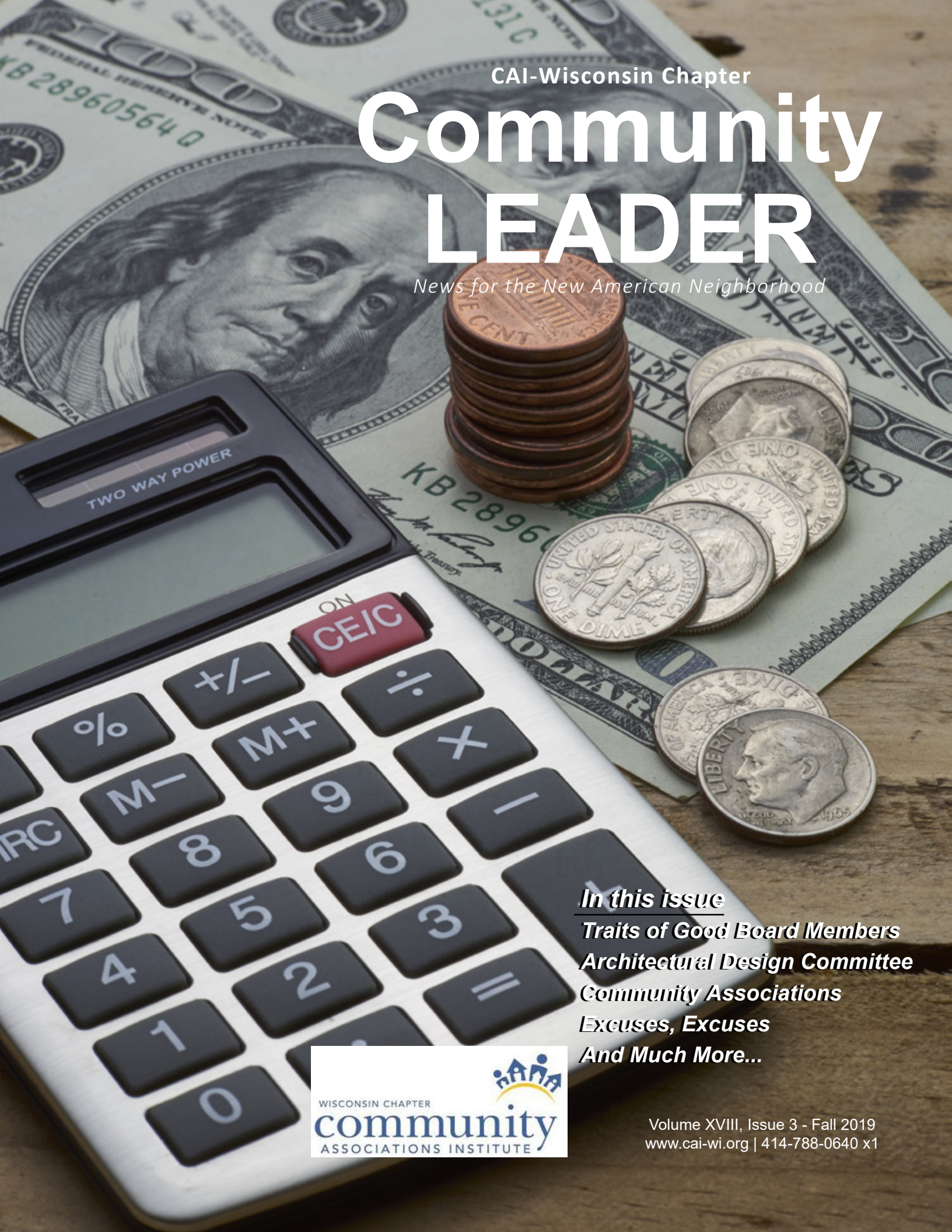


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Community LEADER

News for the New American Neighborhood



In this issue

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Architectural Design Committee
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President's Message



Due to rain the CAI-WI Golf Outing was rescheduled to Monday, September 16th. Although the day started with clouds and a touch of fog it ended warm and sunny – all in all, a great day for golf! I want to thank all of the sponsors, attendees, WAM staff and most of all Eric Swanson and the rest of the Golf Outing Committee members for making this event as seamless and fun as it was. Next year the outing will be held at a new venue, the Fairways of Woodside.

