

- *Leadership:* First Trade Show/Expo
- *Out of the Box:* Heart2 Heart interview
- *Public Affairs:* Winter is Coming... Annie Mae changes




HEARTLAND CHAPTER  
**community**  
 ASSOCIATIONS INSTITUTE

**SUMMER  
 2022**

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## PRESIDENT'S LETTER

BY: ADRIENNE PETTY, CMCA,AMS, PCAM

Hello Heartland Chapter,

I hope that everyone is finding health and happiness as we enter the second portion of 2022. So far there have been some awesome events and accomplishments achieved this year by our chapter. We are back to having in person events and have enjoyed seeing all the familiar faces together again. Our chapter has again received many awards at the National Conference, and I would like to thank everyone that attended and represented the Heartland Chapter.

As we continue our year, we have many more events coming up and we hope that you all continue to attend. Some of the chapter favorite like the Annual Trade Show are almost here! Mark your calendars now for August 16, 2022, starting at 4pm and join us.

If you are a business partner and interested in a booth don't wait, they are going fast! We need volunteers so if you would like to help with the event, please reach out to Cathy Roth – Johnson and let her know! We can never have too many helping hands for an event like this.

Managers, we need you there and don't forget to please invite your Board Members! This is the perfect time of year to introduce them to those business partners that can help with upcoming projects that you are budgeting for or to learn about services available to enhance the living experience in their communities.

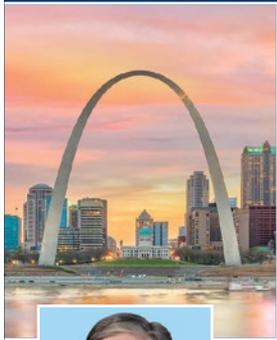
Board Members, in addition to meeting business partners you will not want to miss out on the educational program that kicks off this event each year. Join us to discuss this year's topics which will include: 5 Ways to Shield Your Board and Community Association. Keeping up to date with information such as this assist in making better decisions for your communities. We hope to see you all at this great night of education and community. Remember, admission is complimentary and all that attend and stay until the end have a chance at winning the \$500 grand prize so don't miss out.

Wishing all of you a great rest of the summer and as always, thank you to all of you that continue to help build better communities and our chapter.

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## 2022 MISSOURI END OF LEGISLATIVE SESSION REPORT

During the 2022 Missouri General Assembly session, legislators considered 2,440 bills and resolutions. Community Associations Institute's (CAI) Missouri Legislative Action Committee (MO LAC) had a busy legislative session advocating on behalf of the approximately 913,000 Missourians living in 375,000 homes in more than 5,500 community associations. The 14-member MO LAC closely monitored 17 bills that would have directly or indirectly impacted common interest communities. Of those bills, the MO LAC actively lobbied five bills (below) and closely monitored many others. Legislation of interest to common interest communities concerns a variety of topics. Overall, MO LAC had several successful campaigns.

**HB 1682, Prohibits a county, municipality, or other political subdivision from imposing or enforcing a moratorium on eviction proceedings unless authorized by state law; HB 2218, Modifies provisions relating to the Municipal Land Reutilization Law; and HB 2593, Prohibits political subdivisions from regulating home-based businesses. Amendment HA 2.** This amendment was attached to the three above mentioned bills. The amendment attempted to limit a community's ability to regulate where certain signs are placed. This amendment was added to these bills before they were even assigned to a committee or had a public hearing where the MO-LAC could express their opposition. The vague and unnecessary amendment would have been a significant departure from reasonable practices. The MO LAC's campaign resulted in dozens of messages to the Senate, and the amended bills failed sine die.

**Status: SUCCESSFULLY FAILED**

**HB 1614, Prohibits the state and any political subdivision from regulating certain uses of private property.** The bill would prohibit "political subdivisions" from regulating vehicles parked on private property if parked on an appropriate surface. Subsection 2. of the bill would also prohibit any regulation of the use of "non-corporate-owned" property unless such use constituted a present danger to the health or safety of "neighbors or passersby". The committee Substitute still only applies to "political subdivisions", but the sponsor's description of the bill suggests that he now understands that HOAs are NOT political subdivisions.

**Status: SUCCESSFULLY FAILED**

**HB 1661, Adds provisions relating to the International Swimming Pool and Spa Code.** This bill attempted to update requirements to city or county regulated pools to adhere to the ICC International Swimming Pool and Spa Code. These requirements would affect pools in associations.

