

# COMMUNITY connections

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Q2 | 2022

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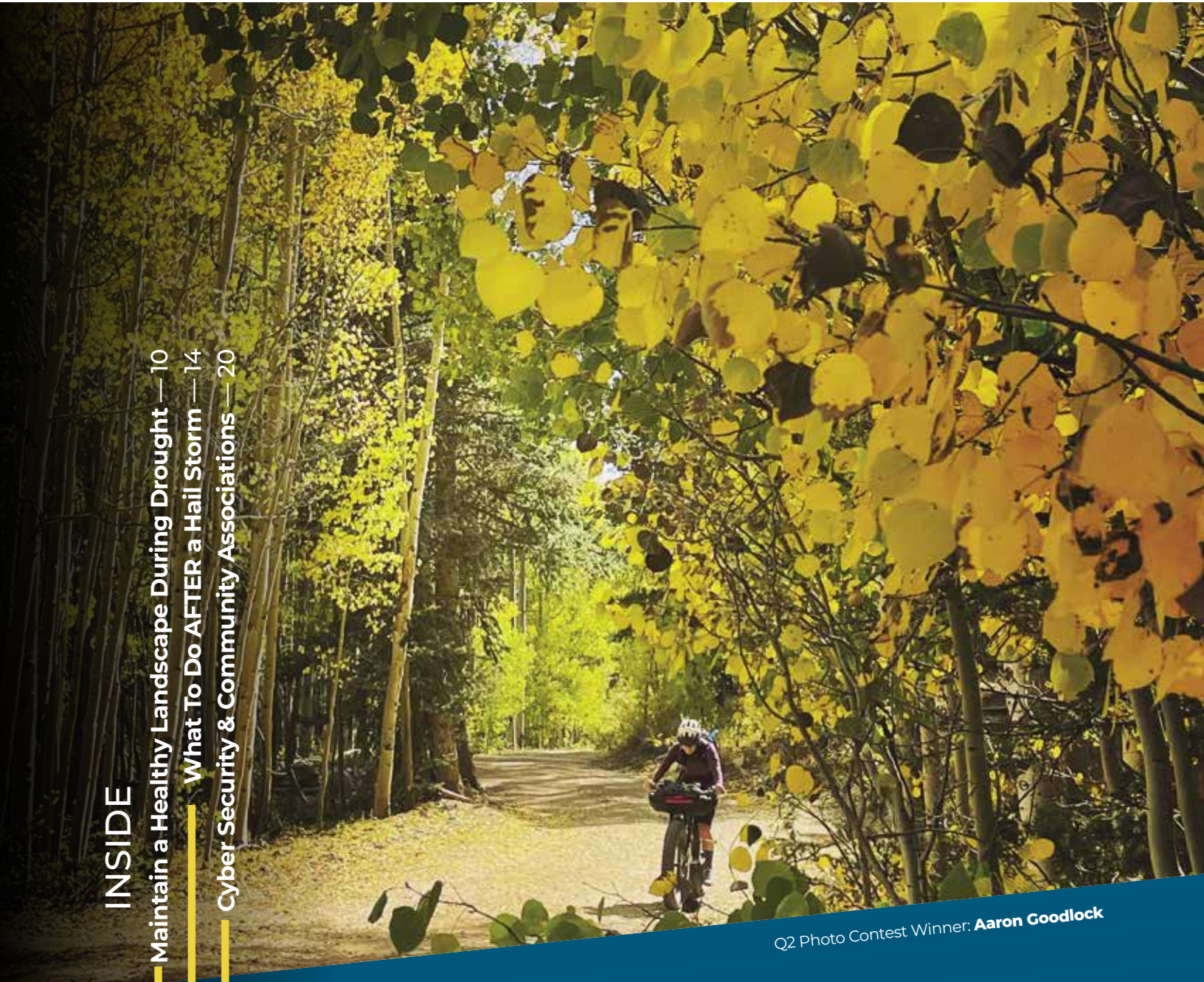
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### 2022 EDITORIAL CALENDAR

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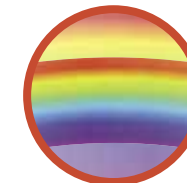
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## What Our CED Has to Say



**JASON A. HANN**  
Chapter Executive Director  
CAI of Southern Colorado

**Hi CAI Family!** I can't tell you how excited I am to take on this role for you...and yes, I mean FOR YOU. My position's mission is to make your experience with the Chapter the absolute best it can be, from providing a friendly face at events to guiding program operations that increase membership value and ensuring our administration activities are easy to work with, my focus will always be serving you. After jumping in headfirst I have found we have some minor shortcomings, as any organization does, but I see an even brighter future ahead and a lot of great things on the horizon. That may seem like an odd thing to admit or say but I believe in open, transparent communication especially within our own close-knit community and I hope if you have any concerns or feedback, you will feel comfortable bringing them to my attention, as well. Please bear with us as we make the proper adjustments to improve your membership value and experience. Having said that...

In this extremely fast-moving culture and constantly changing environment we are not going to just keep up...CAI SoCo is going to lead the way! The first word in our organization name is "Community" and that's how we are going to do it, helping and leveraging each other. Whether you're a business partner, community manager, or homeowner all of us benefit when we are engaged and successful. We are going to keep the things that have worked well and our best practices but we are also going to innovate what it means to be part of CAI in our community. My goal is to make CAI SoCo THE go-to organization when it comes to anything community association and management related. CAI SoCo will be the one stop resource of choice for all members and we will throw in some amazing fun experiences along the way! Sure, I will be watching the numbers, bottom line, and other boring parts of the job but creating that community feel where you look forward to seeing each other at that next event is where my heart truly is. If you've been a wallflower in the past or on the sidelines, I hope you'll get excited and get involved! We have board nominations coming up, committees you can be on, awesome events coming, and so much more...

Get ready to finish out 2022 strong everyone...let's GO! ⬆️

# COMMUNITY connections

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Everyone wants their 15 minutes of fame!  
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# COMMUNITY INSPECTIONS & PLANNING



**BEN SLOMAN**  
Associa Colorado

Community inspections are usually handled by the manager of the community. These periodic inspections could be anywhere from a monthly to an annual occurrence. Multiple factors come into play when setting the frequency of inspections, such as, current projects, bids on new projects, regular maintenance and quality of service checks on vendors, violations and their “time to cure” periods. One critical item is to set these reasonable expectations in partnership with the Board.

