president of SCAL and now he serves as liaison to the committee. He is also active on the RMI Advisory Committee and has given a few seminars to board members whose associations are managed by RMI.

Owen served on the Management Selection and Contract Sub Committees when SCAL transferred from a declarant board to a homeowner board. He is a member of the Sun City Aliante Veteran's Club and has served on the Covenants Committee for five years, the Arc Committee and now on the Property and Grounds Committee as board member. Owen is handyman extraordinaire. He has helped various homeowners with such things as the purchase of a water heater to repairing sprinkler systems and smoke alarms.

Mark Pallans is self-employed and also serves on the Aliante Master Board along with me. He is a Communications consultant working with public safety agencies. He is also a Ham radio operator assisting the county in emergency communications, and more recently as Ski Patrol Host at Las Vegas Ski and Snowboard Resort. Mark presently serves as a member of our Arc Committee and as a member of the Property and Grounds Committee for the Master Community. He has great grant writing skills, as well; and, has done an excellent job in obtaining grants for Aliante Master Community and that of Sun City as well.

Jerry Overton has served as the coordinator for Sun City's Neighborhood Watch program since 2007. This program, started by Ken Seale in 2004 has grown from 35 block Captains to 93 with an





additional 28 volunteers. In 2009 we started our patrols and today we have over a 100 volunteers and block Captains patrolling our community on average of 80 hours a week. Jerry has served as our treasurer for the past three years, as Chair of the Property and Grounds committee and is presently serving as Chair to the Safety Committee of our Master Association. While working with the NLVPD, he has volunteered for many projects, including National night out, Safe Halloween, Shop with a Cop for terminally ill children, just to name a few. This partnership has been a very rewarding part in Jerry's life and he knows that it makes a difference in our city to be this involved. Jerry was also awarded a Certificate of Recognition Plaque from the City of North Las Vegas police department.

Don Schaefer and I ... well, we are all over the valley doing various charity events.

Don is a former president and treasurer of SCAL and presently serves on the board as its vice-president. He has been very instrumental in the PBS television channel and works with Opportunity Village throughout the year and especially in December as Mr. Santa. 2012 marked his 13th year with Opportunity Village. He and Gaylyne, his wife, spend countless hours in December playing the roles of Mr. and Mrs. Claus, in addition to finding time to help the Master Association with their holiday lighting event, and making a cameo appearance with the Las Vegas Philharmonic in December at the Smith Center. Don is currently vice-chair of the CAI Nevada Legislative Action Committee, and has done several speaking engagements on LAC, speaking in 2011 at the State level for HOA'sAs if all this wasn't enough, he is also the chairperson for his church's annual golf tournament and an active member of the men's club at church as well.

I am presently the President of Aliante Master Association and serve on the board at SCAL as a director. I have fulfilled many roles on both boards and am especially passionate about our social events at the Master level. I not only work to provide the social events here in Aliante, but also ensure that our newsletter, 'The Aerial', is crisp and clean and keeps the neighborhood up to date on current events and other related news. I also volunteer my time at Clyde Cox Elementary School, Cleveland Clinic Lou Ruvo Center for Brain Health, and also at The Smith Center where you will find me occasionally as hostess in the Founder's Room.

Recently I was elected to the Board of Directors for CAI and will be the Board Liaison to the Magazine Committee, Education Committee and Membership Committee.

I am in my second term as President for the Master Association, and served as its first Treasurer in 2009-2010 when we transition from declarant board to homeowner board.

In 2011 and 2012 I spearheaded the park cleanup at Deer Springs Park and Discovery Park with the assistance of the City of North Las Vegas. This was a tremendous undertaking and received great community support. I have

been involved with the lifestyle committee here at SCAL and now serve as a member of the communications committee.

For us, homeowner involvement is very important! We hold workshops before our budget is ratified and on community expenditures.

We held workshops when we contemplated expanding our facilities. Many of the things our homeowners wanted, such as a library, expanded computer room, separate rooms for scrapbooking, glassblowing, a kiln, a stage for performances by our very own Sun City Steppers and Sun City Songsters, were incorporated into our expansion project.

Ms. Lynn Garlock- Wright, Activity Director, has brought some fantastic entertainment into the center because of our endeavors, including a high tea that was to die for. We have held separate Christmas and Hanukkah nights for the holidays. Our clubs total over 20, including poker, bridge, mahjong (both Chinese and American), horseshoes, pickle ball (which is very, very popular), tennis, computer club, billiards and book club, just to name a few.

If you would like to know more about us, please contact any of us. We are accessible and very willing to talk about the progress we have made in our community. Putting into practice the knowledge we all received in our training to be Dedicated Community Association Leaders has been very rewarding! ●

## HOA BOARD MEMBERS:

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*The deadline for applications is February 11, so apply today at [www.caionline.org/scholarship](http://www.caionline.org/scholarship). Winners will be notified by March 1.*



CHRISTIAN DIAMANDIS,  
CMCA, CM IS WITH  
ASSOCIA MANAGEMENT  
SOUTH.

## Grass Roots Initiative and Legislative Action Committee *Gearing Up for 2013*

by Christian Diamandis, CMCA, CM

As a Board President and a Community Manager, I attended the Grassroots Initiative meeting held at the Hollywood Community Center. Paul Terry Esq., CAI Past-President was there to emcee the event along with CAI President Donna Toussaint, LAC Chair Jan Porter and LAC Lobbyist Gary Milliken. A dozen or so concerned Board members and residents were also in attendance, a small representation of the much broader base of participants who are part of the Grassroots Initiative network of email activists.

The gist of what was conveyed is that there are powerful lobbyists for realtors and investors along with a few disgruntled HOA homeowners who have the ear of elected officials, and who are promoting legislation that limits the authority of HOAs to collect debt and/or enforce their governing documents.

Lawmakers are only human, so whether it is because of campaign contributions or due to a lack of direct knowledge, lobbyists and individuals hold undue power over legislators if opposing points of view are not presented.

The Legislative Action Committee has the goal of providing that opposing point of view. The goal of LAC is to educate the broad base of contented homeowners in HOAs about how their Legislators are proposing to further regulate them. These homeowners, in turn, can let their Legislators know directly that they either support or do not support what is proposed.

LAC wants to show that most people are content in their HOAs and that wrong legislation will unfairly hurt most Association homeowners financially and psychologically.