**Status: SUCCESSFULLY FAILED**

**HB 1662, Changes the laws regarding restrictive covenants by expanding the definition of prohibited covenants and establishes a procedure to remove prohibited covenants from deeds.** The MO LAC originally supported this bill which would have created a streamlined process to remove racially offensive language from restrictive covenants. While racially restrictive covenants have long been unenforceable, so the original bill didn't change the law; it merely allowed homeowners to "cleanse" their title of this offensive and hurtful language. However, the Senate Substitute of HB 1662 completely changed the spirit and purpose of the bill and rushed through language that will have unintended consequences on both local government and homeowners living in homeowner associations. The MO LAC worked diligently to urge Governor Mike Parson to veto the bill, but their calls and the questions of advocates went unanswered. Despite the 107 grassroots advocates who wrote the governor's office and even shared personal stories how this will negatively affect associations, Governor Parson completely ignored the opinions of his constituents and has signed the bill into law.

**Status: PASSED**

**HB 1882, Specifies that restrictive covenants shall not limit or prohibit the installation of rooftop solar panels or solar collectors.** This bill attempted to invalidate any restrictions on roof-top solar panels in HOAs. The MO LAC opposed this legislation and the bill inevitably died sine die.

**Status: SUCCESSFULLY FAILED**

**HB 2626, Establishes the Subdivision Property Owners' Protection Act.** The efforts of the MO LAC and advocates aided in fighting this bill which would have been catastrophic for associations in the state. The bill would have provided for the removal of democratic functions of associations, almost entirely. The bill attempted to change the responsibilities of management roles within communities. For these and a host of other reasons, the MO LAC fought the bill with a call to action. The MO LAC and the 3 call to action participants, and especially due to the efforts of Representative Eggleston, the bill died in sine die.

**Status: SUCCESSFULLY FAILED**

**HB 2828, Specifies that restrictive covenants shall not prohibit for sale signs.** This bill would have prohibited any restrictive covenant from regulating for sale signs even in common areas. The bill did not define a for sale sign, leaving broad room for interpretation. The MO LAC opposed the bill and it died sine die.

**Status: SUCCESSFULLY FAILED**

**SB 631, Modifies provisions relating to statutes of limitations.** Insofar as its interest in legislation around personal injury liability, MO LAC monitored this legislation which would have shortened the time in which a personal injury lawsuit may be filed from five years to two.

**Status: FAILED SINE DIE**

**SB 658, Prohibits tax credits for the construction or rehabilitation of residences located in certain distressed areas after August 28, 2022.** This bill would have terminated tax credits for construction of homes in "distressed communities." The MO LAC monitored the legislation which inevitably failed sine die.

**Status: FAILED SINE DIE**

**SB 820, Modifies provisions relating to utilities.** MO LAC worked diligently to oppose this bill which vastly invalidates the covenants of HOAs regarding solar panels. The bill nullifies any covenants that restrict, limit, or prohibit the use and installation of solar panels. While the MO LAC fervently supports renewable energy, including solar panels, this bill prevents local homeowner's associations from regulating how and where solar panels may be implemented. While the MO LAC and advocates campaigned against the bill, it passed both chambers of the legislature and has been delivered to the Governor's office for a final signature.

**Status: PASSED**

For more information on the MO LAC's activities and community association legislation in Missouri, visit [www.caionline.org/MOLAC](http://www.caionline.org/MOLAC).

## Your Assistance is Needed

The CAI MO LAC may rely on professional lobbying as a vital and integral part of the legislative process. As volunteers, CAI MO LAC members including homeowner leaders, community managers, and business partners, significantly rely on this highly effective professional representation. In addition to contributions from management companies and business partners, the CAI MO LAC needs your financial support to bolster their advocacy activities in 2022 and beyond. We encourage donations from Missouri community associations, business partners, and individuals. Please visit [www.caionline.org/lacdonate/](http://www.caionline.org/lacdonate/) and donate to "Missouri" to support our continued efforts.

We need YOUR voice! [Sign up](#) today to become a CAI Advocacy Ambassador and help shape legislation in your state!

## Missouri Contact Information

- [Community Associations Institute – Missouri Legislative Action Committee](#) (888) 224-4321
- [Community Associations Institute Heartland Chapter](#) (314) 423-8859



# NEW CHANGES IMPACTING HOMEOWNERS' ASSOCIATIONS RELATED TO FOR SALE SIGNS AND SOLAR PANELS

WRITTEN BY: TODD BILLY, EBP, CCAL,  
*The Community Association Lawyers, powered by Sandberg Phoenix*

Effective January 1, 2023, there are two new changes impacting homeowners' associations related to solar panels and for sale signs; the statutes do not apply to condominiums.



**For Sale Signs.** Prohibitions on for sale signs are not uncommon and are generally desired when a community wishes to avoid the visual impact that many for sale signs can have in a community. Sadly, the Great Recession had many communities and neighborhoods suffering from extensive foreclosures and sales becoming awash in for sale signs. In addition to the aesthetics, this probably impacts the resale values. After all, if the vast majority of a community is leaving (or vacant), it would also mean that the homeowners' association is likely struggling too, increasing the long-term risk on what is often a person's largest purchase and investment.

