

CAI-Wisconsin Chapter

# Community LEADER

*News for the New American Neighborhood*



WISCONSIN CHAPTER

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ASSOCIATIONS INSTITUTE

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***Spring Inspections***  
***Capital Financing***  
***Flood Mitigation***  
***Fiduciary Know-How***  
***And Much More...***



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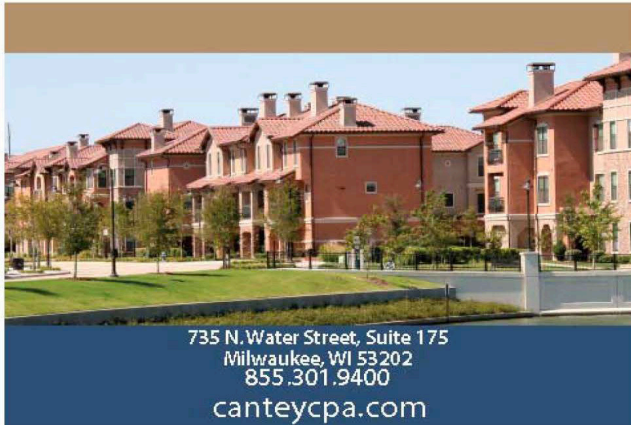
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# President's Message



As we enter Spring with new beginnings for flowers and plants, I hope it is also the start of getting back to a sense of the “new normal”. COVID has challenged us all and through challenge comes strength.

Our industry has faced the challenges together and has slowly conquered them.

Business partners are finding ways to review projects and engage through email and Zoom. Managers and boards have also found out they are more tech savvy than they thought they were. Modern technology has made it possible for all generations to engage with the board at monthly meetings right from their own couch! As a manager, I appreciate the flexibility to be able to meet with contractors and boards, more so throughout the day, despite the restrictions. It is

benefit to many Associations to have residents from all over the country join a meeting despite not being home.

The challenges are far from over hence, we will continue to learn new skills and the hone those we currently use. Embrace the opportunities the pandemic has given us to grow as individuals and business partners!

Several fellow business partners have shared how hard it is to be “cut off” from the in-person interaction. Managers, board members and residents should try to understand that there are a number of people that thrive from being around people. If you have few minutes, I encourage you to engage and listen to your extraverted friends. It may just make their day and it always feels good making someone else smile!

Have a great Spring!

*Todd Sarauer*, CMCA, AMS, PCAM  
 CAI-WI President



## CAI-WI Annual Conference & Tradeshow Thursday, September 9th 10:30am-4:30pm

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# SPRING INSPECTIONS AND PROJECT PLANNING

By Jennifer Arellano, CMCA

As the snow begins to melt away and the weather warms, property managers and Associations begin to prepare for our spring walk around inspections and project planning. Spring inspections are important to help maintain the Association's property and address any potential maintenance needed. Below are some things you should be looking for during an inspection and while planning those spring projects.

## Spring Inspections

Often times, when the weather begins to turn, managers begin to receive more reports on items that should be addressed in the spring/early summer. The main goal of a spring inspection is to identify necessary maintenance that is beyond general maintenance, creating a scope of work and creating Requests for Proposals (RFPs) for potential vendors. It is best to start a list of items brought up by owners to have with you while you and the Board of Directors begin the spring inspection. Areas to consider for a spring inspection would include building exteriors, gutters and downspouts, roofs, concrete, asphalt, decks/balconies/patios, and landscaping. Having a list can help you identify problem areas to add to the scope of work.

Spring inspections should be done early. Some projects, such as concrete and asphalt, should go out to bid as soon as possible. Schedules fill up fast and waiting too long could leave you missing the opportunity to get work completed during the year. Specific items to look for during the inspection include damaged downspouts, missing shingles, cracked or uneven concrete, damaged asphalt, tuckpointing, and siding or wood repairs/replacement.

Landscape inspections can be done late spring/early summer to allow grass and plantings an opportunity to begin growing and return for the season before the assessment. Taking pictures during an inspection is highly recommended. This can help provide clarity if a vendor needs to check a location and/or document the areas that you were specifically looking to address. Once you complete your inspection(s), it is time to begin project planning.