**Inspections are primarily focused on the EXTERIOR STRUCTURES of the buildings within the community association, whether those be individual residences or community buildings.**

These inspections remain important for several reasons:

- Exterior inspections allow the association to maintain its community aesthetics and property value year over year to attract new residents and keep existing residents.
- Inspections check aspects of the association that are deteriorating, create the records to prove the deterioration and subsequently aid in plans to fix those issues.
- Inspections are also a way of enforcing the governing documents of the association from the residents’ end and providing homeowners with a scheduled inspection to let them know where there may be violations around their house.

The management company and board, using the governing documents, should establish a maintenance responsibility chart which shows whether identified deteriorations warrant fixing and whether the association or the homeowner will be responsible for doing so.

Examples of components that should be checked on inspections are as below:

- Gutters
- Drainage areas
- Gas lines
- Windows
- Exterior vents
- Roofs and gutters

One of the responsibilities of a community manager and the board is to mitigate risk, protect property and life. Conducting correct and regular inspections helps managers, boards and owners to do so. On-site visits and updating the Reserve Study can also help understanding the financial stability of the association and also work as a safety measure to find and identify risks.

The advantages of completing regular community inspections are seeing with your own eyes any deterioration of common elements. It would be wise to be familiar or to have your reserve study for the community with you during the inspections. You can check on items that will be getting replaced or repaired this year or the upcoming years, you may need to add or edit items and lifespans.

After the recent structural integrity and deferred maintenance items we have seen recently with the partial collapse of Champlain Towers in Surfside, Florida we are aware legislation and additional regulations are on the way.

So, what do we do in Colorado? We do have a requirement to have a reserve policy, however this does not require a minimum frequency of the update to the reserve study to occur or a site visit inspection.

The community association management industry should create a best practice and ensure that we are educating boards and communities that we are doing our duty to protect and maintain as best we can for all. Colorado has extreme weather conditions --



the sun, the wind, the hail, the snow and ice all take a toll and can have very dramatic effects year on year, this varies dramatically even within our state of Colorado from the mountains to the plains.

Utilizing a credentialed reserve study professional every three years to provide an update to the reserve study with an on-site visit, annual reviews of the reserve study by the management company and the board, along with regular detailed and recorded inspections at least twice annually will keep the manager and boards up to date on major critical items.

If you’re in a newly developed property, this doesn’t mean you are immune to a reserve study or structural inspection. Developers may have a different impression of funding and lifespans of common elements, sometimes the association dues have an effect on sales of units within communities.

It is important to recognize the change when the turnover between the developer and the new board/owners occurs as now the board is in charge and responsible. The developer’s initial reserve budget may have one impression of the association’s components, and the new board may not see it in the same way.

Getting a reserve study completed and or a structural inspection done properly isn’t cheap. But it is a long-term projection and guide for the association to use for multiple years into the future. The cost will, of course, depend on the size and complexity of the association, and can vary between \$2,500 to \$20,000. Some questions to consider for pricing are: How many miles of roads are there? Are the units included in the inspection? Or is your association strictly a gate, a pool, and a clubhouse? Do you have complex HVAC systems in a high-rise or condominium setting, or do you have single family homes?

Timelines for completion of a reserve study also vary depending on the scope of detail you would like included. A simple update may take a week and a full on-site visit with photos and a 30 year funding plan may take 12 weeks to create. ⬆

*Ben Sloman is the Director of Associations in Colorado Springs for Associa, he has earned his PCAM credential and is involved in the Rocky Mountain - Mountain Conference committee along with the Special Event committee in the Southern Colorado Chapter.*

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# LIMITS on HOA Maintenance Obligations:

*Know Before You Maintain*

Common interest communities in Colorado are generally responsible for the repair and maintenance of a community's "common elements". This responsibility includes the ongoing and expected maintenance of building components, such as windows, as well as the replacement of those components at the end of their intended useful life.

The cost of repairs and maintenance is often a "common expense" which is a term defined in association governing documents and Colorado's Common Interest Ownership Act ("CCIOA"). As a common expense, community associations obtain funds for repair and maintenance from their homeowners through monthly dues (contributions into the Reserve Account) and, where those funds are insufficient, through special assessments or loans. As many community managers can attest, special assessments can be large, unpopular, and often impose financial hardships upon homeowners.

Given the significant cost that can be associated with repair and maintenance, it is important to ensure that neither the association nor the association's homeowner members are required to pay for items that are not the association's responsibility under Colorado law or the governing documents. This is where the distinction between: (1) a normal maintenance item; and (2) the repair of a construction defect becomes extremely important.

The term "maintenance" is defined as "the upkeep of property or equipment". In turn, the term "upkeep" is defined as "the act of maintaining in good condition". Therefore, implicit in the definition of "maintenance" is that the item being maintained was in good condition in the first place (i.e. properly constructed and not defective).

In Colorado, an improvement is considered defective if - at the time of construction - it was: (1) not built in compliance with applicable building codes; (2) deviates from the approved plans or specifications; (3) was constructed in a manner that falls below the standard of care for the industry; and/or (4) was not installed in accordance with the manufacturer's installation instructions for the product. If the developer failed to construct any portion of a common interest community in compliance with any of these standards, it is the developer (and not the association or homeowners) who is responsible for the cost of repair.

An association - within the statute of repose limits - does not have an obligation to "maintain" or "repair" a common element that was defectively constructed, or to repair damages caused by such a construction defect. To the contrary, the builder and developer of the common interest community are responsible for the "reasonable cost of repair" of all such items under Colorado law.

The significance of the distinction between a normal maintenance item and the repair of a construction defect is easily explained using a hypothetical involving a homeowner's association that is responsible (under its governing documents) for the maintenance and repair of the community's windows. During the first few years after the community was built, let's assume that the Board and management received numerous "maintenance" requests from homeowners related to leaking windows.