The Missouri General Assembly has removed the ability to have a total prohibition on for sale signs. Instead, and through rulemaking, an association can adopt reasonable rules. Attorneys refer to these restrictions as "time, place, manner" restrictions, and form the legal foundation for evaluating government regulations of speech under the U.S. Constitution's First Amendment.

Reasonable time, place, manner restrictions would include: (a) duration the sign may be placed, (b) size, (c) location, and (d) that the sign be static--no lights, for example. This change does not impact or allow an owner to place a for sale sign in common ground.

**Solar Panels.** A similar approach was taken to solar panels; provided, however, the Missouri General Assembly did recognize that many homeowners' associations are responsible for the upkeep of the roofs even though the association does not own them. Thus, it is easier to follow the new statute by starting from that point.

If the association is responsible for upkeep of roofs (most often attached side-by-side residences), then this statutory change does not impact your community.

If the association is not responsible for upkeep of roofs (vast majority of single-family detached communities), then the association can only adopt "reasonable rules, subject to any applicable statutes or ordinances, regarding the placement of solar panels or solar collections to the extent that those rules do not prevent installation of the device, impair the functioning of the device, restrict the use of the device, or adversely affect the cost or efficiency of the device."

If you have any questions related to these changes in the law, the association should consult with its attorney. This information is to inform you about changes in the law and does not constitute legal advice or the formation of an attorney-client relationship. [CAI](#)

# CALL FOR CAI MOLAC NOMINATIONS



Every other summer marks the beginning of CAI's legislative action committee nomination process. The goal of the appointment process is to provide CAI Legislative Action Committees with a diverse group of CAI members to carry out the public policy and advocacy interests of CAI membership for the community association housing model and to provide collaboration between the chapters, the headquarters office, and the membership. The organizational structure and appointment process is outlined in the CAI [LAC Operational Guidelines](#).



If you are interested in finding out more about serving on our Missouri Legislative Action Committee (MOLAC), please contact the Cathy Roth-Johnson at the Chapter office today!

314-423-8859 or [ced@caiheartland.com](mailto:ced@caiheartland.com)

## Don't Forget to Attend the Trade Show/Expo on 8/16!

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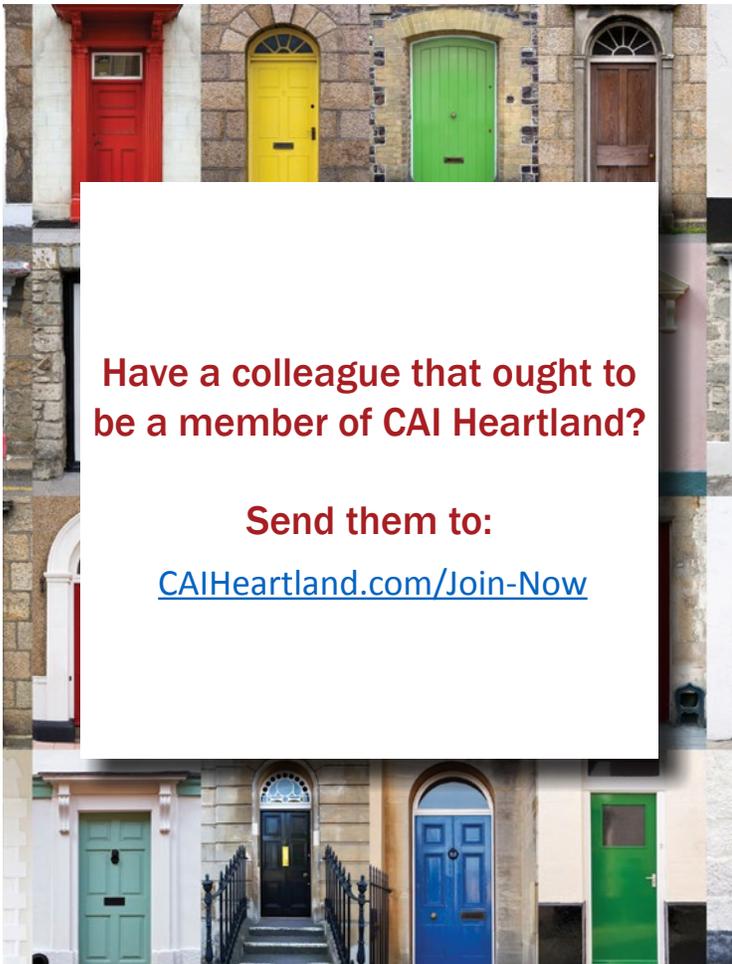