Jeffrey Hunt
 Terry Handel
 Lisa Komppa

Michael Leach
 Amber Otto
 Todd Sarauer

I encourage all property managers to take advantage of the educational offerings that are available to you. We are fortunate to be offering the following course locally: M-202: Association Communications on Friday, October 25, 2019 at the CAI-WI Chapter Office. More information can be found on the CAI-WI website or in this magazine. This course is one of the prerequisite courses required to successfully complete the case study.

Between wrapping up exterior projects and preparing your budgets I hope you find some time to enjoy autumn in Wisconsin.

Lisa Komppa

Lisa Komppa, PCAM, AMS, CPM®
 CAI-WI President

I would like to congratulate Michael Leach on earning his PCAM designation. Michael and I both traveled to Florida this past spring for the final step toward earning the PCAM designation - the 2-day PCAM Case Study. The PCAM Case Study is a comprehensive examination of an actual community association, combining classroom discussion with an extensive on-site inspection. After waiting for 8 weeks Michael and I were both very excited to find out that we passed the exam and have earned our PCAM designations. I will admit that this final step was not easy, however, it was well worth it. I want to recognize the six PCAM's in Wisconsin:



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BUDGET COASTER

HOW TO MAKE PREDICTABLE BUDGETS FOR AN UNPREDICTABLE WORLD

By Myles Philipp



For many in the industry, the chills of last winter are still being felt. From extra snow removal charges, salt shortages, to frozen pipes, last winter brought unpredictability and in many cases budget deficits. It is important to take some lessons from last winter as we prepare for the future, even more important this time of year as many start preparing their 2020 budgets. The first lesson is while we can't predict the future, we can do our best to gather information from experts and make our best guess on what the future might hold. With that in mind, this upcoming winter is being called a "polar coaster" by the Farmers' Almanac. While no one knows how cold or snowy the upcoming winter may be, we can prepare knowing that last year's winter may be a better predictor of expenses than years prior and former Association averages.

Another unknown that everyone must contend with this budget season is the question of how much to put away into reserves. Associations who have performed a reserve study should look to it for guidance. The Association may also need to consider their governing documents, state, and/or federal statutes. While completing the yearly budget, it is also important when considering reserves to have a five-year plan. It is important to know what capital expenditures may

be coming up in the future so that there aren't unexpected surprises. It is recommended in addition to budgeting reserve contributions as part of the operating budget to estimate reserve releases each year as part of a separate replacement reserve budget. Associations should adopt a consistent policy for charging expenses to operating or reserves so that operating results of both funds will be comparable from year to year.

When preparing the budget, Associations should not forget the unexpected costs. This includes bad debt expense and income tax expense. When considering bad debt expense, Associations should look to historical averages of how much of the assessments each year aren't collected. It may also be a good time to have the Association's attorney review the Association's accounts receivable for collectability. If it is found that the Board cannot collect any of the receivable balances, the Board of Directors should consider writing off the balances at a meeting and documenting that in the minutes. When considering income tax expense, if Associations routinely owe tax each year, they should consider having their accountant help estimate their income tax expense for the next year. Whenever an Association knows in advance they are going to receive income that they don't normally receive each year, they should have their accountant review for any tax implications.

While we can try and expect the unexpected, it is important during the process to identify the fixed costs. These would be the costs that are tied to yearly contracts and costs the Association knows historically it incurs each year. Budget season is a good time to review upcoming contracts to make sure the Association knows when they should be expecting to get bids on certain

contracts. It is always a good idea to have a calendar of when contracts expire to make sure the Association has enough time to start the bidding process and make a decision before the contract expires or automatically renews. Starting with the fixed costs when completing a budget provides the Association with a starting point, as these costs are already known.