Many associations may assume that the association and its homeowners are responsible for the cost of repairing the windows because, pursuant to the governing documents, the association is responsible for windows as a "common element". However, the association looks into the issue and discovers that the leaks are being caused by the developer's failure to properly install and integrate window flashings in the community. This condition violates building code, industry-standard, manufacturer's installation instructions, and the plans. The leaks are the result of a construction defect. The association has the ability to assert a claim against the developer who is responsible under Colorado law for the full cost of repairing the window defects and all damages caused by the leaking. The proactive association in this example will have successfully

saved its homeowners significant amounts of money in repair costs, in addition to complying with the fiduciary duty the Board owes to the community's homeowners.

Unfortunately, an association's ability to ensure that the builder, and not the association's homeowners, pay for repairs is not without limit. Under Colorado's statute of repose, a builder generally cannot be held responsible for its improper construction more than six years after substantial completion of the community or turnover. Using the example above, this would mean that the association's ability to hold the builder accountable for the window defect repairs would expire six years after the builder turned the association over to the homeowners.


In summary, it is important to understand the distinction between normal repairs and maintenance, and the repair of a construction defect. The former is the responsibility of a homeowner's association and is generally paid for by the homeowners through dues or special assessments. The cost to repair the latter, on the other hand, is the responsibility of the builder and developer. Just remember, the community only has six years to make sure the association's assets are in in good working order before they have to maintain everything as-is. ⬆

*Shane Fleener is a partner at Hearn & Fleener, LLC located in Littleton, Colorado. Hearn & Fleener is a plaintiff's law firm focused on construction defect issues in community associations. Shane has been a member of CAI since 2009 and has written many articles, teaches CAMICB-approved classes, and has authored several bills and amendments at the Colorado Legislature.*



**SHANE D. FLEENER**  
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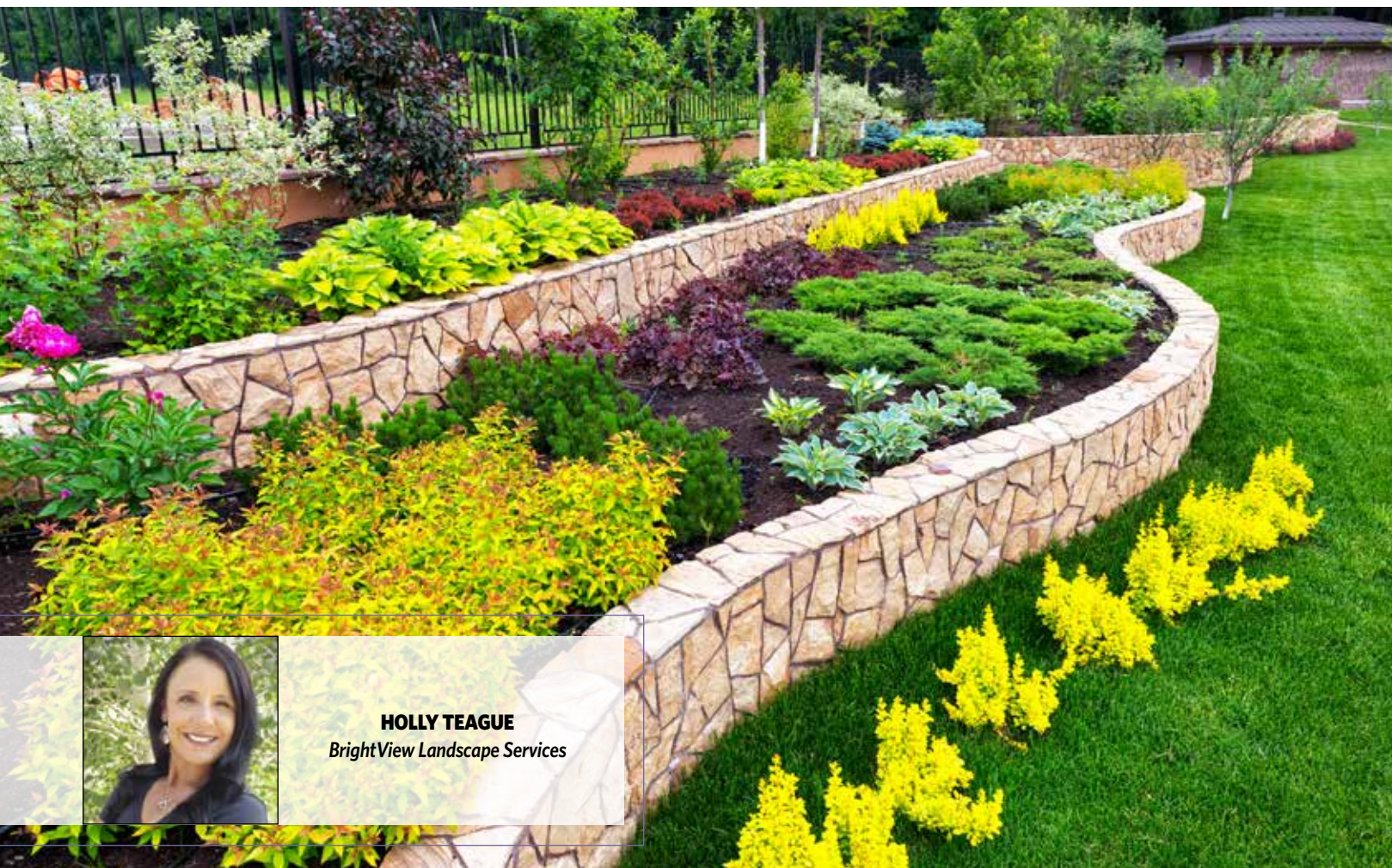
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# MAINTAIN



**HOLLY TEAGUE**  
BrightView Landscape Services

## A Healthy Landscape DURING DROUGHT

Springtime is here, and we are all expecting to see the grass greening, trees blooming, and flowers to start popping. Moisture plays a huge role in all of these things happening. Moisture also plays a role in the appearance of the landscape throughout the entire season. The start to a good spring comes from winter precipitation, which lets face it we did not see that much during the 2021-2022 season.

This chart is pulled from [www.weatherspark.com](http://www.weatherspark.com) and shows the amount of precipitation that has fallen since January 2022, which is when we saw our first snowfall of the season. The map below shows our current drought condition.