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# CAI Heartland Calendar

# 2022

May  
18

## Deal or No Deal...Claim or No Claim

11 a.m. – 1 p.m. at The Lodge in Des Peres, IN PERSON

Jun  
01

## Annual Manager Appreciation Reception in St. Louis

4 – 6 p.m. at Spazio's in Westport, IN PERSON

Jun  
23

## Annual Manager Appreciation Reception in Kansas City

4 – 6 p.m. at Grand Street Cafe, IN PERSON

Jul  
13

## Task Management

11 a.m. – 1 p.m., WEBINAR

Aug  
03

## Graceful Evolution: How to Deal with Different Generations

11 a.m. – 1 p.m. at The Lodge in Des Peres, IN PERSON

Aug  
16

## Annual Condo-HOA Conference & Expo STL

4 – 7 p.m. at Sheraton Chalet Hotel in Westport, IN PERSON

Sep  
14

## Meet the Manager Event

3 – 6 p.m. at Sheraton Chalet Hotel in Westport, IN PERSON

Oct  
06

## Maintenance Round Table

11 - 1 p.m. The Lodge in Des Peres IN PERSON

Oct  
10

## Annual Golf Tournament

Registration at 8:30 a.m. at Lake Forest Country Club, IN PERSON

Nov  
02

## Legal Symposium

1 – 4 p.m. at Sheraton Chalet Hotel in Westport, IN PERSON

Nov  
10

## Legal & Insurance Topic in KANSAS CITY

11 - 1 p.m. HJ's Youth Community Center IN PERSON

Dec  
08

## Annual Meeting/Holiday Party

6 – 9 p.m. at Elk Lodge #9, IN PERSON

Dec  
14

## Holiday Party in KANSAS CITY

4 - 6 p.m. Grand Street Cafe IN PERSON

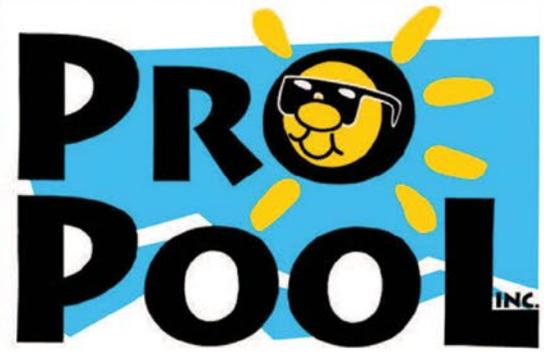


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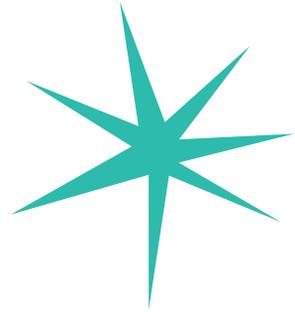
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# Manager

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*Highlights from  
the evening*



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# SAINT LOUIS *Manager Appreciation Reception*



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*Other highlights  
from the evening*



# We reached over 400 members last quarter!

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# HOW INVESTORS AND SHORT-TERM RENTALS ARE IMPACTING CONDO COMMUNITIES

WRITTEN BY: LAURA OTTO

The current housing shortage is driving up home prices and causing rent to soar. In Gallup's 2022 Economy and Personal Finance Poll, 69% of respondents said now is a bad time to buy a house—the first time most Americans have felt that way in the poll's 44-year history.

Investors buying single-family homes and units in condominium buildings with the intention of [renting on a short-term basis](#) is a trend also impacting the housing market. Investors find they can maximize revenue by renting on a per-night basis as opposed to year-long leases. This approach is having a major impact on housing affordability, particularly for first-time homebuyers.

A new survey from the [Foundation for Community Association Research](#) finds 62% of respondents are concerned that the investor won't maintain the home or unit to the standards of the community.

Additionally, 64% prohibit short-term rentals (rentals less than 30 days). Roughly 20% don't have any rules restricting rentals or leasing in the community.

Increasingly, municipalities are responding by adopting stringent restrictions on short-term rentals.

When it comes to what process community documents require to amend covenants and restrict rentals, 53–67% require the affirmative vote of 67% of homeowners; 2% of respondents require approval from 100% of homeowners—a nearly impossible task.

“Community association boards should look at their documents to review their current rental restrictions, as well as current state law, to see if they are limited to the type of rental regulations they can impose,” says [Dawn M. Bauman](#), CAE, CAI's senior vice president for government and public affairs and executive director for the Foundation for Community Association Research. “It is up to the vote of a



community's board and membership to decide the type of culture they want for their community and what property rights they find appropriate.”

Associations could see an impact on resales and on homebuyers' ability to secure federally backed mortgages if they are unable to regulate the percentage of rentals. It also brings challenges to boards in terms of rule enforcement, property damage, and increased maintenance.

What can HOA boards do to limit or eliminate short-term rentals? “Boards should review their covenants to see what current rental restrictions are implemented. Contingent on current regulations, boards should review their declaration's amendment provision to see the steps necessary to take if they want to implement a rental restriction covenant,” Bauman adds.