## Project Planning

During an inspection, document all issues

that need to be resolved and note there may be items you want to watch for further deterioration and defer resolution to a future date. It is important to document those areas as well and keep them on a list for review in the future. While the lists of current issues and potential future issues are being put together, you may have quite a few RFPs to send out. Once the RFPs are ready to be sent out, a return date should be included. I suggest allowing the vendor at least two weeks to return a bid on a project. For projects, you should receive a minimum of three bids to ensure the Board has options going forward. RFPs should ensure the bids are creating on the same scope of work and comparable.

Once the Board of Directors receives their bids, they will be tasked to review and compare each bid and compare the proposed costs to their budget. Once bids are approved, work can begin to be scheduled. From inspection to scheduling, you may be looking at projects to be completed in about 2-4 months. The earlier you begin, the faster you can complete projects for your Boards [or Associations?].

## Annual Recurring Projects

Some Associations may have annual recurring projects, such as tuckpointing, power washing, and painting. These types of projects are often completed in phases and have a tentative schedule, whether it be by building or phase. These RFPs can be done in winter and contracts signed for work to begin in late spring/early summer. It is important to have recurring projects scheduled so that

they can be completed step by step. Often times, projects will have to be completed in a sequence. You may want to have the power washing completed prior to painting. You may want wood repairs and tuckpointing completed prior painting. Being organized and keeping a list of projects and dates are extremely important to the success of recurring projects. I highly recommend the Board of Directors reviews their project list at least monthly to make sure projects are moving forward.

It is never too early to begin inspections in spring so that the Association can have the most important projects completed in a timely manner. Inspections can be completed in a variety of ways. They may be with the manager and Board of Directors. They may be done with a project manager or expert in a specific field. Remember that there are steps to ensure your projects are completed: conduct an inspection, create a scope of work for RFP, send out RFPs, make decisions, schedule projects, and ensure project completion. Weather will also play a role in completing projects so staying organized and following through when delays occur are important skills to ensure owners can enjoy their beautiful and well-kept Association.

*Jennifer Arellano is a Certified Manager of Community Associations with Prospect Management Company. She can be reached at [jaellano@pmcwi.com](mailto:jaellano@pmcwi.com).*



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# CAPITAL FINANCING

## PROJECTS ON THE HORIZON? HOW ASSOCIATION LOANS CAN HELP YOUR COMMUNITY TAKE THE INITIATIVE

By Daniel Corwin

*After nearly a full year of the global pandemic and national economic crisis, some boards and managers have found themselves in a situation where deferred maintenance has created a conundrum. How can a community properly and effectively address looming projects, while maintaining fiscal responsibility? While most managers or boards are trained or instructed to properly fund reserves to accommodate repairs, many have to consider financing the work. For those that need to weigh these options, association loans can serve as an effective tool - providing flexible financing to address projects that could be too costly.*

First and foremost, financing is not as scary of a word as many might be led to believe. Financing provides the association the option to save existing cash for other projects that may loom on the horizon, helps to make potential costs more-palatable to ownership, allows boards and managers to take advantage of ideal market conditions, and can fix the costs at today's pricing (potentially locking this in over the life of a loan). These nuances can potentially help boards and managers make more-educated decisions about the size and scope of these projects, while ensuring that the work can be completed now.

### **Types of Loans, and Why They Matter**

Banks will traditionally offer two types of loans: lines of credit and term loans. Both serve unique purposes, and have individual benefits that should be considered by boards and managers. Lines of credit will typically function as revolving or non-revolving. Revolving lines allow an association to advance funds on the loan, repay amounts back, and then re-borrow those same amounts. Non-revolving lines are exactly the opposite, where amounts that are borrowed cannot be re-borrowed. Revolving lines of credit typically will be due at the end of the term of the line, and usually serve as flexible cash for regular or smaller irregular expenses. Non-revolving lines

of credit are typically associated with a set project, or a single-purpose project with a top-end cost for the total work. In this way, a community could utilize the funds as-needed for project payments without obligating themselves to full repayment from the outset of a loan. Both line of credit types will typically only require monthly payments of interest-only on the amounts that have been used from the line (potentially being due in full at the end of the term of the line). Alternatively, straight term loans offer communities a method to finance a specific amount over a longer period of time. These loan types require traditional principal & interest payments on a monthly basis – similar to how your mortgage may work – and the full loan amount would be outstanding from day one. In some cases your bank may be able to combine these loan types, utilizing the benefits of both to assemble a loan structure that is uniquely tailored to your community's needs.