No matter how strong the Association's budget process, sometimes additional funding is needed. The Association should take this moment to determine if additional funding is needed because of unexpected costs or because of costs they could plan for in the future. Whenever a special assessment or loan is needed, it should be considered during the budget process. For special assessments, that could mean budgeting for the income when it is expected to be received, as homeowners may be paying their special assessment all at once or over time. While a special assessment may be part of the answer, if it will take a few years to collect the Association may need to consider additional financing if the costs are more urgent. If the Association requires a loan it is important to consider the loan as part of the budget process. The Association should consider budgeting for the loan as part of the operating budget. If the Association plans on paying for the loan as part of the replacement reserve budget, the Association should have a reserve study performed or have their current reserve study updated to include loan principal and interest payments each year. This way the Association continues to fund reserves for future capital expenditures in addition to paying off the loan.

Every year, part of the budget process should include staying current with new laws and regulations, which may impact the Associations operating or reserve budget going forward. The Board should review the Association's governing documents and Section 703.163 of the Wisconsin Condominium Ownership

BUDGET COASTER CONT.

Act regarding Reserve Funds/Statutory Reserves. It is always recommended the Association continue their education and reach out to professionals within the industry to make sure they are staying current with new law changes that may have an impact.

While the budget process might seem like a roller coaster each year, it is important to remember that the budget coaster doesn't have to be bumpy and full of loops. By adhering to the above, the Association can make the budget coaster a smooth ride. The budget can be one of the best management tools at the Association's disposal. It can help the Board throughout the year monitor the Association's performance and held the Board in making crucial decisions. Rides are not always smooth though, even with the best planning, but a good budget can help make sure your Association is better prepared when the unexpected happens.

Myles Philipp, CPA of Mark Cantey, CPA. Mark Cantey CPA is the Midwest's leader in Association accounting, trusted by hundreds of Associations. They specialize in Association accounting by providing year-end audit, tax services, and monthly accounting services.



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TRAITS OF GOOD BOARD MEMBERS

Do you have what it takes to be a good board member? Chances are you do.

If you have a mix of some of the following traits and skills, consider running for a seat on the board.

Respect. If you can give others respect and expect it in return, you can help keep board discussions civil, productive and on point. We're looking for people who can lead by consensus, not by command.

Good listening. People want to be heard. Can you listen to board members and residents with sincere interest? You may have a few ideas of your own, but everyone benefits by sharing and discussing.

Thick skin. Sometimes, residents—even other board members—can be mean and insulting. Are you good at

turning a conversation around and finding out what's really bothering people?

Egos aside. If you can give others credit, the board will operate better as a team.

Agenda aside. Members who come to the board looking to help only themselves are a problem. A board is more productive when members don't have a personal punch list. Are you able to look after the community, not just your own interests? Are you willing to compromise?

Skill. An association is a business. So having board members with accounting, organizational behavior and teambuilding backgrounds can help. Someone with a financial background, for example, might make for a good treasurer.

The ideal board comprises a mix of management styles, professional skills and temperaments. If you know people with some of these traits or relevant skills, ask them if they'd be interested in joining the board. Some people don't think about running for a seat unless asked.

You don't have to know everything when you join, but you should be familiar with the governing documents and the responsibilities of the job. Fellow board members and managers can help you with the transition and train you on board responsibilities, current work, projects and hot issues.

Leaders can come from different places and backgrounds. There's no one mode that fits all. Share your knowledge and passion with the community!



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NEW FHA GUIDELINES

NEW FHA POLICIES AIM TO MAKE FHA-FINANCING EASIER FOR CONDOMINIUM PURCHASERS

By Charles Fiergola



On August 14, 2019, the U.S. Department of Housing and Urban Development (HUD), through its Fair Housing Administration (FHA), published new guidance with ramifications for condominium associations, current condominium owners, and prospective condominium sellers and purchasers.