For more information on short-term rentals, visit <https://www.caionline.org/Advocacy/Priorities/rentals/Pages/default.aspx>



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RowCal - Jake Christenson

Sentry Management -  
Phyllis McDaniel, Danette Dietz, Jim Todd

SERVPRO West Kirkwood/Sunset Hills/Fenton/South  
Ballwin/Overland/Cool Valley - Jan Mullaney, EBP

SOLitude Lake Management - Jennifer Bonzani, EBP

The Community Association Lawyers, Powered by  
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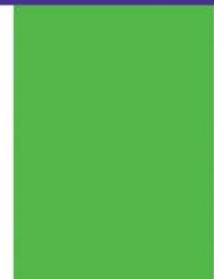
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# CONDO REPAIRS: FEDERAL BILL PROVIDES ACCESS TO FINANCING FOR BUILDING REHABILITATION LOANS

**WRITTEN BY: DAWN BAUMAN, CAE**  
*Senior Vice President of Government & Public Affairs*



Federal legislation was introduced earlier this week to provide condominium associations access to insured building rehabilitation loans—a move that would help board members make critical structural and safety-based condo repairs.

CAI supports the bill, the Rapid Financing for Critical Condo Repairs Act of 2022, which was introduced by Reps. Charlie Crist (D-Fla.) and Debbie Wasserman Schultz (D-Fla.). Under the proposal, the U.S. Department of Housing and Urban Development's Federal Housing Administration would insure loans for building repairs.



“We support and greatly appreciate the continued efforts of Reps. Crist and Wasserman Schultz to provide resources for critical condominium safety repairs for Americans living in condominium communities,” says Thomas M. Skiba, CAE, CAI’s chief executive officer. “Giving these homeowners additional resources to safely maintain and fund necessary repairs is critical to this viable portion of the U.S. housing stock.”

[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.

The American Housing Survey estimates there are 7.4 million condominium units nationally. The demand for financial resources to make building repairs is likely to increase as states and localities [follow the lead of Florida](#) and enact structural safety inspection requirements and reform reserve requirements. Unlike reserve studies, a building structural inspection requires a site visit. CAI anticipates that many association boards will be faced with important decisions on how to proceed with [unexpected repairs](#).

“The Champlain Towers condo collapse brought to light the serious flaws in how condo buildings are maintained and repaired—and we must do all we can to avoid another tragedy,” says Rep. Crist. “To save lives, associations should have access to financing as soon as a critical problem is found. As we saw in Surfside, waiting for special assessments to be collected can cause deadly delays. Our bill would provide an immediate financing option to begin repairs and keep residents safe and in their homes.”

Rep. Wasserman Schultz notes that homeowners can finance both the purchase of a house and its rehabilitation costs, but condominiums are not eligible for that financing.

“This commonsense legislation offers a solution to help condo owners and associations to obtain financing for needed repairs and ensure their buildings are safe,” she says. “I’m proud to work with Congressman Crist to cut red tape and help condo owners be secure in their homes and make it much easier to avoid the kind of tragedy we saw in Surfside.”

Association boards often finance unanticipated condo repairs with loans from private lenders. These loans

tend to have short payment terms, ranging from 10 to 15 years and include prepayment penalties. Some association loans are structured so payments are made as if the loan has a longer term (e.g., payment amortized on 20- or 30-year schedule) but have a balloon payment due by year 10, which requires the association to refinance.

“Access to FHA-insured building rehabilitation loans will provide significant benefits to condominium associations whose buildings are in need of critical repairs,” says Don Plank of National Cooperative Bank, a lender specializing in condominium association loans.

Condominium association loans are collateralized with pledges of future association assessment income. As FHA’s mortgage insurance programs are collateralized by real property, the legislation authorizes the agency to insure condominium association loans collateralized by assessment income or real property or a combination of the two.

Under the legislation, FHA-insured condominium association loans may be used for the rehabilitation, alteration, repair, improvement, or replacement of a condominium project’s common systems, infrastructure, and facilities.

To protect FHA and the U.S. government against financial loss, the legislation allows FHA insurance for only 90% of the cost of condo repairs. This restriction operates in other FHA multifamily housing rehabilitation loan insurance programs.

In April, Reps. Crist and Wasserman Schultz also introduced the [CAI-backed legislation Securing Access to Finance Exterior Repairs \(SAFER\) in Condos Act of 2022](#).

