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# IN THIS issue:

## features

- 8** CAI Career Center:  
Networking Mistakes
- 13** GAP Report: Communication
- 24** Judgement Lien vs.  
Memorandum of Lien
- 26** Rights & Responsibilities  
for Better Communities
- 33** 2019 Award Winners

## community trends

- 16** Speeding in HOAs
- 18** Does Your HOA Have a  
Vaping Problem?
- 20** CAI Public Policy:  
Pets & Assistance Animals
- 22** Security Cameras & Doorbells  
In Virginia

## references

- 4** President's Perspective
- 5** Board Members &  
Committee Chairs
- 7** From The Executive Director
- 43** SEVA-CAI Classifieds



Greetings SEVA-CAI!

Even though this issue will be sent out after the first of the year, I am composing my final message as your Chapter President on my final day of leadership; New Year's Eve. Over the last week, my Facebook newsfeed has been filled with many posts and personal videos from friends all related to the end of the year and the decade. Some comments are of relief to see the year come to a close where others wonder where the time has gone (because seriously 1990 wasn't 30 years ago, right?). As I reflect on the last as your Chapter President, I am proud of the many accomplishments we have achieved as an organization and also happy that some of our transitional items have been completed.

This year's Summer Social was one of the best in recent years! Mother Nature did her very best in dishing out a massive amount of humidity, but it didn't stop us from seeing one of the highest attended socials in a while. The venue was great and a fantastic time was had by all. I applaud the members of our dedicated Social Committee for a job well done and personally look forward to seeing everyone at our socials in 2020.

As a Chapter, 2019 brought in a new exciting philanthropic partner in Vetshouse. If you missed the opportunity to hear Willard "Smitty" Smith from Vetshouse speak at either our Golf Classic or Holiday Luncheon, you definitely missed out! This is a wonderful organization that works with homeless veterans in Hampton Roads. It is not a shelter, but

rather a 12-month program providing living quarters and assistance in getting the resident's back on their feet in the way of employment, transportation and back to society in general. Our support of Vetshouse in 2020 will include collection of much needed items for the program and its participants at our chapter events throughout 2020. Look for additional information on Vetshouse in upcoming issues of Currents.

As we look forward to 2020, I am excited to see what lies ahead for SEVA CAI. Anita Loonam will be a fantastic leader and I am super confident that our chapter is in excellent hands under her leadership. As we close the year, I want to also thank each and every one of you for your membership in CAI. This organization is nothing without its members and I couldn't be more thankful to be part of this fantastic group.



**C. Kellie Dickerson, CMCA®** is SEVA-CAI's 2019 Board President. She has been a member of the chapter for over 10 years and has served on numerous committees including Golf, CA Day, Social and the Virginia Leadership Retreat. She also serves as a Vice President on Kappa Alpha Theta's national Housing Corporation Board and is an active member of the local community. She is a Norfolk native and is a Relationship Manager with Fifth Third Bank's HOA/Property Management division.

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# Currents

Articles, ads or other submissions must be submitted prior to the dates listed below for inclusion in the issue immediately following. All dates are firm. If submission is missed, updates will be in the following issue.

SPRING 2020  
April 15th

SUMMER 2020  
July 15th

FALL 2020  
October 15th

WINTER 2021  
January 15th

Currents encourages and welcomes articles on any topic relating to the many "Currents" of community association interest. Please include a twenty to thirty word description of the author at the end of the article. All articles are subject to editing.

Please send your submissions to:  
[info@sevacai.org](mailto:info@sevacai.org)

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# FROM THE executive DIRECTOR .....

It's almost spring time in Hampton Roads - we made it!

Things haven't stopped changing over here at SEVA-CAI. If you've called or visited the office recently, you may have had the opportunity to meet our new Administrative Assistant, Aris Nazarova. Despite being hired at our busiest time of the year - getting ready for CA Day - Aris has jumped in with both feet and is excited to get to know you all. You can reach her by calling the main office line, or via email at [aris@sevacai.org](mailto:aris@sevacai.org).



We've also brought back our Newsmagazine committee from its two year long hiatus. It's been rebranded as the "Communications" committee, to be more encompassing of all we hope to accomplish with it. As our membership continues to shift in the direction of online media, we plan to keep up with the times by expanding our online presence. Right now you can find us on Facebook ([www.facebook.com/sevacai](http://www.facebook.com/sevacai)) but in 2020 we aim to bring you an educational blog and additional resources on our website. The committee is led by a long time volunteer and a Past President of the Chapter, Kim Niesel, CMCA®. Kim is actively seeking volunteers to join her in this undertaking, so if this sounds like something that could be a fit for you - let her know at [kniesel@solitudelake.com](mailto:kniesel@solitudelake.com). If you don't consider yourself a writer, please don't let that stop you! This committee is about brainstorming and making connections, not necessarily about writing.

Our other committees are working hard to prepare a great calendar of events for 2020. We rely heavily on our email marketing to get this information out to our membership - so please make sure you have all email addresses ending in @sevacai.org on your Safe Sender list. Otherwise, updates about these valuable programs may end up filtered out of your inbox. You can also rely on [www.sevacai.org](http://www.sevacai.org), along with our Facebook page ([www.facebook.com/sevacai](http://www.facebook.com/sevacai)) for all of the most up-to-date information.

As always, if there's anything you feel the Chapter can be doing to better serve your needs, please don't hesitate to reach out!



**Cariese Hinckley**  
Chapter Executive Director  
Southeastern Virginia Chapter Community Associations Institute



## Welcome New Members!

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## CAI Career Center

# 10 Networking Mistakes That Make You Look Unprofessional

By **Natalia Autenrieth**, *TopResume*

It seems that every networking event comes with a few cringe-worthy moments. From listening to a self-indulgent sales pitch to being asked out on a date, sweaty handshakes, and annoying name-dropping, being on the receiving end of networking mistakes isn't fun. The consequences are even worse if you're the offender. An unfortunate faux pas could spell the end of professional credibility, destroy goodwill, and eliminate the willingness to connect — all key ingredients for successful networking.

