



**FALL
2022**

FALL 2022

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PRESIDENT'S LETTER

BY: JIM RUEBSAM, EBP, CIRMS

As I start my second tenure as President of the Heartland Chapter, I'm astounded at the growth that has occurred in the seven years since the last time I was honored to lead this amazing group. We're nearly double in size, and moreover, the level of enthusiasm, talent, and professionalism has increased exponentially. Our capable leadership team, with our exceptional Executive Director, Cathy Roth-Johnson, at the helm, has steered our chapter to becoming one of the most respected across the country. More managers and professionals are earning professional designations than ever before.

All that said, the community association industry faces major challenges. National bankers and some state and local governments have interjected themselves into our crisis of deferred maintenance. Skyrocketing interest rates are creating a cloud over property values. Our state government continues to be apathetic, at best, and generally unfriendly towards self-governing communities. The insurance industry struggles to underwrite evolving risks and weather patterns. Our community association volunteer leaders face increasingly hostile constituents, which further erodes the ability to recruit Community Association Volunteer Leaders (CAVLs).

So how does the Heartland Chapter tackle these challenges as we wrap up 2022? First and foremost, let's all strive to be educate ourselves on the best way to enhance and protect our own communities and those we serve. Work towards your next designation level, whether it be CMCA or PCAM, or one of the multiple designations designed for business partners. Attend the Chapter's many education sessions. Grow your rolodex of professionals who are committed to the mission of CAI. Do business with trusted business partners who contribute to the chapter. Get to know your local and state legislators and educate them on issues facing our communities. Join a Chapter committee. Get involved and then get more involved! And finally, recruit more members—can we make it to 500 next year?

To help Heartland Chapter communities and members, our leadership team has lofty goals for

2023. We need all of you to contribute. We'll be rolling out a new website, mobile app, and Chapter management platform. We're working to improve our stature with state and local governments. We're striving to provide resources and a more rewarding experience for our members across the Chapter's growing geographic footprint, all while keeping our "fierce friends" close.

Again, we need all of you to contribute. Don't hesitate to contact Cathy, the Board, or me if you have any ideas on how to help the Chapter in 2022 and beyond. Thank you and may all of you end 2022 on a strong note and have great success next year!

Jim Ruebsam, CIRMS, EBP

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Meet the Candidates for the 2022 Election



**Michelle Giacoletto,
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Managers Associates**



**Rodney Wright, CMCA,
AMS, PCAM-HOA
Management Services, LLC**



**Don Wade,
Sakura Gardens**



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WHY PLAN A NEW ROOF NOW?

WRITTEN BY: ROSS HARDY, RS, *Criterium-Hardy Engineers*



Analyze Cost and Replacement Options

When was the last time you hired a contractor? When was the last time you checked construction material costs? You are in for a shock. With a shortage in skilled workers, supply chain uncertainty, and inflationary pressure on petroleum products (shingles, underlayment, etc.), just finding a contractor willing to commit to a schedule or budget will be a challenge.

Whether your community has a single roof or multiple buildings, your annual inspection by a qualified roofing consultant or engineer should provide a reasonably accurate roof surface replacement schedule. Often, a roof surface is one of the most expensive components in a building to replace. This makes the decision to resurface a roof a difficult one for building owners and managers. The temptation is to postpone the inevitable for one more year. A roof can be nursed along year after year, but this is likely to prove to be a false economy.

In the long term, it makes economic sense to replace a roof surface earlier rather than later. If the life of a roof is extended much beyond its useful life, maintenance costs are likely to increase beyond prorated replacement costs. There is also the danger water penetration (some of which may not be visible) will cause damage to the underlying structure or other building components. The reduction in insulation value of wet insulation and the resulting increases in heating and cooling costs are other factors that contribute to making roof replacement a good economic decision. Finally, the liability of a major failure must be considered.

Thus, roof problems are among the most frequent areas of concerns for condo associations. Here are a few helpful thoughts about roofs for your association:

Surface materials have been improved.

- **Shingles:** These consist of a composite base (asphalt, fiberglass, etc.) and sand wearing surface. They are relatively easy to install and moderately priced. The thickness (weight) generally defines the

likely service life. In other words, a thicker shingle will last longer. The weight is given as pounds per square (100 square feet equals one square).