>>[Read more about the bill and urge your Congressional representatives to support it.](#)



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Brentwood Forest Condominium Association	Ms. Michele Solie
DNI Properties	Mr. Bill Reck
First Century Bank	Mrs. Tiara Rooks
FirstService Residential Missouri	Mr. Jim Cunningham, CMCA
FirstService Residential Missouri	Mr. Robert Arnold
FirstService Residential Missouri	Mr. Bryan Boudreau
FirstService Residential Missouri	Ms. Maddie Diekmann
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FirstService Residential Missouri	Ms. Rachel King
FirstService Residential Missouri	Mr. Christopher Knipp
FirstService Residential Missouri	Ms. Candy Stanger
FirstService Residential Missouri	Ms. Bailey Walter
FirstService Residential Missouri	Mr. Brad Walter
FirstService Residential Missouri	Mr. Brady West
FirstService Residential Missouri	Mr. Tyler West
FirstService Residential Missouri	Mr. Lauren Whelchel
GAF Roofing Material Manufacturer	Mrs. Nadia Algya
Gordian Staffing	Mr. Rob Buffington, CMCA
Harlen Laughlin Restoration	Ms. Valerie Mccracken
HOA Management Services, LLC	Mrs. Jessalyn Lea Christy, CMCA
House Doctors of Northland KC	Mr. Gerald L. Thompson
Rodemyer Christel, INC	Ms. Mia Mendenhall
Rodemyer Christel, INC	Mrs. Jeannie Taylor
Rodemyer-Christel, Inc.	Mrs. Christine Rivera
SHW Management	Mr. Dylan Stang
The Georgian Condominiums HOA	Ms. Gloria J. Barber
The Georgian Condominiums HOA	Ms. Dana Brewer
The Georgian Condominiums HOA	Mr. Bernie Heroff
The Georgian Condominiums HOA	Mr. Todd Monning
The Georgian Condominiums HOA	Mr. Robey Taylor
Tim Presko Insurance	Mr. Tim Presko
Treetop Village POA	Mrs. Deborah Diane Birdsong
Vote HOA Now	Ms. Cathi Sleight, CMCA



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Heather Wells, CMCA

### NEW AMS'

Gregory Phillips, CMCA,AMS

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## CALLING ALL COMMUNITY ASSOCIATION MANAGERS: We Need Your Feedback in an Important Survey to Help Accurately Assess Our Profession

**BY: SANDY DENTON, CMCA, LSM, PCAM, *Chair of the CAMICB Board of Commissioners***

The Community Association Managers International Certification Board (CAMICB) offers the only international certification for managers that is accredited on a national and international level. This is achieved by following a stringent process of continually updating, maintaining and validating the CMCA examination. This is why CAMICB conducts a Job Analysis Survey every five years. The survey aims to answer one key question: *Which tasks are essential to doing the job of a community association manager well?*

This electronic survey is sent to thousands of association management professionals worldwide; it's critical for as many community association managers as possible – at all levels of experience – to participate and to share your insights. Further, survey participants who hold the CMCA will earn four continuing education credits toward their recertification.

"I can't underscore how important it is to have as broad a representation as possible in this survey so that we have an accurate view of the profession today," said Tom Skiba, CEO of the Communities Associations Institute (CAI). "The field of association management is rapidly growing and it's terrific that more people are joining the profession at the entry level. The findings from this survey are critical data points to ensure we assess and certify managers based

on the appropriate criteria. In doing so, associations and management companies who hire CMCA's will continue to thrive."

### ***Your participation in this survey will:***

- Show what the essential tasks and duties are that comprise a manager's day-to-day work,
- Help guide the development of a new CMCA exam blueprint that mirrors current practice,
- Identify any changes in practice and ensure the CMCA is testing what it needs to be testing, and;
- Help CAMICB emerge with a clear vision of what the field of association management around the world is today and how it has changed over the last five years.

Please take a few moments to offer your valuable input that will help shape our understanding of the profession today and will ensure that the CMCA remains the most reliable indicator of knowledge, ethics and professionalism for community association managers.

To take the survey, go to:

<https://www.humrro.org/CAMICBSurvey>

To learn more about the Job Analysis, go to:

<https://www.camicb.org/for-cmcas/job-analysis>



# EMOTIONAL ROVER COASTER: ACCOMMODATING EMOTIONAL SUPPORT ANIMAL REQUESTS

**WRITTEN BY: HAZEL SIFF**

*Mike Ramsey, a Chicago-based freelance writer, contributed to this article.*

Community associations often struggle when a resident requests an accommodation for an emotional support animal. It's a complicated issue that requires expert advice. Boards that err in the way they handle requests could face investigations, lawsuits, and fines.

Department of Housing and Urban Development officials have said complaints over the denial of reasonable accommodations and disability access comprise nearly 60% of all Fair Housing Act cases. Earlier this year, the South Carolina Human Affairs Commission sought unspecified financial damages when it filed a lawsuit against a homeowners association in Horry County. Officials said the community wrongly denied a renter the support animals that were medically necessary to her, according to the Sun News in Myrtle Beach.

More than 30 years after the Fair Housing Act was amended to protect people with disabilities from discrimination, [observers say communities sometimes grapple with requests for assistance animals](#) because leaders may not fully understand the intricacies involved. In the context of the FHA, a person's disability may include psychological conditions that can be alleviated through the presence of an emotional support animal (sometimes referred to simply as a support animal or an assistance animal). In communities where pets are banned or restricted, renters or owners may request a reasonable accommodation to be allowed to keep such an animal.