Here are 10 common networking mistakes that can derail your efforts to meet like-minded professionals and boost your career. Some are straightforward, yet worth pointing out because they are committed often. Others (such as "staying in touch") may be well-intentioned but potentially damaging if done incorrectly.

### Being Unprepared

Sometimes, a networking event catches you off-guard. Perhaps you received a last-minute invitation to join your boss at a reception, or maybe you forgot about an event that you had committed to months ago. When you must get ready to go on a moment's notice, there is no time to update that stale LinkedIn profile or order more business cards.

The best advice for avoiding this mistake is to make a polished appearance an organic part of your daily routine. Keep your LinkedIn profile and resume up-to-date, carry your business cards with you at all times, and dress professionally daily. Follow these tips and you will never have to regret wasting an opportunity to make a good first impression.

### Using the event to peddle your resume

Pushing your resume on anyone with a pulse (or using the guerilla-marketing tactic of leaving your resume on every cocktail table in the reception area) can make you look like you are only there to advance your own cause. Most people will discard an out-of-context resume that's been forced on them and forget they've ever met you. Those that do remember will recall you as pushy and self-promoting. Do bring your resume — but keep it to yourself, unless your new contact asks for it.

### Going on a business-card-collecting spree

A networking event is not a hunt, and there is no reward for collecting the most trophies! Your goal should be to create meaningful connections, not to capture that business card and move on to the next target. Give





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yourself permission to slow down, pay attention to the conversation, and stop “working the room.” Your results will be better!

## Treating anyone as unimportant

Dismissing people who don't meet certain criteria in favor of big names and A-listers is a mistake. A single disparaging comment can embarrass and discredit you for years to come. Treat everyone you meet like they could make a real difference in your life. Be respectful and present, even if the connection is brief.

## Failing to ask for help

Professionals often hold the mistaken belief that asking for introductions or advice makes them look weak and disadvantaged. In reality, making a request for an introduction is at the core of the networking process! After all, networking only works when people make new connections. By being respectful, polite, and humble, you can reinforce the relationships you have and build new ones.

## Being glued to your cell phone

Networking events can be uncomfortable. For those who want an escape, cell phones are an easy answer. Some professionals think that checking messages or scrolling through emails makes them look smart, busy, and important. However, the only thing this behavior accomplishes is making them look unapproachable, or worse, disrespectful. If you are expecting an important call, feel free to keep that phone nearby — but turn off the ringer and resist the urge to hide behind the screen.

## Failing to follow up

Post-event follow up is an opportunity to reinforce your professional image. If you promised someone you would send an article, make an introduction, or schedule a meeting, get it done within 24 hours.

If you are sending a simple “great to meet you” email, don't settle for using an efficient, but boring, template. Make your message personal; add details about the conversation or shared interests. If you had asked someone for advice, make a point of letting them know you took it to heart and acted on it. A follow-up email is not permission to launch into self-promotion or an elevator pitch, however. Be courteous, gracious, and brief.

## Following up “just to stay in touch”

Beyond the first email or call after the event, resist the urge to “follow up” just to stay in touch.

This advice may go against the common wisdom, but it makes sense. Today's successful professionals are busier than ever. They don't want to dig through an inbox full of emails that lack substance.

The new rule of thumb is to only follow up when you can add value. Found an interesting article that's relevant to your new connection? Met someone the other professional might enjoy or benefit from by being introduced? Finished a great book you want to recommend? By all means, reach out. If you make every touch point valuable and pleasant for the other professional, you won't ever have to resort to frequent, empty email blasts.

## Lying or stretching the truth

From name-dropping when you barely know the “important” individual to inflating your current position, lying is the quickest way to demolish trust and credibility. It won't impress anyone, and even if it does, the truth will come out eventually. So be honest and trust that you are interesting and qualified without embellishment. If you are feeling self-conscious about your credentials, use that as motivation for learning and professional development — not as a reason to lie.

## Forgetting to be grateful

Through every interaction, professionals should remember that no one owes them anything — not a meeting, not an introduction, not a recommendation. Set reasonable expectations and don't ask for favors that are reserved for trusted friends and long-time colleagues. If you have just met someone, don't insist that they introduce you to the CEO of the company or give you intel on the business needs of their department.

On that note, be grateful for any help or advice that you do receive. A hand-written thank-you note, a personal email, or a quick phone call to acknowledge the other person's effort will go a long way towards reinforcing the relationship. Don't make the mistake of thinking that personal thank-you messages are outdated: Courtesy counts today more than ever before.

Mistakes are a side-effect of being human, and most professionals will certainly forgive you for an occasional and unintentional faux pas. Having said that, an awareness of common networking mistakes can help you avoid them. From being mindful of your professional appearance to paying attention to small details (such as spelling someone's name correctly in the follow-up email), remember that your new professional acquaintances don't have any baseline knowledge of you. There is no “goodwill reserve” to tap into when you make a mistake, so work on creating positive interactions and adding value. Treat every person you meet as if they have the power to boost your career. By using this advice, you will find yourself in the middle of a life-changing professional network in no time!

*Natalia Autenrieth is a regular contributor to TopResume, the leading resume-writing service. TopResume offers a range of services including expertly written and keyword-optimized resumes, cover letters, and LinkedIn profiles.*





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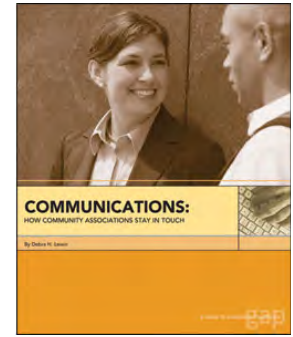
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CAI Press: *Communication*  
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# CAI GAP REPORT: *Communication*

Philosopher and educator John Dewey said, “There is more than a verbal tie between the words common, community, and communication.” Perhaps nowhere is this more true than in a common-interest community.