### **How to Begin the Process**

Reach out to your banker. The banker will help guide the community by collecting important information that will help the bank get a feel for your community. This typically includes basic information like the name and location of the association, a listing of upcoming projects, and the expected dollar amount to be financed. The bank will have several steps that it will need to take in order to ensure that financing is feasible for the community. This will typically include review of the association's cash flow, analysis of outstanding delinquencies, and a general look at the financial health of the association. With this in-hand, your banker will have a better understanding of your community's needs, thereby allowing them to recommend the most-appropriate financing options.

### **What are the Steps, and What to Expect**

While formal project planning can sometimes take the association anywhere from several months –

even years, successful financing can oftentimes be completed quite quickly. It is recommended that communities begin the financing process about sixty days out from the anticipated project start date. This will align the financing with the association's inevitable requests for payment to the payee (contractor, architect, vendor, etc.).

Once engaged, the bank will review the association's qualifications and respond back to the manager or the board with an assessment of their findings. Assuming the pre-qualifications have been met, the bank would then typically issue a term sheet to the community (either via the board or manager). This will outline the terms and conditions that the bank is most-comfortable with, and will provide the community with the expectations that the bank has set before them. It is then the diligence of the board and/or manager to thoroughly review the offer. This is to ensure that the association is capable of meeting the bank's requirements, and comfortable with the terms presented.

Next, the board would authorize the appropriate option, and inform the bank of their decision to move forward. Sometimes the bank will require that the association provide additional supporting documentation, or an even executed term sheet. These items may be required for the bank to process the formal approval of the transaction. Overall, the approval process varies depending on the requirements of each bank. However, most banks can complete approval of the financing to coincide with the association's future funding needs.

Once approved, the association's loan would then move along to the documentation phase. This is the phase where the terms and conditions are put on paper. During this stage, the bank has the option to either engage an accredited industry attorney to prepare a closing package, or otherwise generate a series of standard documents for execution. Additionally, this package can sometimes be required

# CAPITAL FINANCING CONT.

to be reviewed and approved by the association's attorney.

Upon completion of the initial drafting, review, and approval; the bank would then send the final documentation to the board to execute the loan. Oftentimes the Bank will require specific information of those that would execute the financing agreement, as well as any ancillary documentation that may be required – but had not been collected. There is typically a short timeframe between executing loan documents and actual availability of funds, so this step is especially crucial for both the board and the manager to communicate with the bank. This ensures that the process runs smoothly, and the loan is ready to be used as soon as possible.

## What Should a Board or Manager Ask? Provisional Questions to Understand the Options

Based on the details and processes outlined above, there are some quick, yet important, questions that can help a community or manager make a more-educated decision. These include:

- What kinds of loan terms & structures can the bank offer?
- What are the fees associated with obtaining financing?
- How will the bank secure the loan (i.e. how is the loan collateralized)?
- Are there certain conditions that must be met in order for the loan to fund?
- How will the association access the loan proceeds?
- Does the bank maintain certain

financial rules or covenants that the association will be required to follow in the future?

- Will the association be charged if the pay the loan off early?

### About the author

*Daniel Corwin has worked for Wintrust since 2011, and Community Advantage since 2016. Since joining the team, Daniel has served as a Credit Administration Specialist – dealing with loan administration & documentation; a Credit Analyst – working on risk assessment & formal loan approval; and is currently a Relationship Management Officer – helping associations across the Midwest reach their financial goals through customized solutions and trusted expertise.*



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## Legal Panel

**Adam Bazelon:** Adam Bazelon is an attorney at von Briesen & Roper, s.c. and is chair of the firm's Community Association Law Section. He has a statewide practice representing Wisconsin Condominium and homeowners associations with an emphasis in real estate litigation, covenant drafting and interpretation, collections/foreclosure and fair housing law. He is an active member of the Community Association Institute of Wisconsin and served as its President. Adam is a frequent lecturer on topics related to community association law, such as fair housing issues, FHA certification, and condominium collections.