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.....  
**The goal of LAC is to educate the broad base of contented homeowners in HOAs about how their Legislators are proposing to further regulate them.**  
.....

In order to promote the positive interests of HOAs, the Grassroots Initiative was born.

The lobbyists for realtors and investors may have a financial advantage influencing the elected officials, but, the people, such as those in the Grass Roots Initiative, still have the numbers and that should make all the difference when deciding which bills pass.

LAC does not expect each member of the Grassroots Initiative to search the myriad of proposed legislation to find the bills that affect HOAs ... the lobbyists for LAC will do that. (\*1)

However, each Grassroots Initiative member who has provided an email address will receive email notification of bills under consideration that are going to affect them.

LAC would like its Grassroots Initiative members to get to know who their district representatives are so they can email or contact them directly. (\*2)

Whether a bill is favorable or unfavorable, LAC would like each Grassroots Initiative member to contact their elected representatives and let them know that they are residents in their district and that they either support or do not support the proposed legislation and why.

For each step of the legislative process, starting in committee and then moving to the assembly and finally to the Senate and possibly back again as the case may be, LAC will notify its Grassroots Initiative members via email about the proceedings and will request a timely response from each member to the appropriate legislators.

The reaction time from the Grassroots Initiative members must be quick: each phase of the process is not long, two or three days tops, so the Grassroots Initiative membership must be ready to act.

LAC will also be requesting Grassroots Initiative members to attend hearings at the Grant Sawyer Building for proposed bills. Members at the hearings may be given tee shirts to show solidarity as a voting bloc. Members may be asked to testify, but that is not a requirement. It is the numbers of people present that will make a difference to the legislators in Carson City.

All Homeowners living in an HOA should be aware of the proposed legislation that will affect them before it is law.

All HOA managers should be aware of this legislation as well.

For our mutual benefit we should work to educate and recruit our colleagues and neighbors through email, newsletters and open meetings so that our voices and our position will be heard in the Legislature. With strong Grassroots support, present burdensome laws may be amended and new legislation will be beneficial to our quality of life. (\*3)

(\*1) *If you would like to research the proposed bills for the 77th Session you can do so at the Nevada State Government website: click on government>Legislative Branch then on the right side of the screen click on 77th Session (2013)>BDR Requests.*

(\*2) *To find your state representatives from your district go to Nevada Legislators and click on Who's my Senator?/What's my District and follow instructions from there.*

(\*3) *To find out more or to join the Grass Roots Email Army on Twitter or Facebook go to the CAI Nevada Chapter website and look for the tool bar across the center of the page. Click on "Grass Roots Committee" or if you have a question "Ask the LAC". There is also a link to find out who your representatives are. ●*



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FRANK RATHBUN  
IS VICE PRESIDENT,  
COMMUNICATIONS AND  
MARKETING FOR CAI  
NATIONAL

## CAI Celebrates Milestone Anniversary *From Backyard Planning Sessions to 40 Years of Growth and Success*

by Frank Rathbun is Vice President

In 1964, the Urban Land Institute (ULI) published Technical Bulletin No. 50, a document that called for the creation of a national organization to provide education and act as a clearinghouse of information and best practices for the growing community association housing market.

The principal author was Byron Hanke, one of CAI's eventual founders along with Lincoln Cummings, then president of Whetstone Homes Corp. and vice president of Montgomery Village Foundation in Maryland; Dave Rhame, a developer and chair of the National Association of Housing Cooperatives; and David Stahl, former public official and ULI executive vice president. Cummings and Rhame would eventually lead the fledgling organization.

But there was a lot of work to be done before leaders would be selected. It took nine years and an abundance of discussion, fortitude and planning—including backyard strategy sessions at Hanke's Calvert, Md., home. But good ideas persist, and this idea became Community Associations Institute.

The official date of birth was Sept. 20, 1973—40 years ago this year. The Nevada Chapter was created on December 13, 1990.

There were fewer than 30,000 U.S. common-interest communities in 1973. Today, more than

64 million Americans live in an estimated 325,000 community associations, condominium communities and cooperatives. The first issue of CAI News, in 1974, was distributed to 200 members. Today, CAI's flagship national magazine, *Common Ground*, is distributed to more than 32,000 members—in both print and digital formats.

CAI's growth was slow but steady—at first. Membership surpassed 1,000 by the end of 1975. It took eight more years to reach the 5,000 mark. The organization we know today began to take shape during the late 1970s and 1980s.

- 1975: The first national conference takes place in New Orleans.
- 1977: Association Management, the first Guide for Association Practitioners, is published.
- 1978: CAI welcomes its 10th chapter.
- 1980: The Professional Management Development Program is launched.
- 1982: The Professional Community Association Manager (PCAM) designation is introduced.
- 1984: The first issue of *Common Ground* is published.
- 1985: CAI welcomes its 30th chapter.
- 1986: California members form the first of CAI's 35 legislative action committees.
- 1988: Membership tops 10,000.

CAI continued to expand in the 1990s, creating [www.caionline.org](http://www.caionline.org), the popular ABCs course (now "Essentials"), Community Associations Press (now CAI Press) and the College of Community Association Lawyers. Other milestones included publishing the first issue of *Community Management* (now *Community Manager*), topping 50 chapters and reaching 15,000 members in 1996.





CAI has been equally ambitious in the new century, expanding its website, offering webinars, developing Rights and Responsibilities for Better Communities, expanding its public policy initiatives, creating the Educated Business Partner distinction and offering its first online course, The Essentials of Community Association Management. Meanwhile, membership surpassed 25,000 in 2005 and topped 30,000—in 60 chapters—in 2010.

Like every organization, CAI had to adapt to meet the challenges of a growing and changing industry. New and enhanced member benefits were developed. Governance overhauls were debated and implemented. The membership structure itself was reengineered, mostly recently in 2005 to encourage individual memberships for community managers and homeowner volunteer leaders.

“Our growth and achievements would have been impossible without the contributions of member leaders,” says Tom Skiba, CAE, CAI’s chief executive officer since 2002. “Sustained growth and success for an organization like CAI requires skilled, dedicated and selfless member volunteers. National and chapter board and committee members, our education faculty, legislative action committee members, authors, event speakers—they are the unsung heroes. They’ve made our accomplishments possible for 40 years.”