As a community association volunteer leader, board member or manager, you communicate frequently every day—in phone conversations, small group discussions, casual encounters, writing specifications for vendors or letters to residents, or in formal presentations to a group. It’s important, then, for you to have a basic knowledge of communications, an awareness of the imperative to communicate and an idea of the various ways to deliver your messages.

Communication is a dynamic process, one that allows us to exchange information in a variety of ways—we write, speak, act, publish, and signal our messages. Others receive these messages in different ways; they don’t just hear the spoken word or see the printed page, they also have to process the message, analyze and understand it and sometimes act on it in a specific way.

Most of us have participated in the exercise in which one person whispers a statement in the ear of another, who in turn whispers it to another, and so on. By the time the statement makes its way around the group and is spoken out loud by the last person, it has completely changed. This exercise demonstrates in a

fun way how easily our communications can be filtered, misinterpreted, increased or decreased or simply misunderstood.

As board members and managers, you can’t allow your message to make its way around the association and get completely changed. That’s why communicating effectively, appropriately and frequently is essential to the success and harmony of your community.

“Our community association is doing just fine without a newsletter or holiday parties,” you might say. But remember, your association functions as more than a community. It also operates as a business, and strong communications are essential to the success of any business.

A comprehensive, proactive communications program is going to contribute to productive meetings, satisfied homeowners, balanced budgets, informed consultants, supportive residents, cooperative tenants, eager buyers, low delinquencies—and more. And while a killer website and a monthly newsletter are good placed to start, a truly effective communications program requires a broader approach.

Specifically, you will need a basic understanding of the dynamics that operate on a personal level and a sense of what is appropriate, affordable, feasible and effective. You will also need a general knowledge of

*cont. on next page...*

the various communications vehicles that are available to you and the various audiences you want to reach. And for the best results, you want to communicate not only within your association, but also with the larger community—from your local real-estate agents to your representatives in Washington.

A common problem in communication is assuming that it is somehow just taking place by itself. Don't assume that everyone knows what you know or that

they share your knowledge or opinions. Dispel this illusion by developing and implementing a cohesive communications program. It doesn't take as much effort as you might think, and the return on your investment will be well worth it.

### Key Points

Few efforts will contribute more to your success as a manager or volunteer leader and to the harmony of the community than communicating effectively.

Individual behavior styles, gender and body language affect communications. Understanding these dynamics contributes to effective communication.

Communicating is a two-way activity in which receiving information is as necessary for understanding as providing it. Listening, therefore, is an integral part of communicating effectively.

Writing is the foundation of all communications. A few basic writing skills are needed if the goal is to communicate effectively.

Newsletters are a valuable and important way to communicate with residents.

Community associations are increasingly making use of information technology. Websites, e-mail, intranets, and list serves are adding new facets to association communications.

Associations produce documents like annual reports, resident handbooks, notices and even signs that are important parts of an effective overall communications program.

Meetings provide an excellent opportunity for communication among community association boards and residents.

Listening to an entire community is a different from listening to an individual. It requires surveys, town meetings, open forums, accepting suggestion, and other means.

Community associations aren't discrete or isolated entities; they're integral parts of the larger community. Associations need to communicate with civic groups, local businesses, the media and government officials.

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“*Your association functions as more than a community. It also operates as a business, and strong communications are essential to the success of any business.*”



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# Speeding in HOAs

By **Julie Warren**, *Freelance Writer and Former Editor of CAI's Community Manager*



Speeding cars were a contributing factor in 26% of vehicle-related deaths in 2017, says the National Highway Traffic Safety Administration. Even with the best road and weather conditions, driving too fast exponentially reduces a driver's control over steering and increases the time it takes to stop a vehicle. Of course, the number of accidents caused by speeding can be exacerbated by poorly maintained, wet, or slippery pavement.

Dunes West Property Owners Association in Mount Pleasant, S.C., started using radar about five years ago to gather information about residents', visitors', and contractors' driving habits within the community. Information gathered by the association's radar "guides police deployment" by indicating to local law enforcement when and where drivers are most likely to exceed the posted speed within or near the community. The association encourages local law enforcement to issue tickets on the community's private roads.

Dunes West's radar also has been effective in controlling contractors who drive within the community. Several homes are still under construction in Dunes West; builders can purchase coded decals that open Dunes West's automatic liftgates so contractors' vehicles can come and go efficiently from the community. If radar indicates contractors are habitually speeding, the codes can be revoked, which could be costly for a builder.

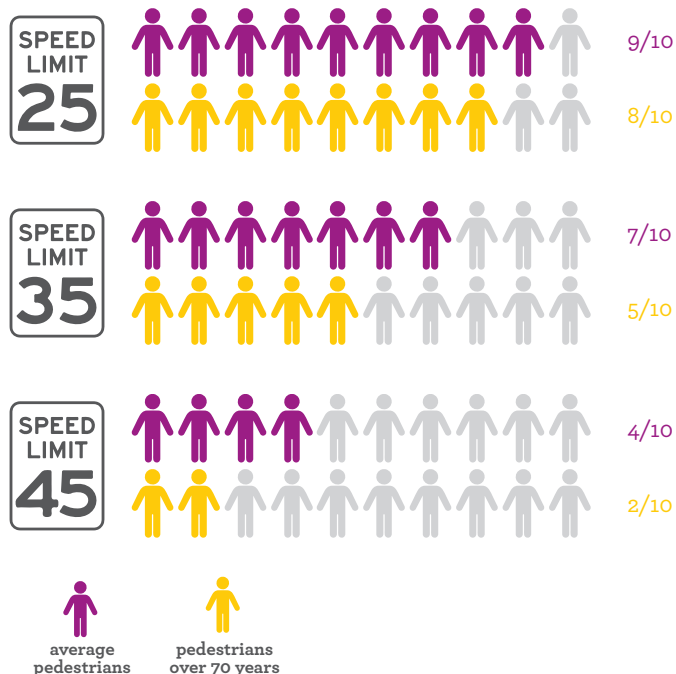
Every community wants their roads to be safe. Association board members and managers know that speeding is a huge threat to residents' safety. But are drivers aware of how fast they are going? How do they feel about technologies like driver feedback signs to slow traffic down?