**Daniel Miske, CCAL:** Daniel Miske is an attorney in the Milwaukee office of Husch Blackwell LLP where he co-leads it's Condominium and HOA Law Team. Mr. Miske is a member of the College of Community Association Lawyers, which consists of approximately 160 attorneys nationwide. He is an AV rated attorney (the highest rating) in Martindale-Hubbell and has been selected for inclusion in the Best Lawyers in America – Real Estate and Commercial Litigation for several years. Mr. Miske represents condominiums and HOA's throughout Wisconsin. He has been involved in the CAI-WI chapter since 2006 and is a past president. He is currently serving as CAI-WI's Treasurer.

**Lydia Chartre, CCAL:** Lydia Chartre, CCAL is a partner in the Milwaukee and Madison offices of Husch Blackwell LLP where she co-leads its condominium and HOA Law Team. Lydia is a member of the College of Community Association Lawyers, which consists of approximately 160 attorneys nationwide. She was also selected for inclusion in the Best Lawyers in America for the past several years. Lydia represents Condominium and Homeowners' associations all across the state of Wisconsin, and is able to assist with all legal issues that affect your communities, from document interpretation and drafting, to assessment topics, is co-Editor of the Husch Blackwell "Association Alert" blog, and currently serves on CAI-WI's Trade Show Planning Committee. Lydia is a former CAI-WI Board Member.



# FLOOD MITIGATION

By Shari Engstrom



The word “flood” brings to mind so many different images and often, a feeling of general panic. The important thing to remember is that buildings, things and stuff can be fixed. Unlike fires or tornadoes, rarely is someone injured, especially in Wisconsin.

Floods encompass a variety of scenarios, including things of nature (rainwater, ground water, melting snow) and building or human error (burst pipes, roof leaks, sewer backups). But all share the concern of water where it isn’t supposed to be.

The source of the water has a significant impact on coverage, cost, and impact, but before we look at that, the actual process of mitigation is fairly similar based on the building materials affected. Of course, right after the immediate damage, thoughts of water lead to that four-letter word: mold. Mold is a concern, but it’s easily prevented by acting quickly to stop the water and damage.

When there is water where there isn’t supposed to be, address it immediately. This will lessen the impact of the water and stop it from spreading. Mold grows when there is moisture, food, and the appropriate temperature. So by taking away the moisture, mold is less of a concern. Hence, stop the water right away. This includes several key steps:

1. Extract water. Shop vacs are helpful here, but they’re just collecting water you can see. Extracting water uses heavier, more specialized equipment that will pull the water out of materials rather than simply pulling it off of building materials.

2. Stop the spread of water. Water follows the path of least resistance. Just because it’s off the floor does not mean

water is not spreading between floors or soaking up drywall. Structural drying or removing impacted materials so that water doesn’t travel further will stop this spread. Moisture meters and infrared/temperature surveying equipment are especially helpful to see where water has traveled and stop further spread.

3. Thoroughly dry the space. Additional specialized equipment such as desiccants, and not so specialized equipment, such as fans, will help dry the affected area. Allowing this equipment to fully do its job, despite how frustrating the noise, sound or perceived electrical use is, will ensure thoroughly drying the space eliminating moisture and the concern of mold growth.

Also, with mold concerns it’s important to note that without a food source, mold won’t grow. Meaning, some surfaces really aren’t affected and are not a concern. When compared with drywall, hard surfaces are impacted less and more easily dried.

Generally the mitigation and drying process takes 24-72 hours. At that point any materials that have not dried likely need to be removed. Chances are the materials are damaged and cannot be returned to a pre-loss state, anyway. Examples of this would include kitchen cabinets, baseboard and carpeting.

But while the actual drying process is fairly consistent among most water issues, it is only part of the flood mitigation process. While all of this is going on there are several other key considerations.

1. Water source. Addressing water and drying is nuanced by the source of the water. The source is categorized based on the source and treating the affected areas has different protocols if the source is a sewer back up vs. a roof leak. Knowing the source sooner rather than later is helpful, and this can be a bit of a challenge in multi-unit buildings where there is a variety of potential sources.