So how do you maintain a healthy landscape during drought conditions? Below is information on how you can ensure that your landscape remains healthy in our current conditions. Although droughts can be a challenge, it is important that you lean on experts to advise you throughout the season to ensure that your landscape remains healthy. Landscape replacement is very costly and oftentimes can require special assessments to residents, which no one wants to do. Trees, shrubs, and turf are all valuable to an HOA. The landscape, believe it or not, keeps resident satisfaction up.

There are several things your landscape maintenance provider can do to maintain the quality of your landscape:

### **Develop a plan based on your property needs and local restrictions.**

- It is important that your landscape maintenance provider monitors local city and water agency for restrictions.
- Since January 1, 2020 Colorado Springs placed watering restrictions to 3 days per week. This is both for residential and commercial properties.
- Working with your provider your landscape can still receive adequate water if there is a plan in place to not only work within the restrictions, but to also give the landscape the amount of water it needs to remain healthy.

### **Complete system inspections regularly to identify sources of water waste as quickly as possible.**

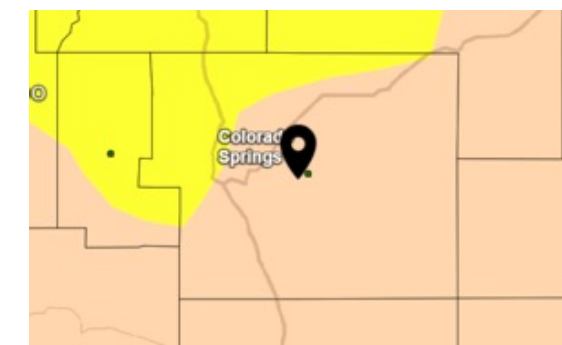
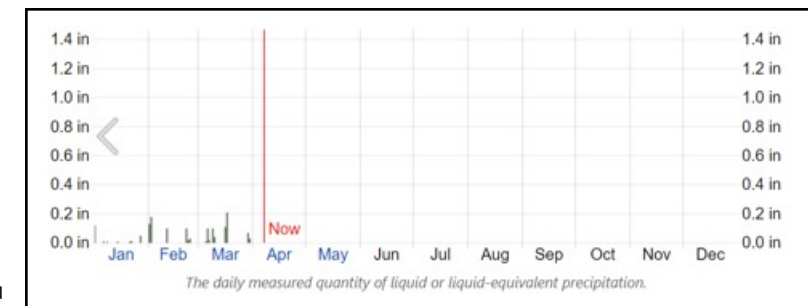
- Working with your landscape irrigation tech is crucial to ensure that your system is running as it should. Regular system inspections can identify leaks, or other issues that could not only be costing money in water bills, but also taking water away from your landscape.

### **Implement irrigation system and component upgrades that increase water savings.**

- Investing in smart clocks or other monitoring systems can not only save costs on water bills, but also ensures that landscaped areas are receiving the right amount of water.

### **Aerate turf and add mulch around trees, shrubs and planting beds.**

- Aerating your turf allows for water to get to the roots to ensure the roots are not coming to the surface looking for water. This creates short roots on the turf and can actually require more water than necessary.
- Placing mulch around trees, shrubs, and planting beds gives protection to the roots and also helps hold moisture, which helps with the watering restrictions in place.



**U.S. Drought Monitor**

- D0 - Abnormally Dry
- D1 - Moderate Drought
- D2 - Severe Drought
- D3 - Extreme Drought
- D4 - Exceptional Drought

Source(s): USDA NASS

### **Check water levels in soil around important assets like trees which are susceptible to drought.**

- During drought taking water and soil samples allows experts to know what is missing and can give information needed to create a plan to protect your landscape assets.

### **Prioritize areas that require maximum aesthetic value so water can be applied wisely.**

- Working with your provider to ensure that during water restrictions that the highest landscape assets are protected and getting enough water.

### **Consider selectively removing or replacing high water use plants and capping non-essential irrigation.**

- If your property has plant material that requires more water than usual, work with your provider to create a plan to replace it with more drought resistant plant material.

### **Evaluate your overall landscape design and how sustainable it is.**

- Evaluating your current landscape plan, such as is there too much turf and should you think of reducing turf areas.
- Do you have too much plant material in your beds? Reducing the amount of plant material can help reduce the amount of water needed.

### **Create a short-term and long-term plan to address your property needs.**

- Rely on your expert to ensure you have plans in place to properly address any and all of your property needs for drought and water restrictions.

### **Ensure that your landscape maintenance provider is proactively monitoring local city and water agency restrictions. ⬆**

*Holly Teague has been a Business Developer with BrightView Landscape Services since August 2017. She has four children who keep her constantly busy. She loves working in the industry and learning all there is to know to help HOAs when it comes to their landscape maintenance and snow removal needs. When not working, she loves spending time with her family, hiking, and anything that allows her to be outdoors.*

# SUPPLY CHAIN ISSUES in Construction



**MEAGHAN BROWN**  
EmpireWorks

I'm sure we've all experienced some sort of difficulty with supply chain issues this past year or two... But why is that? What can we expect moving forward? And how can we best prepare our HOAs for what's to come? To get to the bottom of these questions, I've reached out to a few construction suppliers to find out more.

To better understand what led to all of this, we need to start at the beginning of the pandemic. We've probably all had enough of COVID talk, so I'll keep this brief. When the pandemic first hit in 2020, it worried everyone... including companies. Nobody knew what was going to happen or how the pandemic would affect their business. This resulted in many manufacturers and mills putting a hold on production. At the same time, especially with more remote workers, people started taking advantage of their newfound time by finally completing all of the home projects they've been talking about for years but never had the time for. Remote workers also led to an influx of more people moving to Colorado.

With high housing demands, more and more new homes continued to be built. Between home improvements and new developments, many manufacturers and mills alike were unable to catch up and reached their capacity. They weren't able to add shifts because of the labor shortages and with freight and trucking shortages, they were having a hard time getting supplies in and sending their products out. To make matters worse, James Hardie stopped producing trim for a while, which put even more pressure on the other mills to get trim produced. According to Josh DeGuire, owner of Specialty Wood Products out of Aurora, Colorado, these have been the biggest challenges his company has faced as it relates to supply chain issues.