Jerry Levin, CAI’s president in the early 1990s said it best, “Without the total cooperation of leadership, chapters and individual members, there would be no CAI today.”

Visit [www.caionline.org/CAI40](http://www.caionline.org/CAI40) to learn more. ●

**PAST PRESIDENTS REMEMBER**

“A lot of my success has been because of the things I’ve learned and the people I’ve been able to connect with through CAI.” —Ronald P. Kirby, 1981-82

“When I think about CAI, I have a warm feeling and a sense of shared accomplishment. ... CAI is just special.” —Katharine Rosenberry, Esq., 1988-89

“Our slogan, ‘CAI—Making Community Associations Better,’ held a significance and a consequence that few knew.” —George E. Nowack, Esq., 1994-95

“No other organization with which I have been affiliated exudes the camaraderie, support, sharing and care as does CAI.” —Paul D. Grucza, CMCA, AMS, PCAM, 2004-05

“We are the go-to organization for those who want to know about the community association industry.” —Kathryn C. Danella, CMCA, LSM, PCAM, 2012.



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ANDY MAIDEN IS  
A MEMBER OF THE  
GRASSROOTS INITIATIVE  
OF CONCERNED  
HOMEOWNERS

## Helping Communities by Helping Homeowners

by Andy Maiden

Nevada Lawmakers have descended upon Carson City where they remain to review and debate legislation that affects both homeowner associations and management companies hired to operate such communities. Over the past several weeks, certain legislative bills, both good and bad, have made it through various committees before being voted upon next by the full Assembly.

In a cohesive effort to protect community associations throughout the state, the Grassroots Initiative Committee continues its work alongside the CAI's Legislative Action Committee to recruit, educate and organize homeowners to deliver a unified message to legislators.



During the past several months, the committee has been successful in spreading the word on how homeowners have a critical voice in telling Nevada Lawmakers how they feel about living in common interest communities. Previously, most of the legislation that was generated affecting HOA's came from the influences of the selected few who lobbied those in Carson City. Now with the Grassroots Initiative assisting homeowners, Nevada Lawmakers can hear the voices of the many who are happy living in community associations.

The Grassroots Initiative knows that legislators are more inclined to listen to a homeowner over a well-spoken HOA management employee or lobbyist ... because homeowners have the power to vote. And this is critical to lawmakers on whether their constituents continue to keep them in office.



The hundreds who have already joined the coalition now have access to important bills that will affect their neighborhoods and they can inform their representatives of their views. Those interested in learning more can follow along on Facebook ([www.Facebook.com/SaveMyCommunity](http://www.Facebook.com/SaveMyCommunity)) and Twitter ([www.Twitter.com/SaveMyComm](http://www.Twitter.com/SaveMyComm)). In addition, visiting the CAI website can provide useful information.

It's important to know that individual homeowners shouldn't assume that everyone else is responding and taking action, as it takes every member acting to protect a community's property values. Those who chose to live in a common interest community need to fight to protect these decisions before their rights continue to be whittled away piece by piece.

If you are concerned and want to preserve your community and help associations have a recognized voice in Carson City, ask to be included on the Grassroots Initiative mailing list and encourage your friends and neighbors to do the same. Be prepared to communicate with your legislators via email, phone calls and possibly in person regarding your positive outlook on HOA living and your being in favor of beneficial bills.

The Grassroots Initiative is requesting community management companies also take an active role to assist in keeping their associations informed of news and upcoming events while sharing tips on effectively relaying messages to legislators. ●

# Upcoming Events

## Southern Nevada

FEBRUARY	2/12	<b>CAI Nevada Chapter Board Meeting</b>	Gold Coast Hotel	1:30 p.m.
	2/12	<b>Las Vegas Monthly Luncheon</b>	Gold Coast Hotel	11:30 a.m.
	2/26	<b>Las Vegas Manager Breakfast</b>	CAI Training Center	9:00 a.m.
	2/23	<b>Las Vegas Homeowner Seminar</b>	CAI Training Center	9:00 a.m.
MARCH	3/12	<b>CAI Nevada Chapter Board Meeting</b>	Gold Coast Hotel	1:30 p.m.
	3/12	<b>Las Vegas Monthly Luncheon</b>	Gold Coast Hotel	11:15 a.m.
	3/19	<b>Las Vegas Manager Breakfast</b>	CAI Training Center	9:00 a.m.
	3/16	<b>Las Vegas Homeowner Seminar</b>	CAI Training Center	9:00 a.m.
APRIL	4/9	<b>CAI Nevada Chapter Board Meeting</b>	Gold Coast Hotel	1:30 p.m.
	4/9	<b>Las Vegas Monthly Luncheon</b>	Gold Coast Hotel	11:15 a.m.
	4/17-20	<b>CAI National Conference</b>	San Diego, Ca	
	4/30	<b>Las Vegas Manager Breakfast</b>	CAI Training Center	9:00 a.m.
	4/27	<b>Las Vegas Homeowner Seminar Chair Co-Chair Meeting</b>	CAI Training Center CAI Training Center	9:00 a.m. 9:00 a.m.
MAY	5/3	<b>Golf Las Vegas</b>	Siena	12:00 p.m.
	5/14	<b>CAI Nevada Chapter Board Meeting</b>	Gold Coast Hotel	1:30 p.m.
	5/14	<b>Las Vegas Monthly Luncheon</b>	Gold Coast Hotel	11:15 a.m.
	5/18	<b>Las Vegas Homeowner Seminar Essentials</b>	CAI Training Center	8:00 a.m.
	5/21	<b>Las Vegas Manager Breakfast</b>	CAI Training Center	9:00 a.m.