Boards that acquiesce to a request for a support animal do not grant carte blanche to the resident who secures permission. [Aggressive behavior by support animals](#), droppings left in common areas, or incessant



barking are problems that don't need to be tolerated indefinitely, attorneys say.

"Boards still have the ability to issue violation letters for a nuisance behavior by the animal and—after notice and an opportunity to be heard—potentially levy fines against the resident," says Molly Mackey, a CAI member and partner at Levenfeld Pearlstein in Chicago. In worst-case scenarios, boards can even take steps to have the assistance animal removed, she says.

[Support animals are different from service animals](#), which typically are dogs trained to help a person with a disability perform a specific task. Service animals are not considered pets. Support animals, which also are not pets, usually do not have special training, but they can foster a sense of stability or emotional well-being for someone with a disability—including a disability that may not be visibly apparent.

Housing providers cannot ask a person to disclose their specific disability. [But they may request documentation](#) generally linking their disability with "the assistance or therapeutic emotional support provided by the animal," HUD says. Who provides that documentation? The agency seems to favor a

“licensed health care professional” such as a doctor or nurse, and that can include professionals who practice online. HUD does not specifically require someone with a medical degree.

“It’s more of an art evaluating these than a science,” says Mackey, the Chicago community association lawyer. “But when we are reviewing accommodation requests for our clients, we are looking for some indication in the documentation that there has been more than one visit—that this is a relationship that is ongoing.”

Professionals say board members may be skeptical of support animals following news stories about people selecting exotic species for their therapeutic needs. Also goosing skepticism about emotional support animals are highly suspect websites that crank out “approval” letters for anyone who fills out an online form and pays a fee. Critics consider these operations certificate mills. Even federal housing officials have waded in to set some boundaries.

“In HUD’s experience, such documentation from the internet is not, by itself, sufficient to reliably establish

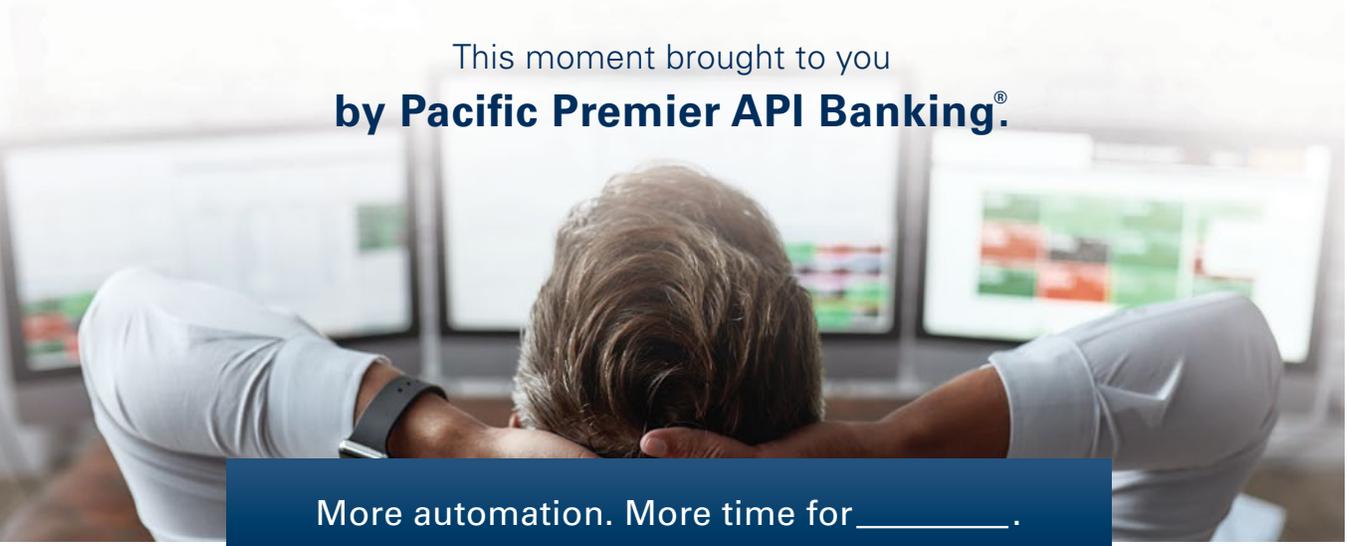
that an individual has a nonobservable disability or disability-related need for an assistance animal,” the agency said in 2020 as it offered [revised guidance on animal-related accommodations](#).

In response to so-called certificate mills, many states have passed laws making it a crime to fraudulently represent that a person has the right to be accompanied by a service animal or to fraudulently represent the pet is a registered service animal.