The answers to these questions could be key in successfully eliminating speeding and safeguarding local roads. The findings of an Ipsos survey of 1,000 randomly selected drivers from across the U.S. provide insight into how drivers perceive others' driving, as well as their own.

When asked if they thought speed limits were being observed by other drivers in their neighborhood, only 16% of people thought they were always followed. Almost all drivers (84%) felt that others were speeding some of the time. In contrast, close to half of respondents felt that speed limits were never or almost never obeyed. Clearly, residents are concerned that others are speeding.

## chance of survival when being hit by a vehicle

### VEHICLE SPEED



Source: AAA Foundation for Traffic Safety



*The popularity of SUVs brings a higher risk of injury and death when compared to conventional cars, in part because it's more likely that pedestrians will be run over, rather than roll up onto the hood.*

The survey found that 62% of drivers feel that they are always aware of their speeds. A staggering 91% of drivers say they are sometimes or always aware of their speeds.

Whether drivers are mistaken about their speeds, unaware of speed limits, or speeding in spite of them, solutions such as driver feedback signs have been shown to improve awareness, decrease speeds, and positively impact driver behavior.

Speeding on your streets puts everyone at risk. It triples the odds of crashing, contributes to a third of fatal accidents, and increases the risk of injury with every increased mile per hour.

Armed with the awareness of how drivers perceive others' driving behavior and their own, communities can work toward protecting their streets and everyone who uses them.



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# Does Your HOA Have *a Vaping Problem?*

By **Kayleigh Long**, *Hirzel Law, PLC*

Electronic cigarettes or “e-cigarettes” were first introduced into the U.S. market in the mid-2000s but only recently garnered national attention when e-cigarette smokers began developing mysterious lung injuries, some of which have been fatal. As of July 2019, 8% of Americans reported vaping (smoking an e-cigarette) within the past week, with almost 1 out of every 5 adults ranging in age from 18 to 29 years old reporting they vaped regularly.

In response to the rise of vaping among both 18 to 29-year-olds and school-aged children the federal government raised the minimum age to purchase tobacco products, including e-cigarettes, to 21. As this subset of the American population becomes homeowners, homeowners associations that have only ever addressed the issue of traditional cigarette smoking in their governing documents may find themselves unprepared for the rise in vaping in their community. While there are smoking regulations on the federal and state levels, these regulations are limited in their scope and associations should review their governing documents to determine whether their documents appropriately address this growing issue.

## **Department of Housing and Urban Development's Smoke-Free Public Housing Rule**

On February 3, 2017, HUD's Smoke-Free Public Housing Rule became effective, requiring all public housing agencies to implement smoke-free policies by July 31, 2018; however, this three-year-old rule has become outdated as it only prohibits the following tobacco

products: Items that involve the ignition and burning of tobacco leaves, such as (but not limited to) cigarettes, cigars, and pipes.

Vaping only heats nicotine to create a water vapor and does not involve the ignition or burning of tobacco and, accordingly, does not fall under HUD's definition of prohibited tobacco products. This discrepancy is noted by HUD's smoke-free policy checklist, which lists prohibiting e-cigarettes as a discretionary option.

HUD's Smoke-Free Public Housing Rule does not apply to most associations as they are not public housing agencies, but it illustrates how many federal and state regulations that address smoking fail to encompass vaping.

## **What Steps Can Your HOA Take?**

Associations that want to either limit or ban vaping in their community will need to take a careful look at their governing documents to determine whether they can do so through either rules and regulations or an amendment to their governing documents.

In *Meadow Bridge Condominium Association v Bosca*, 187 Mich App 280, 282; 466 NW2d 303 (1990), the Michigan Court of Appeals reviewed condominium bylaws that prohibited any animals without specific approval from the condominium association and a set of rules and regulations that prohibited any new dogs in the condominium to determine whether the new-dog prohibition could be implemented through

rules and regulations or required an amendment to the condominium bylaws. The court held the rules and regulations prohibiting new dogs were a valid tool to implement the restrictions already in the condominium bylaws, stating the following:

*The essential question in this case is whether the 1985 board action constituted a rule and regulation or an amendment of the condominium bylaws. While the board has the authority to promulgate reasonable rules and regulations, an amendment requires approval of sixty percent of the co-owners. Because the association did not hold a vote on the 1985 action, a finding that the action was an amendment would render it invalid and unenforceable. The trial court ruled that the board action was an amendment and accordingly granted defendants' motion for summary disposition. We find that the trial court erred.*

*Defendants suggest, and we agree, that a rule or regulation is "a tool to implement or manage existing structural law," while an amendment "presumptively changes existing structural law." See Black's Law Dictionary (5th ed). In this case, the existing original bylaw states that "no animals shall be maintained by any co-owner unless specifically approved in writing by the Association." The 1985 regulation is not inconsistent with the original bylaw and does nothing to change the general rule. The 1985 regulation merely sets out the board's decision to implement or manage the pet ownership rule by prospectively denying approval of new dogs.*

*Id.*

Similarly, associations that want to limit or ban vaping in their community should work with legal counsel who specialize in community association law to review your governing documents and advise on whether you can do so through rules and regulations based on existing provisions in the governing documents or if instead you will be required to amend your governing documents.

Homeowners associations that already have smoking rules and regulations but also want to limit or ban vaping should also work with legal counsel to review the language in your rules and regulations to verify whether the language includes vaping or whether, much like HUD's Smoke-Free Public Housing Rule the language narrowly defines "smoking" and does not include vaping.