The new guidance, effective October 15, 2019, establishes two important policy changes: FHA-insured financing for single condominium units and a three-year FHA certification period for condominium projects.

The new guidance reintroduces a single-unit approval process enabling individual condominium units to be eligible for FHA-insured financing, even if the entire condominium is not approved for FHA-insured financing. Previously, a unit could obtain FHA financing only if the entire Association was pre-approved. The new guidance is not, however, an entirely new practice. Prior to 2008, the FHA engaged in a practice known as “spot approvals” where exceptions were made to the then-existing policy and loans were granted on individual units without certification of the entire condominium. Beginning in 2008, at the height of the recession, the FHA eliminated spot approvals, so while the single unit approval process is new insofar as it is a new stated policy, the

guidance is a return to recession-era practices.

The stated goal of the new policy is to “promote affordable and sustainable homeownership, especially among credit-worthy first-time buyers.”

FHA loans, which are not issued by, but insured by the FHA, are an attractive option

for buyers, especially first-time homeowners. FHA loans require lower down payments, sometimes as low as 3.5%, and lower credit scores than conventional loans.

As stated, existing FHA guidance had mandated that condominium units were only eligible for FHA-insured financing if the entire condominium had been FHA-certified by HUD. In evaluating a condominium for FHA certification, HUD examines, among other things, the association’s governing documents, the amount of its reserves, the number of delinquencies, the number of owner-occupied units, the total non-residential floor area, and the association’s insurance coverage.

Once approved by HUD for FHA-insured financing, that certification was good for two years. The recent guidance, however, extends the certification period by an additional year to three years total. Owners in FHA-certified condominiums are able to market their units to a potentially larger pool of potential buyers, which includes purchasers who have an FHA-insured loan. Before this new guidance, a seller in a condominium that was not FHA-certified would not have been able to sell to a purchaser with an FHA-insured loan.

Single unit applicants are evaluated using the same standard as whole condominium projects discussed

above. Additionally, a single unit cannot be located in a condominium that is already FHA-certified. Finally, if the condominium has ten or more units, no more than 10% of the units may be FHA-insured. In condominiums with less than ten units, no more than two units may be FHA-insured. The new guidance further sets forth that the purchaser’s lender is tasked with collecting the necessary documentation needed to determine eligibility.

How will the single unit approval process affect your association?

If you own a unit in a condominium that is already FHA certified, the single unit approval process will not affect your association; units in your condominium are already eligible for FHA-insured financing.

If, however, your condominium is not FHA-certified, the new guidance may, nevertheless, enable would-be-purchasers to obtain FHA-insured financing for individual units in your condominium.

The new policy is aimed at making condominiums more affordable for moderate to low-income buyers and may also aid millennials entering the homeownership market. HUD noted that 84% of its FHA-insured condominium buyers were first-time homeowners. That number may grow as HUD stated, under the new guidance, that it anticipates an additional 20,000-60,000 units being eligible for FHA-insured financing annually.

Still, the single-unit approval process is not automatic and even approved units will take time for HUD to evaluate and process. That approval process may cause an unnecessary delay that may adversely affect sellers and purchasers alike. Having your entire condominium FHA-certified ensures that all future sales (during the period of condominium certification) are eligible for FHA-insured financing without any

NEW FHA GUIDELINES CONT.

unnecessary delay in the sale process. Additionally, once FHA-certified, a condominium may have up to 50% of its units secured by FHA-insured financing, a significant increase from the 10% allowed by the single unit approval process.

According to HUD, of the more than 150,000 condominium projects in the United States, only about 6.5% are FHA-certified. Those numbers suggest a great opportunity for associations to make units marketable to a larger group of potential purchasers.