Jody Brown, Sales Specialist at ProCoat Systems, has experienced similar issues. In addition, the everchanging price increases have been difficult to keep up with. Throughout 2021, he saw price increases on many of the materials his company sells nearly on a monthly basis. Just to give you an idea, he states that he saw price increases of 125% for laths and metal trims in the past 25 months alone! Generally speaking, he's seen the biggest cost increases with metal products and accessories including lath pieces, stucco accessories, casing beads, control joints, so on and so forth. These products are fundamental to pretty much any construction project.

While price increases like this are starting to ease up a little, Brown has been unable to guarantee pricing for more than 30 days. In some instances, ProCoat Systems has even had manufacturers increase their price regardless of when the order was placed. So for instance, if the cost of materials increases after a contract is signed but before it's been delivered, ProCoat Systems is having to pay those increases and unfortunately, extend

those price increases to their customers. Similarly, Specialty Woods has seen price increases of about 30-50% for composite decking, 25-30% for cedar wood, 60-80% for steel, and 25-30% for manufactured products over the past 18 months. Not to mention, several price increases associated with lumber, specifically with regards to Douglas Fir, OSB (or sheathing), and LVL (or laminated veneer lumber). Increased transportation costs are believed to be a major component of the material increases seen throughout the country.

According to our sources, the following products have proven to be the most difficult to obtain.

- **James Hardie Trim & Siding:** The lead time is roughly about 6-8 weeks out.
- **Truwood:** Lead times are about 6-8 weeks out.
- **LP Smartside:** Specialty Woods can't really even quote LP Siding right now. When they can get it, it's only been prefinished, they're finding it nearly impossible to get this product raw.
- **Framing Lumber/Engineered Wood:** The lead time on this is about 6-10 weeks out.
- **MasterSeal 2500:** We've experienced lead times of 8-12 weeks out for this product with roughly 20% price increases from January - March 2022.
- **Stone Façade:** The lead time for a basic stone façade (not custom) is about 8 months out. Brown states that this has to do with labor shortages at the plants that they're ordering from.
- **Paint/Coatings:** Paint and coatings are comprised of difference bases that make up the paint/coating color. The variety of bases are extremely limited right now and can have lead times as far as 6 months out for certain bases.
- **Sto Finishes:** Brown states that the product itself are readily available, but the containers or pales used are more difficult to get because they're made from petroleum.

Due to these shortages and lead times, the aforementioned products are in high demand for the time being, especially James Hardie products, decking, and acrylic paint and finishes. These suppliers are trying to anticipate their client's needs and are continuing to buy in bulk when possible, but ultimately, neither Specialty Woods nor ProCoat Systems have a high stock of any particular product.

The silver lining to these shortages is the fact that we're starting to see a lot of alternatives and substitutes for the products that are difficult to get or have significantly increased costs. This pertains to both higher-end and mid-level products (particularly concerning wood substitutes.) Some alternative products that DeGuire has proposed to his clients include Nichiha Fiber Cement Siding and Fiberon Composite Cladding, both of which have zero to little maintenance, a 10+ year lifespan, and 30-50 year limited warranties. It's important for managers to inquire about these alternatives when speaking with contractors about their upcoming projects. Finding out where various materials are shipped from may also prove useful when developing a scope of work/material specifications that'll give the community the most bang for their buck.

At the end of the day, the world of construction is an everchanging and constantly evolving industry with seemingly endless factors that determine prices and availability. Some years are subject to more fluctuations than others, but given the continuously high demand, we cannot expect prices to go down anytime soon. It's recommended that HOA Boards select a contractor/sign a contract about 6 months in advance. Furthermore, it's imperative that Community Managers set the right expectations for their Boards- potentially long lead times, price increases, and reiterating the urgency involved with their contractor selection. ⬆

References:

- DeGuire, Josh. "Interview." Interview by Meaghan Brown. March 14th, 2022.
- Brown, Jody. "Interview." Interview by Meaghan Brown. March 23rd, 2022.

**Meaghan Brown** is an Account Executive at EmpireWorks Reconstruction, working with HOAs, multifamily, and commercial properties for their exterior, community-wide reconstruction projects. As an Account Executive, Meaghan acts as the liaison between their production team, the community/property manager, board of directors, and residents throughout the course of each project. Some of their core services include roofing, carpentry, EIFS/stucco, concrete, painting, decks/walkways, steel fabrication, and construction defect services.

# What To Do **AFTER** a Hail Storm



**BRIAN ZIMMERMAN**  
Premier Roofing

## 1. GET A MAP

Community managers should request that a roofing contractor provide a storm swath immediately following a storm. This map must include a storm date and the information is typically available within 12 hours following a storm, and updated within 24 hours of the storm.

Storm swaths vary depending on the meteorology site that is used. They are scaled like hurricanes, ranked 1 to 5, with 1 being minimum damage and 5 being heavy damage.

Established, trusted companies should have storm swaths readily available and are able to send with specific addresses denoted. Keep in mind, storm swaths are rough drafts. They are a prediction of damage and they are the best place to start if you think your community many have suffered damage.

## 2. GET AN INSPECTION

Community managers have a responsibility to their communities to ensure an inspection is completed and an assessment of the roof is readily available to board members and homeowners.

Inspection reports are free of charge, and typically contain 40-60 photos of roofs, gutters, windows, siding, and paint that suffered damage from the storm.

## 3. SCHEDULE A BOARD MEETING

If the inspection report determines that your property has suffered damage, schedule a board meeting with the representative from a reputable roofing company. Once you sign a service agreement, you can work directly with the roofer to file an insurance claim and establish a date of loss. Your roofer will meet with the insurance company to assess the damage on site. ⬆

*Brian Zimmerman is a Marine Corps veteran. He grew up in the construction trade. When he's not helping HOA's with their roofing needs, he enjoys spending time with his wife, Tiffany, and three kids, Holden, Raleigh, and Zoey.*



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# FIRE LOSS + INSURANCE VIGILANCE



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## Does the Recent Marshall Grass Fire Raise Insurance Policy Questions?

The recent Marshall and Middle Fork Wildfires in Boulder County highlighted the danger to suburban areas impacted by drought conditions. The devastation and media coverage is a flashback to the Black Forest Fire of 2013 and the impact it had on Southern Colorado. A pattern has emerged: high winds and low moisture lead to rapid blazes. Recently, fire authorities in Colorado Springs warned wet weather in 2021 helped grasslands flourish which, because of the megadrought and low snow pack, could turn the vegetation into fuel for a fast-spreading fire in neighborhoods across the area. The Marshall fire sadly revealed that many homeowners had too little coverage to cover their loss from fire, smoke, etc. The rising costs of construction labor and materials makes the problem even worse.