- **Membrane roofs:** These have become the primary way to cover flat roofs within the last 20 years. Membrane roofs are typically somewhat more expensive than the other alternatives for flat roofs. However, they generally last longer and have fewer maintenance problems.
- **Metal roofs:** Metal roofs are becoming more common in northern New England. There are a variety of reasonably good products on the market. Metal roofs are used on sloped surfaces. A successful metal roof is very dependent on good workmanship. Unskilled hands installing a metal roof will almost always lead to problems.

Flashing is at least as important as the surface.

The roof is a system that includes the sheathing, underlayment, flashing, and the roof surfacing. If you are having problems with your roof, it is important to understand there are several different components involved.

The roof flashing is as often the cause of leaks as the roof surfacing. Repairing flashing requires skill. Caulking flashing leaks is not adequate. If there is a flashing problem, the only effective repair usually requires installing new flashing. That work, to be successful, must be done by someone specifically trained and experienced with flashing work.

Workmanship makes the difference.

Roof problems are more frequently the result of poor workmanship than material deficiencies. While there have been some defective roof materials, our experience inspecting thousands of buildings in New England has shown us that workmanship is more

Why Plan a New Roof Now?



commonly the problem. When you select a roofer, you should check their references.

Five steps to a better installation.

1. When you evaluate your existing roof, make sure you have an independent consultant. If you ask a roofer to evaluate your roof, it is very likely the conclusion will be the roof needs to be replaced very soon.
2. When you decide to install a new roof, you should prepare a detailed set of construction documents. The documents should:
 - Define exactly how you expect things to be done, what is the scope of the project, what materials are to be used, and what is the intended schedule for completion.
 - Be very specific about the materials to be used.
 - Be very specific about how waste material is to be handled.
3. Retain the services of a consultant to prepare the construction documents and to monitor the work while it is underway. As an association, you need

someone knowledgeable about the construction industry who does not have any direct interest in your project other than serving your best interests.

4. You should choose time proven materials. You should not experiment with untested products and/or installation techniques.
5. You should make sure there is a three-to-five-year guarantee against problems with both material deficiencies and workmanship backed with a bond.

Roofs are expensive and disruptive to install. Diagnosing problems objectively is difficult. You should always work with a good, independent consulting engineer or roofing consultant. That person can help evaluate problems, prepare construction documents for repair or replacement, and monitor the work to be sure it is done well. Using a consultant also means that the officers of the association are less vulnerable to liability from the owners.

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ROOFING MATERIALS AND WHAT REALLY MATTERS



WRITTEN BY:
JASON SHUPP,
Ferguson Roofing

Roofs are like vehicular air bags... you don't think about them until you have to and you always expect them to work. They may not save your life, but they do protect many of your possessions. What materials are the best protection for you?

In this market, the most common solution is architectural asphalt roofing shingles. These shingles are heavier weight than three-tab shingles of the past, which makes them less prone to wind damage. The life expectancy is around 20 years. Yes, the manufacturer warranties for these shingles note limited lifetime and they historically are known as 30 year shingles. This is for manufacturer defects, which are rare and not related to the general wear and tear of a roof from age and weather. This has always been a confusing point for the general public.

There are heavier shingle options that can add life to the roof as well as cosmetic options. These shingles can come at a much higher cost, raising the question of Return On Investment (ROI). Related to that, Impact Resistant (IR) shingles are available. Like the other heavier weight shingles, IR products are a significant increase in price over standard architectural shingles. In St. Louis, insurance carriers have not provided noteworthy incentives or premium deductions for installing more hail resistant products. Consequently, we do not see many customers opting to install IR as the return on investment simply is not there. The belief which has some validity, is that IR shingles do not last that much longer to justify the additional expense.

A potential change to the IR market share may be coming with changes in the insurance industry. Deductibles for Associations are increasing due to more frequent hail storms requiring roof replacement. Therefore, some Associations are dealing with their insurability regarding the condition of the roofs. Pressure from insurance carriers to have sound roofs, coupled with rising deductibles starts to change the



narrative around IR shingles. Associations should consider lowering risk of large roof damage losses as a longer-term strategy to maintain insurability and preventing unexpected drains on their financial reserves. It is recommended to have these conversations with your risk advisors.