It remains to be seen what burden the single unit approval process will place on association boards and property managers. As noted, the purchaser's lender is tasked with collecting the necessary documents and information to determine eligibility for single unit approval. Most of the information needed to determine eligibility, however, is obtainable only from the association or its property manager, but HUD has declined to mandate a standard form or procedure for obtaining that information.

If your association has any questions about the new single unit approval process or about FHA certification for your condominium, consult an experienced condominium attorney.

Charles Fiergola is an attorney at von Briesen & Roper, s.c., practicing in condominium and community association law. Charles can be reached at (414) 287-1473 or email: cfiergola@vonbriesen.com.



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CAI-WI 2019 ANNUAL GOLF OUTING



The 14th Annual CAI- WI golf outing was almost a wet, sippy, nasty, muddy, rain soaked mess as originally planned. Almost. After re-scheduling, a new date was announced with an amazing increase in overall attendance with the majority of golfers and vendors able to adjust their busy schedules. The Golf Committee thanks you for your support. We hope you had a great day, were able to network, met some new friends and were able to win some great raffle prizes.

Special thanks to our Event and Individual Sponsorships for making this day possible and very memorable. Please mention to them that you appreciate their support of the CAI-WI.

The Hole sponsors were really creative this year and provided entertaining games and challenges to the golfers. The Rubber Ducky pitching wedge challenge and the Speed Hole were a couple of the favorites.

With everyone's participation and support this was a great event to end the summer with. Looking forward to seeing you next year. It might seem way too early, but the Golf Committee has already made plans for 2020. A date of June 22, 2020 has been selected, a new golf destination at the Fairways of Woodside in Sussex, with a themed golf event and lots of FUN things to enjoy for next year.

Thanks so much.
Eric Swanson
Golf Outing Chair

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ARCHITECTURAL DESIGN COMMITTEE

WHY MUST THE ASSOCIATION APPROVE MY FENCE?

Spring is here and it often signals the time for unit owners to perform improvements – some necessary, some elective. Although the Association may sometime seem like a Big Brother when you want to build a shed or put up a fence, the design review program is actually a benefit - not a burden. Quite often an Association's condominium documents may require an Architectural Design Review Committee. It works in an advisory capacity to the Board of Directors. A homeowner's



improvement design may come before the committee for review to see if it meets the Association's specifications/guidelines before being passed onto the board for approval. The Association's design standards are often based on harmony with the overall community, consideration for neighbors, and high-quality construction practices. The design review program exists to maintain, protect, and enhance the value of your property, and it strives for a balance between individual rights and the good of the entire community.

While association members have the biggest stake in property values, others are also very interested



in seeing the community well-maintained and looking its best. Builders' reputations and lenders' financial support are closely connected to the community's structural and aesthetic value. Also, public officials have an interest in maintaining and enhancing the community since tax revenues depend on property values.

Good practice for the Association is to try and notify new members of its design review requirements as soon after they move in as possible. Unit owners will want to be sure to consult the Design Review Guidelines in their documents, if a he/she is considering any type of exterior or interior

design change. The guidelines should contain everything you need to know about the approval process, design requirements, and the association's basic design philosophy. The guidelines may also list the changes that don't need to be approved.

The design review committee should make every effort to process applications fairly, reasonably, and quickly. Same can be said for how the Association handles alleged violations of the guidelines. Be an involved member of your community, join your Architectural Design Committee or any of the valuable committees in your Association!



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Membership is mandatory. Buying a home in a community association automatically makes you an association member—by law.

Governing documents are binding. Association governing documents can be compared to contracts. They specify the owners' obligations (following the rules, paying assessments) and the association's obligations (maintaining common areas, preserving home values).

You could lose your home if you fail to pay assessments. Associations have a legal right to place a lien on your property if you don't pay assessments.

But, take heart! Associations also have three realities they can't escape. Associations have an obligation to provide three broad categories of service to residents.