Fire loss impacts insurance policies for all communities, whether single or multifamily. While current proposed legislation seeks to make coverage better for homeowners, there are steps that can be taken now to prepare better for fire disaster. This article explores the current state of insurance legislation, pending legislation, and ideas for communities to consider in the meantime.

## Does Colorado Law Provide any Additional Help to Fire Loss Victims?

Unfortunately, unlike other states, Colorado does not have minimum requirements for what must be included in a homeowners insurance or association commercial lines property for property loss. However, Colorado does have certain consumer protection rights and claim processes outlined. Professional groups representing policyholders, such as RMAPIA, are working with the Division of Insurance to codify policy requirements.

Currently, Colorado law, C.R.S. § 10-4-110.8 states that fire loss victims, who suffer a total property loss, will get paid 30% of contents policy limits without a complete inventory. Property owners struggle to document an inventory of personal property. The Commissioner of Insurance has successfully requested that victims of the recent fires in Boulder County receive 60% contents payout. House Bill 22-1111 is hoping to change the current statutory percentage, create new coverage requirements, and ultimately make it easier for residential policyholders to recover for losses resulting from a declared fire disaster. This proposed legislation seeks:

- 1) More time to rebuild:** Currently, most policies stated construction is to be completed within 2 years from the date of loss to recover depreciated value. When an entire community is damaged and must be mitigated, along with delays and shortage of materials and labor, 2 years is unreachable for many victims. 22-1111 seeks to extend this.
- 2) Extended Alternative Living Expenses (ALE):** ALE usually expire at 1 year. Again, the process to rebuild would likely extend past that deadline. As such, 22-1111 seeks to extend the coverage time frame.
- 3) Assigned insurance adjuster.** The frustration many face during a property insurance claim is the being handed off from one insurance adjuster to another, sometimes many times over. Not only does this delay the claim process, but it forces many victims to start the process over again every time a new adjuster is assigned. 22-1111 seeks a mandate that one adjuster be assigned.
- 4) Contents payout:** Under 22-111, contents payout would increase to 80% contents payout, with the remaining 20% to be paid out when the inventory list is submitted and approved.

As advocates for residential and commercial building policyholders, we desperately hope this legislation passes. In the meantime, there are tips that can help policyholders better prepare for insurance claim issues related to a fire loss.

*Continued from page 18*

*Wes Wollenweber is a founding partner of Pearson Wollenweber Freedman, LLC. with over 22 years of litigation experience in federal and state courts in Colorado. Wes's practice has evolved over the years into a focus on several areas of housing. Wes has tried a variety of cases in both federal and state court, including several jury trials, and arbitrations pertaining to HOA disputes, employment civil rights cases, Fair Housing matters, construction-related issues, non-compete disputes, and various contract disputes.*

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Reviewing insurance policies for proper coverage and limits that reflect recent inflation of labor and materials is a great first step in protecting property. Division of Insurance Commissioner, Michael Conway has taken great steps to assist not only those who had a total loss from the recent fires, but also homes affected by soot and smoke damage. You can find the full bulletin here:

[www.propertyinsurancecoveragelaw.com/files/2022/03/Consumer-Advisory\\_-Boulder-County-Fires-%E2%80%93-Improving-Policyholders-Experiences.pdf](http://www.propertyinsurancecoveragelaw.com/files/2022/03/Consumer-Advisory_-Boulder-County-Fires-%E2%80%93-Improving-Policyholders-Experiences.pdf)

Content loss is one of the biggest issues policyholders face. No matter the outcome of legislation, homeowners and associations can both attempt to document inventory of personal property. It's not easy but it can be done. Step 1: take photos and/or video of property owned, including common areas in community associations. Step 2: try to document the amounts paid or fair market value of such property. Certain Marshall fire victims experienced a lot of difficulty with this and were forced to go back through years of bank statements when they could not find receipts. With this hindsight, documenting potential financial value now is worth the effort. This can be done with existing

receipts, other proof of payments, bills of sale, an evaluation from jewelry appraiser, etc. While these steps are a definite hassle, they can greatly help the claims process.

Next, owners and communities should get input on whether they have enough coverage in case of fire. Insurance brokers do not have automatic legal liability for situations where policyholders have too little coverage. With that in mind, policyholders have to shop properly. There are insurance experts available to discuss adequate coverage for a potential fire loss.

Lastly, knowing when to get a trusted third-party specialist involved in an active fire loss claim is important. If a carrier is unreasonably delaying or denying property loss coverage where you believe the policy is clear, then it is time to turn to legal help or the advocacy of a Public Adjustor. Additionally, when a fire loss claim is becoming difficult, it is also crucial to know the applicable statute of limitations.

As the legislative landscape develops, owners and associations should reevaluate if current coverage should be increased to account for fire loss. 🏠

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# CYBER SECURITY

## & community associations



**APRIL AHRENSEN**  
CIT

Are community associations at risk of a cyber-attack?  
The short answer is **yes**, but let me list out all the main reasons why:

- ✓ **Community associations typically have a large amount of operating and reserve funds**
- ✓ **Community associations are overseen by people that are usually not cyber security experts**
- ✓ **Community associations keep lots of sensitive data on computer software programs**

Those reasons are enough of a motive for a criminal to target a community association for a cyber-attack. If a 21-year-old was able to use an unprotected router to hack one of the largest wireless carriers in the United States, then it is clearly possible for a community association to get hacked as well. The criminal who stole data on 50 million wireless customers said, "their security is awful." Many of us may have likely had our personal information compromised through cyber-attacks and data breaches, but what would that look like for a community association? Imagine staff computers not working because they

have been hacked. Bookkeepers who cannot log into online banking because their passwords have already been changed. Wire transfers showing HOA reserve funds that have already left the bank. Homeowner names, addresses, and bank account numbers all for sale on the dark web. I want to intentionally paint a scary picture because a cyber-attack is a scary situation, and if it can happen to one community association then it can happen to a lot more. It is nearly impossible to be 100% bullet proof from a cyber-attack, but my goal is to make you a smaller target through these strategies.