Another roofing material to be aware of is metal. Metal solutions include more traditional standing seam options as well as more contemporary metal shingle products. Similar to asphalt IR and designer shingles, the cost is more than the standard asphalt architectural shingle that is most commonly used. The differential in price between asphalt and metal solutions is closing, though. Asphalt roofing has been on the rise in price at unprecedented percentages (and for those that have been waiting, shingle prices are not going to come back down in price – ever!). With metal roof pricing more in reach, coupled with their increased longevity (40+ years), metal roofs are more attractive as options with a ROI that is obtainable. For Associations, the biggest hurdle with metal roofs will likely be related to the stigma of appearance as they are still not common-place in St. Louis county on residences.

Going forward, it is likely that the Associations will stay the course and install with standard architectural shingles. It is a perfectly fine product with predictable performance at a good price point. In upcoming years, with inflationary pricing, insurance carrier policy shifts and roofing product innovations, will likely create a shift in norms for Association roofing installations.

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HOW TO IMPLEMENT METRICS

WRITTEN BY: ROB BUFFINGTON, *Gordian Staffing*



Best estimates suggest that 2.5 quintillion bytes of data are generated every day. That's 2,500,000,000,000,000 pieces of information being created and stored in a server somewhere to be collated and used. For comparison, you would need one billion iPhone 13x with upgraded storage to hold all that data. Yet, with all that data, many of us in the HOA industry have not adapted to this data driven mindset and have no objective data about our company's performance.

One of the simplest tools is a Key Performance Indicator (KPI), an objective piece of data that can be used to determine the performance of an employee or department. The only metric most management companies worry about is how many homeowners are yelling at them every day. By implementing KPIs, you can measure your company's performance and see where you can improve.

KPIs don't need to be complicated algorithms. They can be as simple as missed call percentage or number of open Work Orders. They allow all of us to see and measure our performance. Instead of waiting for annual reviews, we can get daily or weekly reports that show how quickly we respond to emails or how many calls out of 100 went directly to voicemail.

In 2017, we began using KPI at my community management company in San Jose, Calif. One of the first metrics that we started tracking was missed call percentage. We had around 50 communities and two receptionists, so I thought we were doing well in terms of coverage. We got a few complaints about non-responsiveness, but I wrote it off as owners needing to complain about something. The first week that we pulled the report, I discovered our missed call percentage for the main line was 36%. I found that, when a previous receptionist left, we didn't adjust the phone tree correctly and 1/3 of our calls were going down a black hole. Without the objective data, I never would've known there was a problem. Once I had the numbers in front of me, it took less than half an hour to fix.

So how do you start? Firstly, don't try to track a thousand metrics in your first go. I recommend aiming for eight to fifteen- metrics across your company. If

you're a department head or CAM, make that number three to five. You don't need special software.

Create a shared Excel or Google Sheet file and create a column for each week. Have each row be a KPI. That's it. Tracking KPIs is a lot like exercise. You don't set out to run a marathon your first month, you walk/jog around the block until you develop a habit.

Let's take a customer service department. Here are the five metrics to start with:

- Missed Call Percentage
- Customer Satisfaction Rate
- Average Call Time
- Number of Calls Per Day
- First Contact Resolution

Most of these metrics should be readily available through your software or are easy to add on with a simple widget. When you start tracking these metrics, you'll see which days are busiest, which times of the month are busiest, which agents take the most calls, etc.

What do you do with this data? Don't set goals your first week. Just let the data accumulate for a month and see what the patterns are. Once you establish the normal ranges, KPIs will help you lay the foundation for stability and scalability. You can begin to see trouble before it causes problems. If you see that one Customer Satisfaction Rate is handling less calls, you can talk to them before they fully burn out or damage a client relationship. You can also see when it's time to hire additional staff for an area.

KPI numbers won't magically solve everything overnight, but they will provide you with vital information about where to focus your efforts. Within six months, your company will be unrecognizable, and your team will have more support.