## Northern Nevada

FEBRUARY	2/21	<b>Northern Nevada Homeowner Seminar</b>	Peppermill Hotel	6:00 p.m.
	2/22	<b>Northern Nevada Manager Breakfast</b>	Peppermill Hotel	9:00 a.m.
MARCH	3/20	<b>Northern Nevada Quarterly Breakfast</b>	Peppermill Hotel	9:00 a.m.
	3/21	<b>Northern Nevada Homeowner Seminar</b>	Peppermill Hotel	6:00 p.m.
	3/21	<b>Northern Nevada Manager Breakfast</b>	Peppermill Hotel	9:00 a.m.
APRIL	4/17-20	<b>CAI National Conference</b>	San Diego, Ca	
	4/25	<b>Northern Nevada Homeowner Seminar</b>	Peppermill Hotel	6:00 p.m.
	4/25	<b>Northern Nevada Manager Breakfast</b>	Peppermill Hotel	9:00 a.m.
	4/26	<b>Northern Nevada Manager Breakfast</b>	Peppermill Hotel	9:00 a.m.
MAY	5/16	<b>Northern Nevada Homeowner Seminar</b>	Peppermill	6:00 p.m.
	5/16	<b>Northern Nevada Manager Breakfast</b>	Peppermill Hotel	9:00 a.m.
	5/17	<b>Northern Nevada Manager Breakfast</b>	Peppermill	9:00 a.m.

All Dates and Events are subject to change or cancellation.



ROBERT ROTHWELL, PHD, DCAL IS CHAIR-ELECT OF CAI NATIONAL CAVC AND MEMBER OF CAI NATIONAL BOARD OF TRUSTEES.

## CAI Member Spotlight: Anne Calarco, PCAM, CMCA, AMS, DCAL

by Robert Rothwell, PhD, DCAL



Anne Calarco, PCAM, CMCA, AMS, DCAL is president and managing partner of Level Property Management.

She is very involved in the community management industry and is a member of the Community Associations Institute's national large-scale manager committee.

Anne also is co-chair of the CAI-Nevada chapter Education Committee where, in addition to other responsibilities, she works to develop classes for homeowners, HOA board members and community managers.

"I believe in education," says Anne, who works with four managers and 13 staff members. "I

have worked very hard to set myself apart through my education." She developed a seminar, "How to Run Your HOA Like the Business That It is," that was presented at a recent CAI-Nevada CA Day Trade Show.

Prior to joining Level Property Management, Anne served as general manager for Las Vegas International Country Club Estates, a large master association with sub-associations. In 2011, she received the CAI Award for Southern Nevada On-site Manager of the Year.

While at Las Vegas International Country Club Estates, she worked very hard to perfect her skills in community management and customer service. "The staff I employed there were instructed by me and trained to put themselves in the shoes of the residents and work to resolve issues rather than to escalate them. We built a good relationship with the residents, board members and managers of the sub-associations."

That same attitude and mission pervades everything she does ... whether working as a manager or volunteering on the Education Committee.

Congratulations ... and thank you, Anne, for all you do. ●

The ABCs about HOAs.

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### RANDOM THOUGHT

*"The price of success is hard work, dedication to the job at hand, and the determination that whether we win or lose, we have applied the best of ourselves to the task at hand."*

—Vince Lombardi





BARBARA WESTOFF IS CHAIR OF THE 2013 GALA COMMITTEE AND WITH COMMUNITY ASSOCIATION UNDERWRITERS OF AMERICA, INC.

# Congratulations to the 2012 Gala Award Winners

by Barbara Westoff

CAI congratulates all the award nominees for the 2012 Gala. This year's Gala Award recipients are:

**NORTHERN NEVADA ASSOCIATION BOARD MEMBER OF THE YEAR**

John Walter, DCAL (Pine Tree Ranch Homeowners Association)

**NORTHERN NEVADA OUTSTANDING SMALL ASSOCIATION OF THE YEAR**

Laguna Terrace Homeowners Association

**NORTHERN NEVADA OUTSTANDING MEDIUM ASSOCIATION OF THE YEAR**

Reno Vista Ridge Master Property Owners Association

**NORTHERN NEVADA OUTSTANDING MASTER ASSOCIATION OF THE YEAR**

Double Diamond Ranch Master Association

**OUTSTANDING DCAL OF THE YEAR**

Donald Schaefer, DCAL (Sun City Aliante Community Association)

**OUTSTANDING VOLUNTEER OF THE YEAR**

Tonya Bates, CMCA, AMS, PCAM

**SOUTHERN NEVADA ASSOCIATION BOARD MEMBER OF THE YEAR**

Robert Rothwell, PhD, DCAL (Village Green Homeowners Association)

**SOUTHERN NEVADA OUTSTANDING SMALL ASSOCIATION OF THE YEAR**

Villas at Fort Apache Homeowners Association

**SOUTHERN NEVADA OUTSTANDING MEDIUM ASSOCIATION OF THE YEAR**

Santa Bella Homeowners Association

**SOUTHERN NEVADA OUTSTANDING LARGE ASSOCIATION OF THE YEAR**

Red Rock Country Club Homeowners Association

**SOUTHERN NEVADA OUTSTANDING MASTER ASSOCIATION OF THE YEAR**

Northshores Owners Association

**OUTSTANDING HIGH-RISE ASSOCIATION OF THE YEAR**

Regency Towers Association, Inc.

**OUTSTANDING HIGH-RISE MANAGER OF THE YEAR**

Philip M. Crapo, Jr., CMCA, AMS, LSM, PCAM (Regency Towers Association, Inc.)

**NORTHERN NEVADA ON-SITE MANAGER OF THE YEAR**

Lorrie L. Olsen, CMCA, AMS, PCAM (Caughlin Ranch Homeowners Association)

**SOUTHERN NEVADA ON-SITE MANAGER OF THE YEAR**

Inga Hale, CMCA

**OUTSTANDING BUSINESS PARTNER OF THE YEAR**

Pamela Wilson – Mutual of Omaha Bank

**SOUTHERN NEVADA CAI SUPPORT PERSON OF THE YEAR**

Wendy Whaley, DCAL

**2012 PRESIDENT'S AWARDS**

Kendall Abbott, CMCA, AMS  
Patricia Taylor, CMCA  
Andy Maiden

**CMCA OF THE YEAR**

Stephanie Freeman, CMCA

**AMS OF THE YEAR**

Sharon Bolinger, AMS

**PCAM OF THE YEAR**

Lauren Scheer, AMS, PCAM, DCAL

**NORTHERN NEVADA PORTFOLIO MANAGER OF THE YEAR**

Lara Knipmeyer

**SOUTHERN NEVADA PORTFOLIO MANAGER OF THE YEAR**

Corey Clapper, CMCA

**OUTSTANDING SMALL MANAGEMENT COMPANY OF THE YEAR**

Level Property Management

**OUTSTANDING MEDIUM MANAGEMENT COMPANY OF THE YEAR**

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# 2012 Awards Gala







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ROBERT ROTHWELL, PHD, DCAL IS CHAIR-ELECT OF NATIONAL CAVC COMMITTEE AND A MEMBER OF THE BOARD OF TRUSTEES OF CAI NATIONAL.