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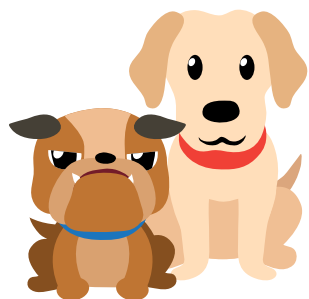
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# Pets & Assistance Animals



## POLICY

Community Associations Institute (CAI) recognizes and supports the rights of residential community associations to regulate and adopt their own rules pertaining to pets and assistance animals living in their communities. CAI also recognizes the rights of individuals with disabilities to receive the assistance they need and supports state and federal law guaranteeing such rights.

**CAI supports** legislation that specifically allows community associations to request documentation to verify the need for an accommodation for an assistance animal.

**CAI supports** legislation that imposes penalties for fraudulent requests for service or emotional support animals.

**CAI does not support** legislation that contains provisions prohibiting community associations from fairly adopting rules governing animals.

## BACKGROUND

The Americans with Disabilities Act (ADA) and Fair Housing Act (FHA) are federal laws which have provisions regarding assistance animals. The ADA applies to service animals in places that are open to the public, which may include community associations in certain cases, whereas the FHA applies solely to service and emotional support animals in housing. The ADA recognizes only dogs and miniature horses in both categories and the requirements are relatively straight forward. However, the FHA pertains to all animals and a very wide range of disabilities, resulting in varying legal interpretations. Understanding the difference becomes important for associations. A service animal is specifically trained to work or perform tasks for individuals with disabilities whereas an emotional support animal is an animal (also referred to as assistance animal), that provides comfort for people with disabilities.

The FHA requires associations to provide exemptions for service and emotional support animals from certain pet policies and rules. Further, the FHA requires associations to provide reasonable accommodations when requested by residents' for service and emotional support animals if the resident has a disability, the animal serves a function directly related to the disability and is necessary to afford the resident with the equal opportunity to use and enjoy

their dwelling. However, the accommodation must be "reasonable" which does not mean "absolute." Rather, the reasonableness requirement limits accommodations to those that do not impose an "undue hardship" by causing excessive financial burdens to the community association or that fundamentally alter the nature of the community association.

According to the Fair Housing Act, people who have a qualifying disability are permitted to keep their service animals within their condominium, homeowner's association or cooperative. Emotional support animals are also given permission to stay in "no pet" community associations; however, in certain instances if the resident's disability is not readily apparent the FHA allows housing providers the ability to ask for reliable documentation from a physician, psychiatrist, or other trained professional, to confirm the need for the emotional support animal. If the disability is readily apparent or known but the disability-related need for the assistance animal is not, the housing provider may ask the individual to provide documentation of the disability-related need for an assistance animal.



### This documentation serves the purpose of:

- 1) verifying the condition that substantially limits one or more of the resident's major life activities;
- 2) describes the needed accommodation; and
- 3) demonstrates the relationship between the person's disability and the need for the requested accommodation.

When the disability is evident the association is required to make a reasonable accommodations in its rules, policies, and practices to afford the disabled resident equal opportunity to use and enjoy the property.. Such documentation is sufficient if it establishes that an individual has a disability and that the animal in question will provide some type of disability-related assistance or emotional support. Community associations should also ensure that they are aware of any requirements under state law that relate to emotional support and service animals, as many states have adopted civil rights statutes that are similar to the ADA and FHA.

### RECOMMENDATION

CAI recommends that members utilize their right to request reliable documentation when a resident's disability is not readily apparent or, if the disability is readily apparent or known but the disability-related need for the assistance animal is not, the association should ask the resident to provide the same reliable documentation. CAI supports changes in state and federal laws which further defines a housing provider's ability to request documentation. CAI opposes duplicative legislation at the state level which redefines an association's ability to request documentation already allowed under the Fair Housing Act or legislation which inhibits an association's ability to request this documentation. CAI also supports legislation that imposes penalties for fraudulent requests for service or emotional support animals.

### MODEL LEGISLATIVE LANGUAGE

Many states are in the process of statutorily acknowledging consequences for fraudulently misrepresenting the animal as a service animal or the need for the emotional support animal. If your state is working on legislation to do so, please consider the following language, approved by CAI , when defining a community association in the bill:

A. "Common Interest Community or Association." The organization established to operate any condominium, homeowner association, cooperative, or planned community.

B. "Housing Provider." A landlord or community association.

Consider the following model language as a guide for when an association wishes to request documentation of disability under FHA when questioning a service or emotional support animal:

### RIGHT TO REQUEST DOCUMENTATION

A housing provider that receives a request from a person to make an exception to a relevant policy prohibiting animals or limiting the size, weight, breed or number of animals on the housing provider's property or within property controlled by the association because the person requires the use of an assistance animal or service animal may require documentation of the need from a licensed medical provider.

The person may be required to produce documentation of the disability and/or disability-related need for the animal only if the disability or disability-related need is not clear or known to the housing provider.

### POLICY HISTORY

For more information on the implications of pet policies within community associations, see "Pet Policies: How Community Associations Maintain Peace and Harmony – A Guide for Association Practitioners."

The US Department of Housing and Urban Development (HUD) Official Guidance Document on Assistance Animals is available online at:

[https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/assistance\\_animals](https://www.hud.gov/program_offices/fair_housing_equal_opp/assistance_animals)



# Security Cameras & Doorbells in Virginia

By **Jeanne S. Lauer, Esq.**, *Inman & Strickler, P.L.C.*

With the increasing popularity of security cameras and hi-tech doorbells and other systems, Virginia residents should be aware of a couple of criminal statutes that are implicated by the use of these technologies.