For a complete list of HOAs by department, feel free to visit our website at gordianstaffing.com



CAI ADOPTS NEW PUBLIC POLICY ON THE REGULATION OF POLITICAL AND NONCOMMERCIAL SIGNS AND FLAGS

WRITTEN BY: PHOEBE E. NESETH, ESQ.

Election season is here across the U.S., which often puts the

subject of political sign regulations at the forefront of discussions between community association leaders and residents, legislators, and the media. This week, the CAI Board of Trustees adopted the Political and Noncommercial Signs and Flags Public Policy to help CAI's state legislative action committees navigate legislation on this topic.

CAI's Government and Public Affairs Committee has been developing the public policy for the past several years.

Conversations on political signs and flags in community associations typically center on how they are displayed and their content. Community association boards, managers, and residents must be educated on applicable laws, case law, and their governing documents to appropriately regulate them. The First Amendment guarantees the right to freedom of speech without restriction by government entities or state actors. It does not apply to private parties such as community associations, enabling associations to adopt and enforce restrictions that reasonably regulate political and noncommercial speech within their community. Some states, however, have constitutions or other laws that provides a broader free speech right that does not depend on state action.

Throughout history, it's always been a relatively small minority of people who have spoken out regarding sign and flag regulations because they are passionate about a subject. It is important to protect and serve the voice of all residents to allow reasonable expression of speech through signage, while not interfering with the property rights of other residents.

Policy Recommendation

CAI respects the right to freedom of speech set forth in the constitutions of the United

States and various states but recognizes that right is not unlimited. CAI also recognizes and supports the rights of residential community associations to reasonably regulate political and noncommercial signs within communities in a manner consistent with federal, state, and local laws. CAI supports legislation that recognizes the core principles of self-governance, self-regulation, and co-ownership of common property and the community association housing model balanced with owners' rights of free speech. Because each community is unique, legislation should allow an association to develop reasonable rules and regulations concerning the time, location, materials, size, number, and manner of where political and noncommercial signs, political displays, or political activities are located while preserving freedom of political expression.

Current State Laws and Regulations

[Laws governing political signs vary by state](#). Rules vary by community to reflect the preferences of homeowners. Currently, 13 states have statutes regarding signage that communities must follow. If your state does not have an explicit law, be sure to review your association's governing documents and



consult with your community manager and attorney before moving forward.

It is important for community managers and the board to send approved rules through email, upload notices on the community website, and display them on entry signs to encourage compliance, particularly regarding how many days before an election a sign can be put up and how many days after an election a sign must be taken down. CAI calls upon community association board members, community managers, residents, and attorneys to review governing documents periodically and work together to create rules that will bring the community closer together.

Nine out of 10 condominium and homeowners association residents typically vote in national, state, and local elections, according to the [2022 Homeowner Satisfaction Survey](#) conducted by Zogby Analytics on behalf of the [Foundation for Community Association Research](#). With more than [74.1 million residents living in community associations](#), according to the Foundation, this represents about 66.7 million voters.

To help community association boards navigate these important conversations, CAI created the [Rights & Responsibilities for Better Communities](#) and the [Community Association Civility Pledge](#). We encourage boards to adopt these principles and engage these best practices. [CAI](#)

SENSIBLE PUBLIC POLICY: CAI MEETS WITH WHITE HOUSE TO DISCUSS CONDO SAFETY

WRITTEN BY: DAWN BAUMAN, CAE

For more than a year, the CAI advocacy team has been moving forward sensible public policy to ensure greater safety in condominiums. Our efforts took a major step this week during a conversation with White House staff.

On Sept. 20, CAI and Florida Sen. Jason Pizzo (D-Miami-Dade County) met with White House officials to garner support for two pieces of federal condominium safety legislation:

- H.R. 8304. The [Rapid Financing for Critical Condo Repairs Act](#) allows the Federal Housing Administration to [insure condominium association building rehabilitation loans made by private lenders](#). FHA-insured loans will allow associations to finance building repairs over 30 years, reducing the need for large special assessments on homeowners.
- H.R. 7532. [The Securing Access to Finance Exterior Repairs \(SAFER\) in Condos Act](#) allows condominium homeowners to [finance a building repair special assessment](#) over 20 to 30 years. Condominium homeowners may combine a building repair special assessment with existing mortgage debt in a new

FHA-insured 30-year mortgage. Homeowners also have the option of financing only the building repair special assessment through a 20-year FHA-insured second mortgage.