## So You Want to be a Volunteer ...

by Robert Rothwell, PhD, DCAL

Here's a riddle: what's available everywhere, totally free, and can make you feel great about yourself?

Answer: **VOLUNTEERING**

Volunteering is fun, rewarding and exciting ... but it is also more complicated than just showing up and having a good time. Here is some advice on how to make the most of your volunteer work:

**BE SELFLESS. SELFLESS IS THE OPPOSITE OF SELFISH.** Don't think about what you can do to help yourself. Think about what you can do to help others.

**BE WELL-TRAINED.** Know what you are doing as a volunteer. If you need some time to learn your job, take that time. If you need training or need someone to show you what you're supposed to do, speak up. If you're good at your job, it will be much easier to help others (plus you'll have a lot more enjoyment from what you are doing).

**BE DEPENDABLE.** Do what you say you'll do, and do your best. Don't show up late and always keep your promises. Others will be relying on you so you don't want to let them down.

**BE ENTHUSIASTIC.** Don't moan and groan your way through volunteer work. **IF YOU REALLY DON'T LIKE WHAT YOU'RE DOING, FIND SOMETHING ELSE.** Always have a positive attitude and show others you're doing this because you WANT to.

**BE OPEN-MINDED.** One of the really great things about being a volunteer is the chance to learn and experience new things. Psychologically speaking, when you keep your mind open to new possibilities, you will definitely grow as a person.

**BE RESPECTFUL.** Always remember to show respect for other people and other cultures. Keep in mind that your way of thinking or living is not the only way there is.

**BE COOPERATIVE.** Don't be a 'hot shot' or a loner. **DON'T TRY TO DO EVERYTHING YOURSELF. WORK AS PART OF A TEAM TO MAKE SURE EVERYONE GETS A CHANCE TO PARTICIPATE AND DO HIS OR HER FAIR SHARE OF WORK.** If someone asks for help, be willing to lend a hand. If you need some help, ask politely for it.

**BE UNDERSTANDING.** Try to see things through other people's eyes. Try your best to understand what others are going through, even if it is something you've never dealt with.

**BE HUMBLE.** Humble people don't brag or go around telling everyone about all the good things they've done just to get some attention or feel superior. They're happy knowing that they're making a difference, and don't need to shout about it.

**BE FRIENDLY.** Treat others like friends and they'll do the same for you. Many people who volunteer meet new people with whom they want to stay friends. You might just meet someone who becomes a friend for the rest of your life. ●





DAVID J. MULLIGAN, PHD, DCAL IS PRESIDENT OF BLACKHAWK HOMEOWNERS ASSOCIATION.

## Crime-free Communities

by David J. Mulligan, PhD, DCAL

Who wants to live in a crime-free community? I certainly do and I suspect that most, if not all, reading this magazine want it as well.

Recently, the City of Henderson Police Department hosted an eight-hour Crime Free Housing Program Workshop. This program has been traditionally offered exclusively to property managers of apartments and single-family rental homes, but Community Managers were invited for the first time.

It must be noted that in contrast to apartment buildings and complexes where all units are rental units, safety and security of the community is NOT a responsibility of the Homeowner Association Board of Directors. Safety and security are the responsibility of the community as a whole in partnership with local authorities such as police and fire departments. The Board can institute policies and expend resources to protect association assets and maintain the value of the property and this is where elements of the Crime Free Program can be useful for HOAs of all sizes.

Officer David Kohlmeier of the Henderson Police Department organized the program. The primary speaker was Tim Zehring who is the developer of the Crime Free Housing Program and is formerly of the Mesa Police Department.

The topics covered in the program included:

- Working with the Police
- Crime Free Housing Program
- Criminal Background Checks
- Combating Illegal Activity
- Crime Prevention Through Environmental Design
- Crime Prevention Strategies

Probably the most important element of a successful crime prevention program is good communication and trust between residents, their community manager and police. Without the free flow of information and understanding that all parties have the best interest of the community in mind, any program is bound to fail. However, the probability of success increases dramatically once good communication and trust develop and become part of daily practice.

In developing a strategy for reducing crime, it must be understood that there are three elements that are required to be present for a crime to occur.

These elements include the person's desire, an available target and an opportunity. By eliminating any one of the elements, crime will not occur. The steps, which are part of the Crime Free Program, work at eliminating one or more of these elements.

The Crime Free Housing Program has been successful in reducing crime by an average of 70% nationwide. This reduction has primarily been accomplished by preventing criminals from renting properties in the first place and evicting tenants if they or their guests and associates participate in criminal activity during the course of their lease. Criminal background checks are required upon application and potential tenants are required to sign a Crime Free Lease



Addendum which commits the tenant to living a crime-free lifestyle or face eviction in a manner similar to nonpayment of rent.

In homeowner associations, Boards must treat tenants in the same manner as owners. Since Boards cannot block the sale of units to people with criminal records, Boards are not allowed to prevent owners from renting to people with criminal records. However, Boards can recommend to owners that they require potential tenants to agree to a criminal background check as a condition of renting and that they use the Crime Free Lease Addendum as part of their lease agreements.

Boards are also required to uniformly enforce their rules and regulations so if association property damage is incurred as a result of an owner's or tenant's actions or illegal businesses related to drugs or prostitution are being run out of unit occupied by a tenant or owner, compliance procedures shall be pursued.

Another step Boards can take to reduce criminal activity involves environmental design. All bushes should be trimmed to a maximum of three feet and trees should be trimmed to maintain a clearance of seven feet. Placement of landscaping relative to walkways and buildings also plays a role. Quality and placement of lighting is another consideration. Pathways and park areas must be well lit. Police departments will work with communities to determine improved environmental design.

Boards can also encourage their community members to implement the following list of security steps.

- Install dead bolt locks.
- Use 3" screws in attaching the dead bolt strike plate to the doorframe.
- Install a peephole.
- Install lift and slide protection on windows.
- Install screw or pin on top of slider doorframes to prevent door removal.