Virginia has a wiretapping statute which prohibits a person from capturing simultaneous audio and video recordings of someone without that person's consent. The single best way to avoid violation of these statutes is to ensure that any video equipment you install does not have the capability of capturing any audio. Yes, you could just employ a policy that you never activate or use the audio component but at some point, someone will succumb to the temptation to listen "just once." VA Code §19.2-62. <https://law.lis.virginia.gov/vacode/title19.2/chapter6/section19.2-62/>

Virginia also prohibits video recordings of people who are partially or fully unclothed without their consent. So, video cameras should never be mounted in a place where people are expected to be fully or partially undressed or where they would have a reasonable expectation of privacy. No cameras in bathrooms, locker rooms, changing rooms and similar areas, or cameras on the exterior of your house pointed into the rooms of a neighbor's home, not just the bedroom or bathroom. It does not matter if the camera is readily apparent or that there are signs

indicating the use of such video recording. There are criminal penalties for recording in such areas pursuant to Virginia Code §18.2-386.1. <https://law.lis.virginia.gov/vacode/title18.2/chapter8/section18.2-386.1/>

Community associations that decide to have video cameras in the common areas also need to develop protocols for how long recordings are maintained, how the information is stored and destroyed, and how to give notice of video surveillance. Community associations that are tasked with approving the installation of security cameras or doorbells by owners also need to develop uniform standards for installation, and should clearly inform all applicants about the potential for criminal liability under Virginia Code 19.2-62 and 18.2-386.1.



Jeanne S. Lauer is a Managing Partner at Inman & Strickler focusing her practice in the areas of Civil Litigation, Community Association Law and Commercial Litigation. Ms. Lauer joined Inman & Strickler in 2002 and has been a Managing Partner since 2008. Ms. Lauer is a member of the Virginia State Bar, Virginia Beach Bar Association, and the Southeastern Virginia Chapter of the CAI.

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# Judgement Lien vs. Memorandum of Lien:

## The Different Liens Placed on Your Property by a Community Association

By Kristen Jurjevich, Esq., & Jeffrey A. Hunn, Esq., Pender & Coward, P.C.

Community Associations are responsible for the operation of the neighborhood or subdivision, including the maintenance and upkeep of the property. In order to perform its duties, the association is funded by assessments, or dues, paid to the association by its members. What happens when the members do not pay their assessments? In Virginia, when a property owner fails to pay assessments to the community association, the association has the option of filing a lawsuit against the owner to obtain a judgment lien ("Judgment Lien") or filing a memorandum of lien ("Memorandum of Lien") against the owner's property as a means of securing the debt. A lien is a claim for money owed that is asserted against the property rather than against the person. The

lien attaches to the property of the debtor. The lien acts as a "cloud on the title" and, therefore, negatively affects the marketability of the property. It can make it difficult for the property owner to refinance as well. The lien, therefore, decreases the value of the property which increases the likelihood that the debt will be paid. The property owner will want to have the lien released before and prospective buyer will agree to purchase the property.

There are key distinctions between the two types of liens; however, both are powerful debt collections tools. This article will briefly explain each type of lien in the context of a tool for community associations to collect unpaid assessments.

## Judgment Lien

The first step in creating a judgment lien is filing a warrant in debt or a complaint in the local court and obtaining a judgment against the property owner for the amount of the unpaid assessments. If the association is successful in its lawsuit, the court's judgment will often include an award of attorneys' fees, court costs, and interest. After obtaining the judgment against the property owner, the judgment does not become a judgment lien (i.e. attach to the debtor's property) until an abstract of judgment is filed with the clerk of the circuit court for the county or city where the property is located.

One of the benefits to a judgment lien is that the association can file the abstract of judgment with the clerk of the circuit court for any county or city where the property owner owns property. It does not have to be limited to the county or city where the community association is located. Another benefit of a judgment lien is that, after an association obtains a judgment for unpaid assessments, the judgment may be enforced for up to 20 years after the judgment is obtained. In addition to filing an abstract of judgment that attaches to the property, a community association may also enforce the judgment by garnishing the property owner's wages or bank accounts.

One of the downsides to judgment liens, however, is that judgment liens are one of the lower priority liens, and if a superior lien, such as a memorandum of lien, tax lien, or mortgage lien is foreclosed upon, it is rare that there will be money to pay toward a judgment lien, and the lien will likely be rendered moot in its effect against the property that was foreclosed upon.

## Memorandum of Lien

In contrast, a memorandum of lien may be filed by a community association without first going to court, as the ability to file such liens derives from state statute. Virginia Code § 55.1-1833 provides the requirements for perfecting and enforcing a memorandum of lien in property owners (or homeowners) associations, while Virginia Code § 55.1-1966 provides the requirements for perfecting and enforcing a memorandum of lien in condominium associations. Provided that the requirements for perfecting the lien are followed, and proper notice is given to the property owner at each step pursuant to the statute, a memorandum of lien may be directly filed in the land records of the county or city where the property is located, creating a cloud on the property's title until it is released.

There are several benefits to a memorandum of lien. Generally, the lien "priority," which is the legal term used to determine the position the lien holds in relation to other liens or claims against the debtor, is based upon which claim is filed first. Virginia law, however, establishes that the association's memorandum of lien takes a higher priority when compared to other claims. Therefore, with

very few exceptions, the memorandum of lien is higher in priority than judgment liens. Also, a memorandum of lien may be foreclosed on, and the property sold as a means of collecting the debt secured by the lien. In a foreclosure action, the community association can collect the unpaid assessments, late fees and reasonable attorney and collection fees.

There are also downsides and pitfalls to filing and enforcing a memorandum of lien. In order to perfect a property or homeowners association lien, it must be filed within 12 months from the time the assessment first becomes delinquent. This is something to be aware of, especially if the association only charges assessments on an annual basis. The deadline for condominium associations, however, is even shorter. A condominium memorandum of lien must be filed within 90 days from the time the assessment first becomes delinquent. Further, unlike judgment liens that have a 20-year enforceability window, a memorandum of lien loses its enforceability after 36 months from the time it was recorded, unless action has been taken to enforce the lien (e.g. initiating foreclosure proceedings).