[During the presentation](#), CAI shared how many condominium housing units are in the U.S., the age of housing units, their geographic locations, and barriers to financing critical condominium repairs.

White House staff members were extremely engaged in the conversation. They shared that they've discussed these issues with the U.S. Department of Housing & Urban Development and the Federal Housing Finance Agency. CAI is encouraged that condominium safety is a topic of conversation between the White House and federal agencies.

CAI representatives at the meeting included myself, Scott Canady, CAI's federal advocate, and Phoebe Neseth, Esq., CAI's director of government and public affairs. We were joined by CAI members Ron Perl, an attorney with Hill Wallack in Princeton, N.J., and chair of CAI's Federal Legislative Action Committee, as well as Mitch Frumkin, RS, PE, president of Kipcon in North Brunswick, N.J., and Don Plank from National Cooperative Bank in Washington, D.C.

[Aging condominium buildings and infrastructure](#) has been a growing concern over the past year, following the [tragic partial building collapse](#) at Champlain Towers South Condominium Association in Surfside, Fla., in June 2021.

>>**We encourage you to take action to support H.R. 8304 and H.R. 7532. Learn more about [condo safety legislation, laws, and regulations](#), and how CAI is advocating for sensible public policy.** [CAI](#)



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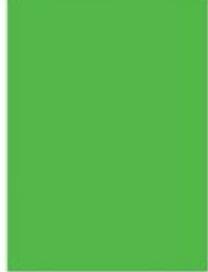
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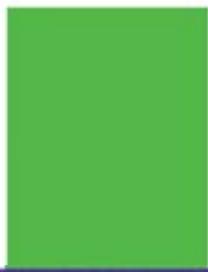
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MINDING MENTAL ILLNESS: SOLVING COMMUNITY CONFLICT THAT INVOLVES PSYCHOLOGICAL DISORDERS

WRITTEN BY: LEAH K. BURTON, ESQ., AND NOELLE G. HICKS, ESQ.



At a time of continuing economic and social unease, how should community association board members and managers confront mental illness issues? Sometimes, community conflict is unavoidable and associations must take action to avoid liability while honoring its obligations.

Here's a prime example:

Last year, an overwhelmed manager of a large master-planned community was on the verge of quitting her job due to a precarious situation involving a resident with mental health issues.

Some moms were playing with their kids at the community's park. A male resident without a child also was at the park. Let's call him Joe. He was sitting on a bench looking at his phone. The moms claimed Joe was videotaping their children and started yelling at him.

One of the moms went home and told her husband what happened. The husband registered a complaint with the manager. The man then initiated a vicious campaign to ostracize Joe and force him out of the community. The man recruited other residents and organized a confrontation at Joe's house. The manager became aware of the details and called law enforcement.

According to Joe's wife, he suffers from a [mental illness](#). Although his behavior can occasionally be perceived as odd, Joe is neither a threat to himself nor anyone else. Ever since that day, this couple became pariahs in the neighborhood.

Mental health issues impact community associations in many ways including deed restriction enforcement, Fair Housing Act violations, and potential liability for negligence.

At first blush, many mental health issues may seem harmless within a community, but occasionally they lead to dangerous situations. [The COVID-19 pandemic has exacerbated existing mental health conditions](#) for many as the isolation and stress of life has led to an increase in anxiety, emotional distress, substance abuse, and even suicide.

It is the association's responsibility to preserve peace. When dealing with [mental health issues in the community](#), board members and managers need to know their obligations and responsibilities. Oftentimes, traditional deed restriction enforcement activities just aren't effective at obtaining compliance from a mentally unstable resident.

Fortunately, in the case described above, the association followed its enforcement procedures and governing documents but did so with empathy and compassion

Mental illnesses are some of the most common health conditions in the United States. One in five people live with a mental health condition of some kind. One in 25 people live with a serious mental illness such as schizophrenia, bipolar disorder, or major depression. Over 50% of us will be diagnosed with a mental illness or disorder at some point in our lives. [CAI](#)



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