One additional point worth considering is that the presence of graffiti may indicate gang activity. Graffiti should be removed as quickly as possible but managers should take pictures of the graffiti first before it is covered. These pictures can be invaluable information for police as they track gang activity and movements.

I wish to thank the Henderson Police Department and Officer David Kohlmeier for opening this Crime Free Program event to community association managers for the first time. I saw it as an eye-opening experience that provided many tools that can be immediately implemented in our communities as we strive for a Crime Free environment. While it is impossible to prevent crime altogether, it is definitely possible to make a crime more difficult in our communities so that criminals will move elsewhere. ●

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## Why I Enjoy My Role on the CAI Community Outreach Committee

by Yolaunda Erskine

Unless you personally experience it, you will never know the real joy and pleasure of being a part of the CAI Community Outreach Committee. This is my second year, and my enthusiasm keeps growing and growing.

I've been in Las Vegas for 30 years and raised my three children here. I'm also 'Grandma Yo' to my niece's triplets who are now 10 years old. We live on the southwest side of the city and my hobbies are crafting and spending time at our cabin in Utah.

As a mom, I especially enjoy the events and activities that help children. Visiting Red Rock Elementary School and participating in the events there, plus the many other Community Outreach activities, has been a great joy to me. I know we are really helping the kids.

To see the joy on their faces and the fun they have at events like the Harvest Festival, Spring Fling and Fifth Grade Promotion is amazing. These events happen because of the generosity of CAI members. Beside these, the Walk to benefit the Candlelighters Cancer Foundation, the Bowling Fundraiser and all the Christmas Holidays Activities help many children ... and I love being a part of it all!

Giving back has always been a very important and fulfilling part of my life. Helping others is something I really enjoy. You can experience the same joy if you become a part of the Community Outreach Committee.

My prior work experience in retail involved organizing and recruiting volunteers. We did a lot of fund raising activities. I feel so fortunate to be part of the CAI Nevada Community Outreach Committee and encourage others to do the same.

Once you experience the 'joy of giving,' you'll never turn back! ●

*Just for Laughs*

The Board says no increase of assessments for next year. They are currently operating at a loss and their reserves are 30% funded. I will have to remind the President and the Treasurer that they do not have the ability to simply print more money...ironic, isn't it?

### RANDOM THOUGHT

*"If you wait until you can do everything for everybody, instead of something for somebody, you'll end up not doing nothing for nobody."*

—Malcom Bane



PHILIP C. BATEMAN, CPA,  
CFE; SHAREHOLDER  
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## Ask the Expert: Reserve Surplus

by Phil Bateman

**QUESTION:** *Our Community Association has a surplus in our Reserve Fund ... mind you, not a large one, but still a surplus. Are we alone in this, or do many associations have a surplus in their Reserve Fund? Should we keep the 'overage' and apply it to future Reserve funding?*

**ANSWER:** Congratulations ... you and your association are in an enviable position. By any chance, did you attend the DCAL classes in which 'Budgets and Reserves' were discussed?

With the economic conditions that our valley has endured over the last few years, many Associations have had to make some tough financial decisions. Some Associations have cut or reduced services, some negotiated with vendors for lower contract amounts, and some have had to raise their assessment, which is never an easy decision in a depressed economy.

However, many Associations have financially weathered the storm and have been able to survive the increase in delinquent assessments.

One key has been to closely monitor expenses against the annual budget and negotiate with vendors for the best price. Another key was budgeting for bad debts – anticipating that not all assessments would be collected. Some of these Associations have performed so well, that they actually have excess operating funds.

The premise behind the operating fund in an Association is to break even. Essentially, the annual assessment should be set to equal the amount of annual expenses the Association expects to incur. This is different than a for-profit business, which is designed to make money.

NRS 116.3114 states an Association can establish a "provision for common expenses" before determining the Association has a surplus. An Association should maintain working capital in order to timely pay vendors and fund the reserves, without having to rely upon the collection of assessments.

To determine if an Association has excess operating funds, or a "surplus," first look to the current financial statement.

On the Balance Sheet (which lists all Association assets, liabilities, and equity as of a specific

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***Remember, the premise with the operating fund is not to over accumulate funds, but to break even, if possible.***  
.....

date), look for the current period operating fund balance or equity. This number includes any prior year excess or deficit, plus the current year operating fund net income or loss. This number is the starting point. From the current operating fund balance, deduct an amount for the Association to maintain as working capital. Any remaining number, if positive, could be considered excess or surplus funds. Factors specific to the Association may dictate differences to the above model.

Once a surplus is identified, what can be done?

First, look to the reserve fund. Are the reserves adequately or fully funded? If not, these surplus funds could be contributed to the reserve fund. Of course, you never want to over-fund the reserves. Any remaining excess should be built into future budgets. The Association will be able to budget more expenses than income, which will be funded by this surplus. The Association may be able to reduce the assessment, or "vacation" the assessment for a period of time to utilize the surplus.

As we begin to think about 2013 budgets, be sure to identify any potential excess operating funds and build them into the budgeting process. Remember, the premise with the operating fund is not to over accumulate funds, but to break even, if possible. ●



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## Let's Make a (Loan) Deal!

by Brook A. Silvestri, CMCA®

As community association professionals, you're probably aware that associations pledge assets to secure loans for common element repairs. The question remains how do they actually go about doing this? What information do lenders require to review a credit request? This article prepares you to make the deal by outlining that information.

While approaches to credit quality evaluation differ among experienced lenders, their philosophy is fairly consistent. Since most associations do not have ample hard assets to secure financing, lenders look for a solid cash flow stream as collateral. They then seek to gain control of that stream by filing a Uniform Commercial Code (UCC) financial statement on the assessments with the Secretary of State. This becomes one of the loan documents.

Most lenders don't play well in the same "sandbox" though, so only one lender can have a priority lien on those assessments. Therefore, in the vast majority of cases, an association can only borrow from one lender at a time. If there is an existing loan on the balance sheet and the association is looking to take on more debt, it needs to discuss this with the current lender or be prepared to refinance the existing debt as part of the new loan deal.