2. Coverage. The water source can also affect coverage. Ground water seepage is not covered the way damage from a burst pipe is covered by insurance. The amount of coverage can also vary. Understanding your insurance policy is essential. And while not every flood issue is a covered loss, this detail could affect if there is coverage and how much.

3. Cost. Of course, cost is always a concern, and a valid one at that. In multi-unit buildings, like condos, cost can be especially challenging. Initial costs can be challenging to determine before mitigation is complete. If drywall is not removed, it won’t need to be replaced. And if cabinets dry or need minor repair, that’s far less expensive than ordering new cabinets. The entity responsible for costs in condos is usually determined by the documents so understanding these is also necessary. Insurance companies generally review this at no cost if a claim is filed, but seasoned condo attorneys can also provide direction.

Finally, having a process in place and asking basic questions can move along the mitigation process while removing some headaches. At annual meetings discuss the process with homeowners. In some cases, unit owners contact a firm for help, but in others, unit owners look to their property manager. To prevent confusion, a best practice we’ve seen is for property managers to contact vendors when multiple units are affected, and the association is or may be responsible. But, in situations where unit owners will likely be responsible, property managers can provide referrals but have unit owners contact the vendor directly. In this case, having the homeowner reach out to a vendor creates a sense of responsibility and allows for direction and explanation. It’s far better to have everyone expect responsibility for cost than for no one to feel responsible for costs.

In general, water can cause a great deal of damage magnified by frustration and confusion. Fortunately, having a process for what to do when something happens and addressing issues quickly minimizes physical and emotional damage.

*Shari Engstrom is a self-proclaimed marketing maven, who really just loves people. After 8 years with Sid Grinker Restoration, she’s got the hang of most things related to fires & floods, but more importantly has a great team to fill in the details. Questions about fires, floods, local real estate, events or fun stuff? Contact shari@sidgrinker.com*



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The choice of a lawyer is an important decision and should not be based solely upon advertisements.

# FIDUCIARY KNOW-HOW

The mere mention of fiduciary responsibility may scare some homeowners away from board service, but it shouldn't. Managing the association's finances is one of the board's most important duties, but it doesn't have to be complicated.

Fiduciary duty means protecting assets, budgeting responsibly, planning for the future, investing wisely and observing laws and regulations that affect association resources. Fiduciary duty requires the board to ensure that the assessments you pay are used properly to maintain the community and cover insurance, contracted services, utilities and other needed materials and services. The board is obligated to make ethical and legal decisions that best serve the entire association.

Board members fulfill their fiduciary duty by:

- **Establishing and adhering to a budget.** A good budget is developed through an objective, step-by-step process based on historical data and careful research.
- **Reviewing financial statements regularly.** The statements include a balance sheet, budget comparison report, income report, check registry and more.
- **Putting policies in place to reduce the risks of fraudulent activity.** These include, for example, requiring two signatures on checks, not signing blank checks and sending payment only when an invoice is received.
- **Hiring an accounting firm to perform an annual audit.** An auditor will look for missing check numbers, missing bank statements, duplicate payments, payments to unfamiliar vendors or suspicious journal entries. Some associations require this. Check your governing documents.
- **Adopting an investment policy.** A good investment policy protects principal, liquidity and yield.
- **Conducting a reserve study and updating it regularly.** A reserve study identifies the expected remaining life of each major component, estimates the cost to replace it and the amount that should be saved on a monthly or annual basis.



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# SPRING MAINTENANCE

## SPRING MAINTENANCE INSIDE YOUR UNIT

By Virginia Riesing



As we start to enjoy the beautiful weather, we soon notice the budding of flowers and begin to get excited for longer days and additional time outdoors. Along with those signs of spring, we are reminded that now is the time to begin spring maintenance and cleaning! As a condominium owner, I find the “to do” list a bit shorter than a homeowner would and yet these are still essential steps to take at this time of year. These “to do” lists, broken down into maintenance and cleaning categories, assist me in ensuring the safety and enjoyment of my living space.

### Maintenance “To Do” List

The maintenance part of the springtime list is mostly about safety and proper function. You want to know that you can trust the safety measures you have in place and have confidence that your heating/cooling, plumbing, and appliances to work when you need them to. I recommend the following to be sure...

- **Test all smoke alarms and carbon monoxide alarms** to ensure they are working. Change batteries where needed.