<b>EMAIL</b>	The most common method of a cyber-attack is through email so be very cautious of opening any emails, attachments, and links from someone you do not know. They can take over your email, intercept emails, and write requests on your behalf. If you have signed forms and emailed them, they now have your signature. The same can happen to your board members and business partners. Anything to do with money is worth a phone call. Do not call the number on email call a known number.		
<b>SPAM FILTER</b>	Work with your IT professional to setup a spam filter to potentially catch emails that may contain a virus or malware.	<b>PERSONAL USE</b>	Limit the personal use being done on company computers because those computers contain sensitive data and need to be kept secure.
<b>PASSWORDS</b>	Incorporate a mix of capital letters, lowercase letters, numbers, and symbols when creating a password. Change passwords regularly and don't use the same password for every login.	<b>SOCIAL MEDIA</b>	Be cautious of the information you share on social media because viruses can easily be downloaded through social media platforms.
<b>WIFI ACCESS</b>	Limit who has the Wi-Fi password to the office or clubhouse. If the community offers public Wi-Fi, make sure visitors are connected to a separate network.	<b>WEBSITE DATA</b>	Be aware of what type of information, such as reserve dollar amounts, that is listed on your website that could lead to a cyber-attack.
<b>WIRE TRANSFER</b>	Find out if the bank requires a phone call verification before any wire transfer request is sent out. Anytime you are asked to send a wire call the requester via a known number not the number on email. Do not let an urgent request deter you from making the call.		
<b>RECORDS</b>	Do not hold onto records longer than required and consider transferring that data to a different offsite server to minimize what could be potentially compromised.	<b>SERVER</b>	Work with your IT professional to regularly perform server backups. If you are considering a cloud solution, be sure to ask the provider about cloud security.
<b>STAY VIGILANT</b>	A bank will never ask for sensitive data like a bank account number through email.		

Continued on page 22

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<b>UPDATES</b>	Regularly update your computer operating system and accounting software as they are released and consider upgrading to a stronger antivirus software.	<b>ONLINE BANKING</b>	Decide which individuals need online banking access to HOA bank accounts and ask the bank if they provide another layer of security beyond the username and password.
<b>TRAINING</b>	Annual education for board members and management company employees on the importance of cyber security is crucial, especially when personnel turnover happens.	<b>INSURANCE</b>	Work with your insurance professional to better understand cyber liability insurance and what is, and what is not covered after a cyber-attack
<b>PROCEDRES</b>		<b>CULTURE</b>	Promote an office environment that emphasizes the importance of cyber security. If an employee senses something is wrong, they need to feel comfortable enough to speak up
		 Have a clear policy or plan in the event of a cyber-attack and how to immediately communicate with all employees, IT professionals, and the bank.	

We must all be aware that there are criminals always looking for new ways to hack into our computers to access our data. If one computer is compromised, then it is possible that every computer on that same network is compromised too. Remember that there is no way of being completely safe from a cyber-attack because of all the technology and devices we use, so we must continually stay proactive at making ourselves and our community associations a smaller target. ⬆


**April Ahrendsen** is a Vice President with CIT, a division of First Citizens Bank.

For any matters concerning your specific needs and objectives, you should seek the professional advice of your own independent legal counsel, insurance advisors or other consultants. The views and opinions expressed in this article are those of the author and do not necessarily reflect the views of CIT, a division of First Citizens Bank.

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# KEEPING A Cool Head IN A Confrontational WORLD



**KIKI DILLIE, ESQ.**  
Altitude Community Law

At CAI's Law Seminar this year, I heard someone say that when the pandemic first hit and everyone was stuck at home, there were about 3 days of everyone being kind to each other, and then everything fell apart and people were angrier than ever. The room at Law Seminar was filled with attendees from all over the country and everyone nodded in agreement. It seems that this was a universal experience. We all pulled together for a brief moment, then our patience for the situation ran out and our civility went out the window. Everyone firmly believes they are correct and they want what they want, right now!

I am certainly not immune from this urge and because of my career, I find myself in confrontational situations very frequently. I am an attorney that specializes in debt collection for community associations. When Boards find themselves with a homeowner (or several) that are not paying their assessments as agreed, they call me to help the Association recover the money they are owed so the Association has the funds to properly maintain what they are obligated to under their governing documents.

Many of the homeowners that are sent to my office for collections are confused and stressed about what is happening. Additionally, many have never found themselves in collections before. I do this work day in and day out and sometimes my patience can run a little short. This can all boil over into an unpleasant confrontation, sometimes from both sides. It can happen to any of us, regardless of if we are a Board Member, a homeowner, a manager, an account tech, or a business partner. It can happen at work, on the phone, or at a Board Meeting. Left unchecked, these situations can ruin your day, your mental health, or your career. When I feel a situation headed toward confrontation, I have found that there are some things I can do to not only try to deescalate the situation, but also minimize the lasting mental impact on me:

1. Never engage in name-calling, cursing or yelling. It is extremely hard to let someone else yell at you or call you terrible names without responding in kind. However, this is vital. The situation will only worsen if you engage in this way. Also, remember that everyone has a video camera with them all the time. Never say anything that you wouldn't be ok with having played in court, on social media, on the news, or anywhere else.
2. Try to understand the other person's viewpoint. Even if you know they are wrong or being unreasonable, really listen to the other person. This often helps get to the real issue, which is sometimes just below the surface of the conversation and not actually being discussed. If you can figure out the crux of the issue, it's immediately much easier to find a resolution that is palatable to both parties.
3. Regardless of what names you are called, it's probably not about you personally. This is really hard for me to remember sometimes. But, most of the time when people are mad at me, they are actually mad at the situation they are in, not at me directly. Reminding myself that it's not about me can really help me not engage and make the situation worse.
4. If all else fails, you might just be dealing with a jerk. Let's be honest, we've all been that person at one point or another. (Ask me sometime about my meltdown at a random lady in Disney World. I'm sure I am the jerk in her version of the story.) Sometimes you catch someone on a bad day. Sometimes you just catch a jerk. Regardless, this is going to happen. Keep your head and don't engage. End the conversation as soon as you can and move on.
5. After a difficult conversation or confrontation, give yourself a short break to let it go. Get up and take a walk for a few minutes. Go tell a coworker what just happened (I'm sure they have had a similar experience and can empathize and commiserate). Close your eyes and take a few deep breaths. However you do it, mentally remove yourself from the confrontation and don't allow it to ruin your day.
6. Once you are calmer, learn from what just happened. What could you have done differently to help the situation? What do you wish you had/hadn't said? Learn from it so you can do better next time, and then let the situation go. Carrying around that sort of stress isn't good for you.