## Best Practice Tips

Judgment liens and memorandum of liens are not mutually exclusive. The best practice for a community association is to file both types of liens to increase the likelihood of payment. It is also a good practice to first check the governing documents and/or condominium instruments, as some will have provisions that address debt collection practices, including additional requirements or restrictions on filing liens.

Liens are by no means the only tool in an association's collection toolkit, but the ability to record liens for unpaid assessments may be the most powerful tool a community association has to force a property owner to pay their assessments. Whether you are a member of your community association's board of directors or an association property manager tasked with debt collection strategy, make sure that your community association takes full advantage of these valuable tools.



Kristen Jurjevich, Esq. is a Shareholder with the law firm of Pender & Coward, P.C., and her practice focuses on business and commercial transactions, real estate, and community association matters. Kristen was recently named a 2019 Virginia Super Lawyer Rising Star and was selected by her peers to be a member of Virginia's Legal Elite for 2019.



Jeff Hunn, Esq. is a Shareholder with the law firm of Pender & Coward, P.C. He is a member of the Community Association Practice Group and concentrates his practice in the areas of Community Association Law, Litigation, Collections and Insurance Coverage and Defense. Jeff is an active member of the Southeastern Virginia Chapter of CAI.

# »» Rights & Responsibilities *for Better Communities*





Perhaps the greatest achievement for any association is creating and sustaining a sense of community among residents and leaders. This goal is best achieved when homeowners, non-owner residents and association leaders recognize and embrace their rights and responsibilities. It was with this goal in mind that CAI developed Rights and Responsibilities for Better Communities. These principles can serve as an important guidepost for board and committee members, community managers, homeowners and non-owner residents.

## Homeowners have the right to:

1. A responsive and competent community association.
2. Honest, fair and respectful treatment by community leaders and managers.
3. Participate in governing the community association by attending meetings, serving on committees and standing for election.
4. Access appropriate association books and records.
5. Prudent expenditure of fees and other assessments.
6. Live in a community where the property is maintained according to established standards.
7. Fair treatment regarding financial and other association obligations, including the opportunity to discuss payment plans and options with the association before foreclosure is initiated.
8. Receive all documents that address rules and regulations governing the community association—if not prior to purchase and settlement by a real estate agent or attorney, then upon joining the community.
9. Appeal to appropriate community leaders those decisions affecting non-routine financial responsibilities or property rights.

## Homeowners have the responsibility to:

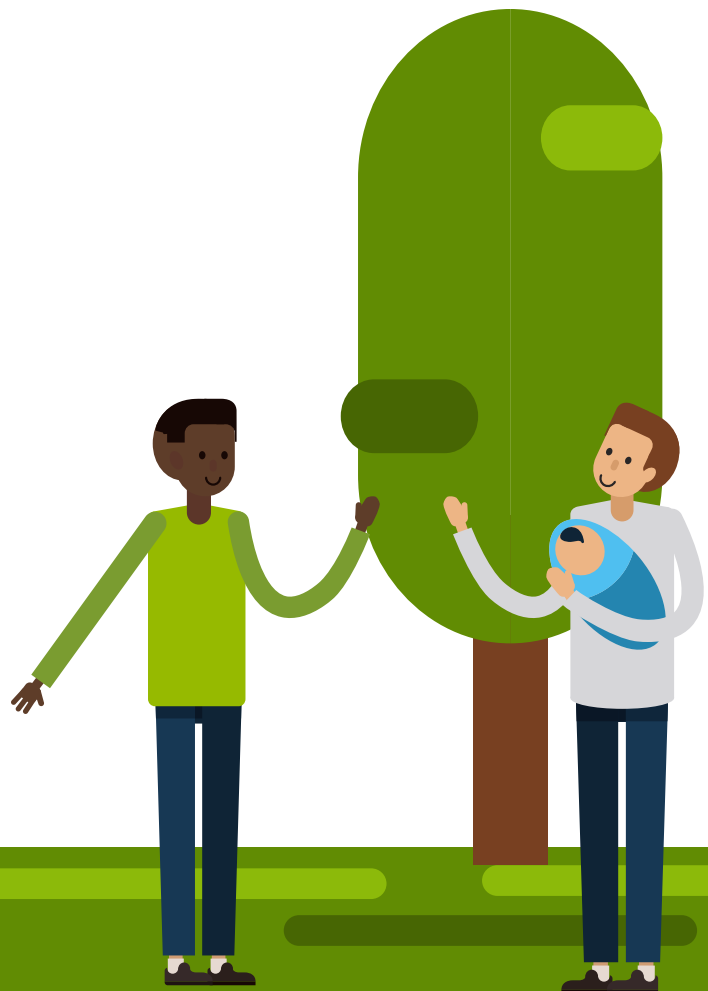
1. Read and comply with the governing documents of the community.
2. Maintain their property according to established standards.
3. Treat association leaders honestly and with respect.
4. Vote in community elections and on other issues.
5. Pay association assessments and charges on time.
6. Contact association leaders or managers, if necessary, to discuss financial obligations and alternative payment arrangements.
7. Request reconsideration of material decisions that personally affect them.
8. Provide current contact information to association leaders or managers to help ensure they receive information from the community.
9. Ensure that those who reside on their property (e.g., tenants, relatives and friends) adhere to all rules and regulations.

## Community leaders have the right to:

1. Expect owners and non-owner residents to meet their financial obligations to the community.
2. Expect residents to know and comply with the rules and regulations of the community and to stay informed by reading materials provided by the association.
3. Respectful and honest treatment from residents.
4. Conduct meetings in a positive and constructive atmosphere.
5. Receive support and constructive input from owners and non-owner residents.
6. Personal privacy at home and during leisure time in the community.
7. Take advantage of educational opportunities (e.g., publications, training workshops) that are directly related to their responsibilities and as approved by the association.