## Animal Assistance

CAI follows public policy that recognizes and supports the rights of residential community associations to regulate and adopt rules pertaining to pets and assistance animals. These rules must guarantee the rights of individuals with disabilities to receive the assistance they need as mandated by state and federal laws.

>>Read the full text of CAI’s public policy on assistance animals, more guidance on HUD, [and additional resources related to emotional support or service animals](#). 



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# HOW TO RECESSION-PROOF YOUR HOA FROM A MAINTENANCE PERSPECTIVE

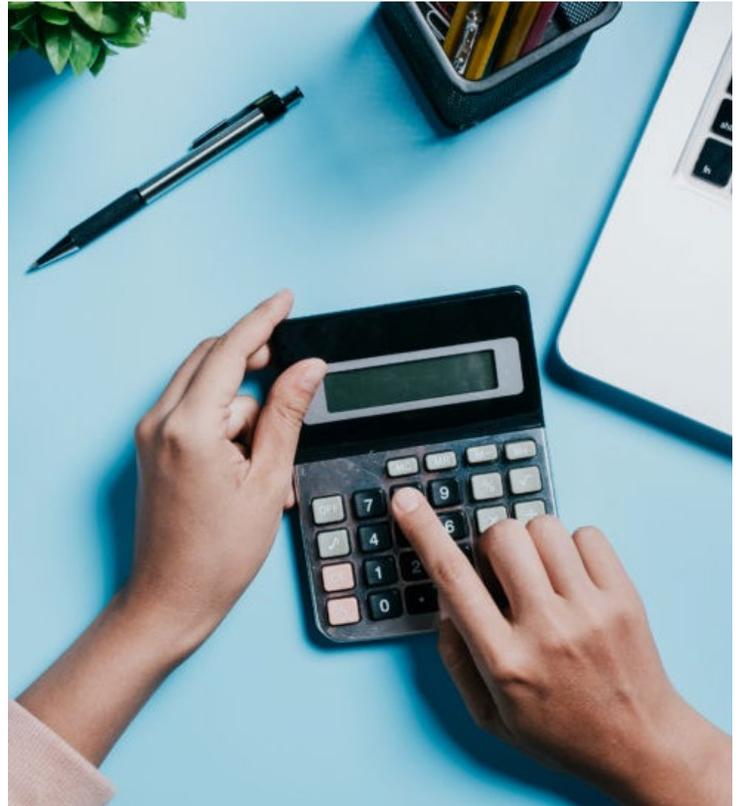
WRITTEN BY: ALISSA THOMPSON

When the Great Recession of 2008 occurred, homeowners associations took a hit. Not only was there an increase number of homeowners unable to pay their dues, but continued maintenance was unfortunately overlooked. Without sufficient funds, how can HOAs complete necessary maintenance in their communities if they didn't plan? As the U.S. economy gets hit by [COVID-19](#), managers need to use preventative maintenance measures to avoid future issues.

[Maintenance](#) is one of the first things homeowners notice when the community isn't being taken care of. It also is one of the first things overlooked when an association's budget gets tighter. Even during a recession, homeowners are paying their dues expect the same amount of care be given to their community. There is still time to prepare, so get in touch with an HOA consulting expert, and refer to the tips below to help recession-proof your community.

## Tips to Help Recession-proof your HOA

1. **Hire an expert.** It's important that managers have someone on their side who can look at their community from a fresh perspective. Hire a consultant to inspect the community and/or building from top to bottom, and provide feedback on the most important maintenance items to fix right now and issues to keep an eye on.
2. **Do more with less.** To prepare for a recession, community managers need to be doing more with less, which means taking a good look at your budget. Do you hire an outside consultant to repair your HVAC equipment when you could certify a team member? Can you reduce the flower changes from four to three times a year by selecting a different type of flower? Does holding back on one window cleaning allow you to repair a plumbing problem that could cost more down the road? Are you doing more to benefit the association by having windows that are a little dirty for a couple of months than running the funds dry? These are important questions to consider.
3. **Listen to your building.** From large fixes to general wear and tear, these are things that can escalate over time and don't stop for a recession. You know your community best, so if there is something you know will cost a lot down the road, tackle it before the recession while funds are more stable.
4. **Plan for an emergency.** Emergencies don't stop because the economy slows down, which means it is vital for managers to prepare. Think back one, five, 10, even 20 years and make notes of the emergency situations that happened. This will help you evaluate if they might happen again. Get ahead of emergencies with a solid plan. Have detailed emergency protocols posted by all major equipment so whoever finds the problem has a plan of action in front of them to follow.
5. **Be honest.** Let homeowners know that the association understands the unprecedented times that lie ahead, and management is taking the necessary steps to make sure maintenance issues are addressed and taken care of beforehand. Don't be afraid to be upfront with any changes the homeowners might see. Even if it is something seemingly small like cutting back on gardening, homeowners will notice and they will ask questions, so it is best to get ahead. [CAI](#)





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