Now that we've established that cash flow is paramount for the lender, how do they determine what good cash flow actually looks like? Typically, a series of five underwriting ratios are used to make this assessment:

1. First they will calculate a ratio using the association's delinquency report. Some lenders use the number of units past due and others base it on the dollar amount that

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.....  
***As community association professionals, you're probably aware that associations pledge assets to secure loans for common element repairs. The question remains how do they actually go about doing this? What information do lenders require to review a credit request?***  
.....

is outstanding. Regardless of the method, they want to see a modest delinquency rate, usually not higher than five percent. This basically means that the association is collecting 95 cents on every dollar budgeted in assessment income. If the association is collecting less than that, it will be tough to arrange financing.

2. The second ratio used is an income diversity measurement so the lender can determine if there are enough owners in the association to diversify the cash flow stream. Obviously, the greater number of units, the more diverse that stream is. For example, if one owner in a 10-unit building loses his job, that represents roughly ten percent of cash flow. But if the same thing happens in a 100-unit building, the impact is only one percent. Generally, it is harder for associations with less than 30 to 50 units to get financing for this reason.
3. Next in the series is an overall 'pro forma' to calculate the increase in assessments to cover the payments on the proposed debt. This is especially important when statutes allow the general ownership to potentially veto an annual year-over-year increase greater than or equal to a certain amount. Lenders take into account the absolute dollar value of assessments when calculating this ratio and make reasonable conclusions as to its viability. For instance, if there is a 50 percent increase in assessments, but the dollars were only going from \$40 to \$60, then an extra \$20 is probably not a giant financial burden for any owner. However, a jump from \$400 to \$600 could clearly be a much bigger issue and will give the lender cause to pause.
4. Almost every lender will perform some level of reserve analysis in conjunction with cash flow evaluation. I hear all the time that if the association had the money in reserves, it would not need to borrow. But the lender's intent in measuring reserves is more to see how the association's board is addressing its fiduciary duties than in examining its net worth. Contributing funds to the reserve, year in and year out, is best practice and shows financial wisdom on the part of the board.

Lenders will likely ask for the association's reserve study (yes, you need to prepare one) and estimate how many dollars of repairs the association will face during the

life of the proposed loan, and how those repairs can be paid. For example, if we are looking at a five-year loan and the study identifies that a) \$1,000,000 in repairs will be needed over that time; b) the association intends on financing \$700,000; and c) the association has \$100,000 in cash today, the question becomes: how will it pay for the remaining \$200,000? What the lender wants to see is that the \$200,000 balance can be funded from annual contributions made to the association's reserves. In this case, a \$40,000 a year contribution would total \$200,000 over the five-year timeframe. Any less will require an alternate plan and that will probably need to be documented for the lender. In fact, it wouldn't be surprising if that plan showed up as a financial covenant in the credit agreement.

***"Contributing funds to the reserve, year in and year out, is best practice and shows financial wisdom on the part of the board."***

5. Although not used by all lenders, the final common underwriting ratio is based on unit value. I call this "equity bleed." It measures the amount of proposed debt, on a per unit basis, compared to the average unit value, and tells the lender and owners how much home equity, on average, is being diluted by taking on the loan. Historically, when this ratio exceeds ten percent, owners often object to the proposed loan. Again, absolute dollars play a role and, in an area where values are artificially low, one must examine the dollar change in addition to the ratio. As an example, let's say that units are worth \$250,000 in a 120-unit building and the association plans to take out a \$1,500,000 loan. The equity bleed ratio then is five percent ( $\$1,500,000 / 120 \text{ units} / \$250,000$ ). As long as the unit value doesn't fall below \$125,000 on average, the lender and the owners will probably find this debt palatable.

I have been involved in financing common-interest communities for a long time and would highly recommend to any association considering financing a project that it computes these ratios early in the process. It will certainly help the discussion with a lender later and can identify issues that require attention before actually shopping for a loan. The better armed the board is, the better the deal – and the easier to make that deal. ●

The foregoing article is intended to provide general information about financing common-interest communities and is not considered financial or tax advice. Please consult your financial or tax advisor.



CHRISTIAN DIAMANDIS,  
CMCA, CM IS WITH  
ASSOCIA MANAGEMENT  
SOUTH.

## Tales from the Ombudsman's Office/A Division of NRED *Draw Your Own Conclusions*

by Christian Diamandis, CMCA, CM

Recently I had dealings with the Ombudsman's office concerning a Homeowner request asking the Ombudsman to intervene in a matter regarding a hardship exemption to rent their home. I was sent a notice from the Ombudsman's office, *with no obligation to respond*, to show up for a face-to-face meeting with the homeowner to discuss the matter. The notice asked the Association to participate in a new program, the Referee Program, and a brochure describing the program arrived with the notice.

The brochure clearly explains the purpose and scope of the program step by step.

The salient points are: "the process is voluntary. If *both* parties do not agree to meet, then a conference will not be scheduled. Ombudsman conferences are not hearings. They are voluntary, informal meetings that both sides agree to attend in order to discuss the disputes and find mutually agreeable resolutions. *The Ombudsman does not make any legal determinations.*"

"If the dispute is about the interpretation, application, or enforcement of governing documents – and does not involve a violation of NRS 116, NRS 116B and/or NAC 116 – then the compliance section of the Real Estate Division does not have jurisdiction to investigate or have further involvement in the matter."

When the Board President and I arrived on time at the Referee Program appointment, it became apparent that the homeowner who had made the complaint would not attend. The Referee stated that he would proceed without the homeowner, *which the brochure indicates is not really the case*, but, who were we to argue with the arbiter?

The hearing was completely biased, *not impartial, as the arbiter would like people to believe*. In the absence of the homeowner who made the complaint, the arbiter set himself up as prosecutor and judge and conducted an examination into the governing documents and the Board with his opinion being the only expert

argument in the room. It appeared to us that he had made up his mind prior to the meeting that the enforcement of the rental restriction was wrong: *he totally disregarded the written legal opinion/Resolution of the Legal Counsel for the Association*. It happens that he (the arbiter) was a real estate attorney from California.

The written conclusion/decision of the Referee centered on his interpretation of the meaning of NRS 116.335(2) and his interpretation of the governing documents for our community. He was wrong for having made such a unilateral judgment *because, according to the brochure that was sent to us, the decision was outside the scope of the program as well as outside the scope of the complaint*.

Furthermore, another legal interpretation of the documents and the statute clearly supports the fact the Board neither amended nor will ever need to amend the provision in their CC&Rs.