- Community services. For example, these can include maintaining a community website, orienting new owners or organizing social activities.
- Governance services. For example, establishing and maintaining design review standards, enforcing rules and recruiting new volunteer leaders.
- Business services. For example, competitively bidding maintenance work, investing reserve funds responsibly, developing long-range plans and collecting assessments.

By delivering these services fairly and effectively, community associations not only protect and enhance the value of individual homes, but they provide owners an opportunity to participate in decisions affecting their community and quality of life. And those are realities most homeowners can live with.

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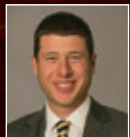
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EXCUSES, EXCUSES

Association members who pay their assessments late or not at all come up with some very interesting excuses. Here's half a dozen of the most common, and why it's smart not to use them.

Excuse #1: "I didn't get what I paid for."

"My building hasn't been painted in five years! I'm not paying another cent until some basic maintenance gets done."

"The power was out for three days during the storm. I'm withholding a pro-rated amount from my assessment check."

You have a right to require the association to perform its duties, and various legal channels exist to accomplish this. Withholding assessments is not one of them. Your obligation to pay assessments has nothing to do with the association's obligations to provide maintenance and service. If you withhold your check or pay a reduced amount, you'll become delinquent, and that leads to late fees, and actually makes your situation worse.

Excuse #2: "You didn't bill me."

"I didn't get an invoice."

"You didn't tell me I was behind in my payments."

Many association governing documents neither require the association to send invoices

nor provide advance notice of payments due or past due. However, associations are required to send the approved budget to each owner annually. When the association approves and sends the budget each year to its members, it contains notice of the amount you must pay annually. If you're ever unsure about the amount or the due dates, be sure to contact the property manager

Excuse #3: "You can't do that!"

"These people have no right to make me pay for neighborhood upkeep."

"If they think I'm paying those outrageous late fees and interest, they're crazy."

Actually, the association not only has the authority, it has a duty to all owners to collect assessments. This authority is established in the governing documents and the state's common interest ownership statutes. When you moved into a community association, you agreed to abide by those documents—and that includes paying assessments.

Excuse #4: "I never use the recreational facilities."

"I don't play golf, and it's an expensive game. I shouldn't have to pay to maintain the course."

"I've never been in the fitness center, and I don't plan to ever use it. Why can't you pro-rate my assessments accordingly?"

Admittedly, recreational facilities are expensive to operate and—for some associations—represent a good chunk of the budget. Nevertheless, most declarations specify that even if you don't use the association's amenities you're still obligated to pay for their upkeep.

Many residents moved into a community specifically for the recreational amenities; they're willing to pay for them because they take full advantage of the opportunities they provide. Even if you're not using some of the amenities, they make the community more desirable and the homes in the community more valuable. If you're not using the facilities, perhaps you should consider whether your community is the best fit for you and your needs.

Excuse #5: "I paid in full."

Sometimes the association receives a check that says "paid in full" in the memo section—but it isn't. Or the check will arrive with a letter or note, stating the check is "payment in full," or it covers all charges through a certain date. Nice try. If you still have an outstanding balance, your check may not be cashed. It may be returned to you. This will put you further behind in your payments and you may incur more late fees.

Excuse #6: "The fees are too high."

Assessments reflect the actual

EXCUSES, EXCUSES CONT.



cost of maintaining all common elements in the community. If you owned your home outside the association, you would have to pay individually for all the same expenses your assessments

cover—trash removal, water, landscaping, and so on. In fact, you're actually spending less on assessments because the association has bulk buying power, and you're getting more because the common areas provide amenities that you likely could not afford on your own.

Legitimate Reasons, not Excuses

When association members lose their jobs or become injured or ill, the association board understands that arrangements need to be worked out for paying assessments. If you have a legitimate reason for falling behind and you need to work out a payment plan, you will want to contact the property manager. The board considers each situation individually, and will often try to accommodate special circumstances.

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