I would like to believe that after the pandemic, everything will go back to normal and people will all be reasonable. Unfortunately, uncomfortable confrontations with others in our industry are probably here to stay. Try some of these techniques to help you through your next one and hopefully we can all be better in the future.

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

## CALENDAR OF EVENTS

### JAN

**11** Education Luncheon:  
January Jumpstart

### FEB

**08** Education Luncheon  
**09-12** National Law Seminar

### MAR

**08** Education Luncheon  
**16** New Member Breakfast

### APR

**07** Speed Networking  
**12** Education Luncheon  
**16** Board Leadership  
Development  
Workshop (Virtual)  
**22** Annual Bowling Tournament

### MAY

**04-07** National Annual Conference  
**10** Education Luncheon  
**11** CLAC Trivia Event

### JUN

**10** Flying W Ranch Event  
**14** Education Luncheon  
(Onsite at community)

### JUL

**22** Annual Golf Tournament

### AUG

**09** Law Day

### SEP

**12** CLACsic Golf Tournament  
**13** Annual Meeting/Education  
Luncheon  
**23** Annual TopGolf Tournament

### OCT

**06** Business Partner Sponsored  
Happy Hour  
**11** Education Luncheon  
**12-15** National CEO-MC Retreat  
**15** Board Leadership  
Development Workshop  
**19** New Member Breakfast

### NOV

**08** Education Luncheon

### DEC

**13** Year-End Celebration, Awards,  
Board Installation & Charity  
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**Brittany Murray, CMCA**  
Diversified Association Management | CMCA | 01/07/2022

**Jennifer Ann Herbst, CMCA, AMS**  
Warren Management Group, Inc. | AMS | 02/11/2022

**Kayla Gaudio, CMCA**  
RowCal | CMCA | 02/17/2022

**Ms. Kimberleigh Solberg, CMCA, AMS**  
Hammersmith Management, Inc. | AMS | 03/31/2022

**Ms. Leslie Bree O’Neil, CMCA**  
Diversified Association Management | CMCA | 04/19/2022

**Mr. Russell Stevens, CMCA**  
Warren Management Group, Inc. | CMCA | 04/22/2022

# Welcome

## 2022 NEW MEMBERS

**Donna Marie Baur**  
**Cianna Danielle Herselius**  
**Wendy Mcfall Lovin**  
**John Martin, CMCA**  
**Al Rohr**  
**Robert J. Gonzales**  
All Phase Restoration - Colorado Springs  
**Samone Evans**  
Associa Colorado Association  
**Christian Hopkins**  
BuildingLink.com  
**Alyssa Nichole McGlothlin**  
Colorado Association Services-Lakewood  
**Angie Miracle**  
Colorado Association Services-Lakewood  
**Jordan Ladner**  
Diversified Association Management  
**Danica Taylor**  
Front Range Community Management  
**Ryan Altomare**  
GAF Roofing Material Manufacturer  
**Lisa Taylor**  
Hammersmith Management, Inc.

**David Oberhoffer**  
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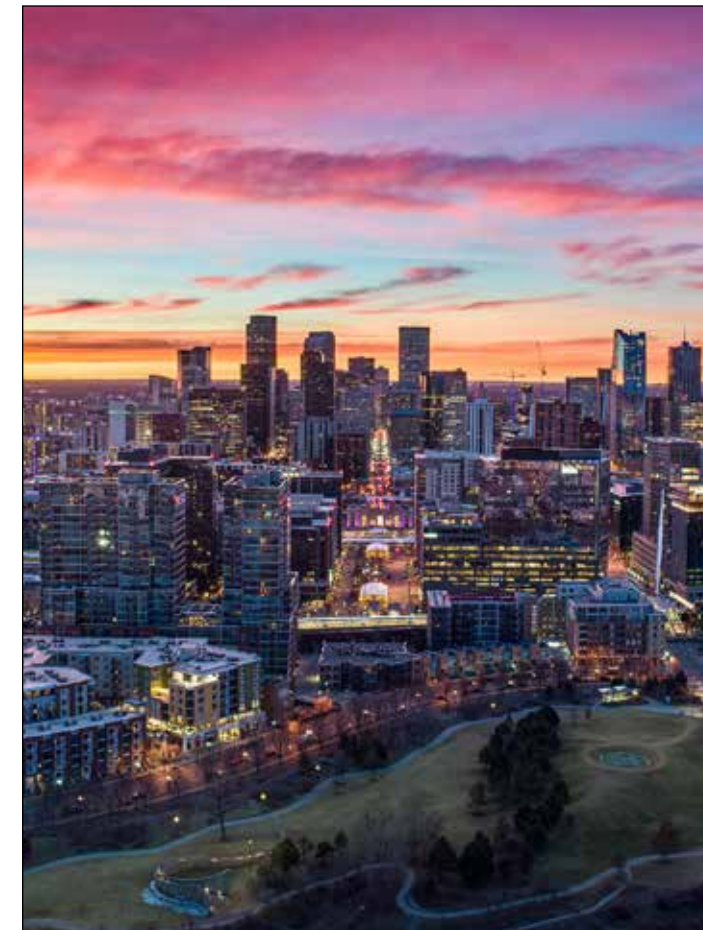
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## MISSION STATEMENT

The mission of the Southern Colorado Chapter of CAI is to provide necessary resources to members of community associations, their management, and expert service providers to the advancement of the HOA Community.

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## CAI-SOCO EVENT CALENDAR

### JUNE

FRI—10 Flying W Ranch Event

TUES—14 Education Luncheon

### JULY

FRI—22 Golf Tournament

### AUGUST

TUES—9 Law Day

### SEPTEMBER

MON—12 CLACsic Golf Tournament

TUES—13 Annual Meeting/  
Education Luncheon

FRI—23 Top Golf Tournament

TO REGISTER: [www.caisoco.org/events](http://www.caisoco.org/events)