One legal opinion is as correct as another until a court determines their validity. *The "conclusion" of the referee was only his legal opinion and should never have been put in the context of a judgment against the Association as this "Referee's" conclusion was*. A dispute over the interpretation of law and/or the governing documents can only be resolved through the Alternate Dispute Resolution Program (ADR) where the participants are entitled to legal counsel *as the brochure clearly states*.

I wrote the Ombudsman politely explaining this point and asked that the decision be vacated and a letter of correction be sent. I await her reply.

Now, here is the latest tale about the Real Estate Division overriding the Ombudsman's ADR Program.

We, as an industry, are all aware of the Higher Ground case and its implications. Every Homeowner Association in Nevada will be affected by its outcome. Originally brought to court by the Plaintiff seeking a class action

lawsuit, the matter was referred to the Ombudsman's office and the Alternate Dispute Resolution Program for preliminary arguments and possible resolution.

There will be no resolution until the matter is decided in court of course, but, it was a victory of sorts to have the matter referred to the Ombudsman's office first. It was a further victory when the Arbitrator assigned to the case by the Ombudsman's office ruled in favor of the Associations: he ruled that there is no need to file court papers to collect the super priority lien and that the nine month super priority lien includes attorney fees and the costs of collection and is not capped by nine months multiplied by the amount of the monthly assessment.

I have not read the Arbiter's conclusion in total, but, I understand that pretty much all governing documents, collection policies and the like include the costs of collection and other fees as assessments against the homeowner ... and with good reason. Associations must have a means of collecting assessments the same as Governments must have a means of collecting taxes: without an equitable means to collect, the system falls apart. If banks and other creditors would like to change that, then abolish the nine months super priority assessment and make the owner of the property, whoever it may be, responsible for all delinquent assessments in perpetuity, just as owners are responsible for all delinquent taxes ... but, I digress.

So the arbitrator appointed to the case through the Ombudsman's office decided in favor of the Associations regarding the nine months super priority assessment. Since the arbitration was not binding (it seldom is), the court case will ensue to settle the matter legally. It would seem the Ombudsman's office had fulfilled its duties in this matter.

But wait! There was a last second change of heart from the Real Estate Division. On December 12, 2012 the Real Estate Division, of which the Ombudsman's office is part, offered an "Advisory Opinion" which is not legally binding, but it is in direct contradiction to the Ombudsman's appointed Arbitrator conclusion and conclusion of the Commission for Common Interest Communities, Hotels and Condominiums.

Why would the Real Estate Division offer this contrary opinion at this time when the matter is about to go before the courts for final judgment? Did the office feel the appointed Arbiter was inept in this matter? Does the Real Estate Division dislike collection agencies? Did someone pay to have this contrary opinion inserted into the argument before the matter went to court? Does the Real Estate Division want to eviscerate the ability of HOAs to collect assessments?

.....  
***These tales from the Real Estate Division and the Ombudsman's office are true and they are troubling to those of us who are paying attention to what is happening in government on all levels.***  
.....

These are fair questions since I do not know of any precedent where the Real Estate Division came out with a contradictory advisory opinion on an open case so recently adjudicated by one of its Ombudsman appointed arbitrators.

These tales from the Real Estate Division and the Ombudsman's office are true and they are troubling to those of us who are paying attention to what is happening in government on all levels. You can draw your own conclusions, but this should surely motivate each and every one of us to join the Grass Roots Movement to help the Legislative Action Committee work in favor of fairness for the HOAs in Nevada. ●

Editor's note: CAI is dedicated to openness, fairness, truth in Journalism and presentation of facts. Comments or opposing opinions are appreciated.

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## Right Communications Between Generations Allows for Understanding

by Andrea Behrens, DCAL

There could be as much as a 50-year-age difference between residents, community managers and board members and there are unique ways to communicate with the different generations.

While subjective, most communication experts and marketing gurus have identified five very different generations: Generation Z (age 16 and younger); Millennials or Generation Y (ages 17 – 30); Generation X (ages 31 – 46); Baby Boomers (ages 47 – 65), and Matures also known as the Great Generation (age 66 and older).

The Great Generation has been influenced by the Great Depression and World Wars; Baby Boomers have been influenced by rebellion, diversity and truly not following their parent’s ideals; Generation X has been influenced by technology boom and Millennials live in real time using visual and social media.

According to consumer anthropologists Rich Kizer and Georganne Bender, Generation Zs live on the Internet – they’re highly connected. As they grow, expect technology to be important in every area of their lives. When it comes to service, Zeds are accustomed to being the most important person in the room.

Before Generation Z showed up, the Millennials were said to be the most beloved and doted upon children ever to walk the face of the Earth. A Millennial’s world goes 24/7. Millennials like to play, and in fact will spend hours on websites that they enjoy. Millennials have a pack mentality; they tend to do things in groups. Being exposed to so many group activities as little kids has created a generation that likes to hang out together.

As explained by Sarah Newton’s article *Can Generation Y talk to Gen X?* as Gen Y were told they could succeed and do anything, Gen X were told not to show off, not to hold high expectations and to be realistic. ... Gen X were a very rebellious cohort of youth, pretty much left to get on with their lives. They saw things and dealt with things at a much earlier age than they

should. They were feared and ignored by society and grew up isolated, used to being overlooked.

Baby Boomers are healthy and happy, and far richer than any other generation. Social media like Facebook and Twitter — even Pinterest, also hugely influences them. According to Ken Dychtwald, PhD, founder and president of Age Wave, as the Baby Boomers pass through their middle years, and on to maturity (the oldest Boomers turn 67 this year), several key factors include a concern about the onset of chronic disease, their desire to postpone physical aging, and entry into new adult life stages. Matures have time and money and are very involved with their community.

So what does all this mean? By understanding the different mindsets and communication styles of the different generations, everyone can receive the same message, only transmitted in a way that is comfortable for each generation.

**Mature:** some communicate best by postal letter, phone calls and face-to-face, while many also use social media, emails and texting. Mature are influenced by rules and authority.

**Baby Boomers:** communicate best by phone calls or email. Baby Boomers are the best team players, work until the job is done but will question authority. One study shows Baby Boomer women check their Facebook status first thing in the morning — before they do anything else. ●

### RANDOM THOUGHT

*“To effectively communicate, we must realize that we are all different in the way we perceive the world and use this understanding as a guide to our communication with others.”*

—Tony Robbins

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## January Luncheon



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