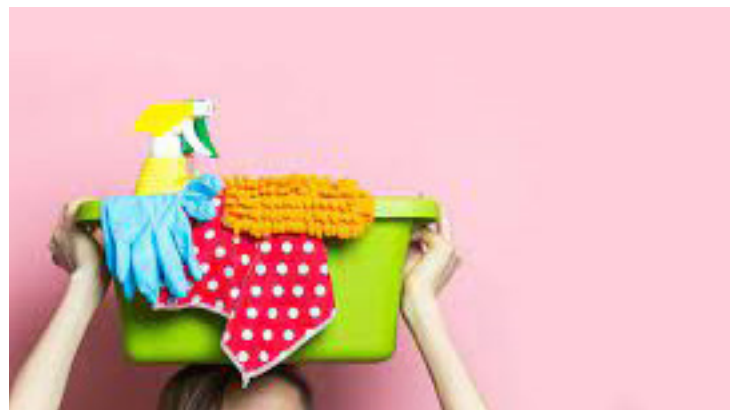
- **Get a small fire extinguisher** for the two areas of your condo most likely to experience a fire – your kitchen and your garage. At about \$25, this is a safety device worth having. Place each fire extinguisher in an easy-to-grab location and make sure everyone in your household knows where it is. Whether you already have one or will be getting one, review the directions for using it.

- **Change your furnace filter and the filter in your air conditioning unit** if it has one. This should be done more than once a year – this just serves as a reminder.

- Hire a professional to **do a tune up on both the furnace and the air conditioning unit**. An annual tune up will ensure that these vital systems continue working properly for years. It would also be a good time to check the condensate line for clogs.

- **Test or install water alarms** in areas that could experience a leak. This could be in a catch pan below your air conditioning unit (especially for indoor units), near your hot water heater, or even under a sink. Water damage can be costly so the \$30 investment in a water alarm can save you money in the future.

- **Check all faucets** and wash machine lines for leaks. Check toilets for leaks by using a dye tablet in the tank. If the dye makes its way into the bowl in between flushes, then you have a leak. Toilet leaks can waste up to 26 gallons of water a day! This is costly, both to the environment and on your water bill. It is best to identify the issue and get it fixed as soon as possible.



# SPRING MAINTENANCE CONT.

- **Turn off the pilot in gas fireplaces** if you do not use it during the summer. Though the pilot doesn't use much gas, it doesn't make sense to keep it on all summer. You can light it again in the fall.

- **Replace the water filter in your refrigerator.**

- **Ensure all windows are functioning properly** and replace the screens if those were removed for the winter.

## Cleaning "To Do" List

The cleaning portion of the springtime list will set you up for summertime entertaining, knowing that the more time-



consuming tasks are already off the list. For many people, these items are a dread (me included!) While some of these items are relatively easy, some of them might inspire you to hire a professional. Your list may be longer, but these items will get you started.

- **Deep clean your carpets.** You can do this yourself by renting a carpet cleaner or hire a company to do it. We hate to think about what all might be hiding in and under our carpets so, either way, a deep clean at least once a year is worth it.

- **Dust ceiling fan blades and reverse the direction of fans** to push heat upward in the warmer months.

- **Have the chimney cleaned** if you own/use a natural fireplace. I definitely recommend hiring

professional for this. They have the equipment to ensure the job is done properly and the mess is contained.

- **Clean your dishwasher and garbage disposal.** I like the to use small, scented pods for both dishwasher and garbage disposal that do the cleaning for you. Run the pod through a cycle and you're done.

- **Clean your oven.** This may mean using the oven's own cleaning setting or cleaning it by hand. Either way, getting rid of anything caked to the inside will make your future baking stress free.

- **Clean all windows** both inside and out and clean/lube window channels or hinges.

There are many items the Association takes care of during the spring, but as owners, we also have responsibilities to do our part in our home. Not all owners will be responsible for the same items. These "to do" lists can be a starting point for you, as an owner, when you complete springtime chores. Once you get all these tasks out of the way, you can take time to smell the flowers and enjoy the longer, warmer days with confidence that your home is in good order.

*Virginia Riesing is a unit owner and board member at Gabriel Woods Condominium Association*

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