## Community leaders have the responsibility to:

1. Fulfill their fiduciary duties to the community and exercise discretion in a manner they reasonably believe to be in the best interests of the community.
2. Exercise sound business judgment and follow established management practices.
3. Balance the needs and obligations of the community as a whole with those of individual homeowners and residents.
4. Understand the association's governing documents, become educated with respect to applicable state and local laws and manage the community association accordingly.
5. Establish committees or use other methods to obtain input from owners and non-owner residents.
6. Conduct open, fair and well-publicized elections.
7. Welcome and educate new members of the community—owners and non-owner residents alike.
8. Encourage input from residents on issues affecting them personally and the community as a whole.
9. Encourage events that foster neighborliness and a sense of community.
10. Conduct business in a transparent manner when feasible and appropriate.
11. Allow homeowners access to appropriate community records when requested.
12. Collect all monies due from owners and non-owner residents.
13. Devise appropriate and reasonable arrangements, when needed and as feasible, to facilitate the ability of individual homeowners to meet their financial obligations to the community.
14. Provide a process residents can use to appeal decisions affecting their non-routine financial responsibilities or property rights—where permitted by law and the association's governing documents.
15. Initiate foreclosure proceedings only as a measure of last resort.
16. Make covenants, conditions and restrictions as understandable as possible, adding clarifying "lay" language or supplementary materials when drafting or revising the documents.
17. Provide complete and timely disclosure of personal and financial conflicts of interest related to the actions of community leaders, e.g., officers, the board and committees. (Community associations may want to develop a code of ethics.)





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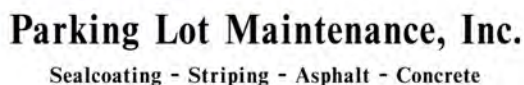
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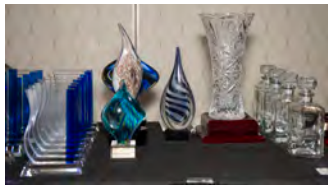




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COMMITTEE CHAIRPERSON OF THE YEAR	Steve Townsend, CMCA®, AMS®
	Shannon Lee
COMMITTEE OF THE YEAR	Golf Classic
BUSINESS PARTNER VOLUNTEER	Jason Crooke
BUSINESS PARTNER OF THE YEAR	Relay Electric, LLC
MEMBER OF THE YEAR	Kellie Dickerson, CMCA®
DISTINGUISHED SERVICE AWARD	Anita Loonam, CMCA®, AMS®, PCAM®
HALL OF FAME AWARD	Colletta Ellsworth-Wicker, CMCA®, AMS®, PCAM®
PRESIDENT'S AWARD	Jason Crooke
	Colletta Ellsworth-Wicker, CMCA®, AMS®, PCAM®
	Anita Loonam, CMCA®, AMS®, PCAM®

# upcoming events

**MARCH 13, 2020**

CA Day 2020 Welcome Reception  
*Virginia Beach, VA*

**MARCH 14, 2020**



presents:

CA Day 2020 Tradeshow &  
Education Expo

**Salute to Service**

***We Can Do Because of You***

*Virginia Beach, VA*

**MAY 14, 2020**

Summer Social  
*Virginia Beach, VA*

**JUNE 18, 2020**

Legal & Legislative Update & Expo  
*Newport News, VA*

**JULY 30-AUGUST 2, 2020**

Virginia Leadership Retreat  
*Hot Springs, VA*

**AUGUST 13, 2020**

PMDP Course  
M-100:  
The Essentials of Community  
Association Management  
*Virginia Beach, VA*

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## Mark Your Calendars!

*Local PMDP Classes*

**M-100: The Essentials of Community  
Association Management**

August 13-15, 2020 | Virginia Beach, VA

**M-206: Financial Management**

October 1-2, 2020 | Virginia Beach, VA

# SEVA-CAT'S classifieds

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## BANKING / LENDING INSTITUTIONS

### Alliance Association Bank

Robert A. Small, AMS®, PCAM®  
804-938-5175  
rsmall@allianceassociationbank.com  
www.westernalliancebancorporation.com

### BB&T Association Services

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tdobbins@bbandt.com  
www.bbt.com

## BANKING / LENDING INSTITUTIONS, cont.

### Mutual of Omaha Bank

Community Association Banking  
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## CONCRETE REPAIR

### Concrete Jack

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www.concretejack.com

## EXTERMINATORS/PEST CONTROL

### National Exterminating Co., Inc.

Phillip G. Burke  
757-599-3621  
757-435-7987  
pburke@nationalexterminating.com  
www.nationalexterminating.com

## INSURANCE

### Connie Phillips Insurance/Financial

Connie Phillips, CIRMS®, CIC®, LUTCF®, CSA®, EBP  
757-761-7757  
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www.insurance-financial.net

### Mayo Insurance Agency/Williamsburg Insurance Agency - Nationwide

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## LAKE & POND MAINTENANCE

### SOLitude Lake Management

Tracy Fleming  
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www.solitudelakemanagement.com

## LANDSCAPING

### BrightView Landscape Company

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## MANAGEMENT COMPANIES

### Abbitt Management, LLC

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### Chesapeake Bay Management, Inc., AAMC®

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### United Property Associates, AAMC®

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## POOL MAINTENANCE

### AAA Pool Services, Inc.

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## PRESSURE WASHING

### Always Clean Services

Doug Green  
757-340-3975  
alwayscleanservices@verizon.net  
www.alwayscleanservices.com

### McKown Pressure Wash, Painting and Contracting

Bob McKown  
757-224-0879  
bob@mckownpressurewash.com  
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## RESERVE STUDIES

### DLM Architects

David L. May, Jr., AIA  
757-510-1165  
dlmarchs@dlmarchs.com  
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### Miller + Dodson Associates

Peter B. Miller, RS®, EBP  
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May your travels always  
bring you home.  
We'll leave the light on for you.



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