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PRESIDENT'S perspective

Ask the Right Questions

Hello All,

The adventure continues and I learn something new every day. As I stated in my address and in the last article these stories are meant to show the valuable tool we have been given to help us to share with others. Our industry is made up of many different people with vast background in many areas. We cross over generations with the people we work with every day. Cam Marston gave a great presentation at National Conference on this very topic. If you have a chance, you should look him up at <https://generationalinsights.com/>.

This story is called "Ask the Right Questions". Working for Rosenbaum Fence back in the late 1990's, I was on the phone with a general contractor who wanted to review and negotiate a proposal I provided for a project at Wallops Island. His company was located in Delaware. The general contractor wanted to use my proposal and wanted me to reconsider my price. We discussed and review the scope of work, verified the grade of materials, wage scale, and delivery schedule for the project.

After spending about fifteen minutes on the phone to discuss this \$7,500.00 project, I finally asked the right question. "How much is my proposal over on the project?"

His answer stunned me. He said, "Your proposal is \$25.00 higher than my budget for the project." I am not making this up! We spent twenty minutes on the phone discussing a project over \$25.00!

I reclined the chair from my desk and informed him that if all it takes to close this deal is to simply reduce my price by \$25.00, I would revise the quote for him immediately and send it over for his signature.

I was astounded that I spent so much effort on something that was so easy to resolve. The lesson taught to me that day was to not over think things too much and maybe start with asking the right questions.

We all have developed a list of the right questions for our respective industries to help us all save time and perhaps a little frustration. Share those questions with your employees, coworkers and fellow industry partners.

I hope you find these stories entertaining and helpful. Think about your experiences and start working on your backpack. We all have something to share.....



Chuck Leavines, DCAV, CAGSD is SEVA-CAI's 2018 Board of Directors President and a long standing member of the SEVA-CAI CA Day Trade Show & Education Expo Committee. He is also President of Scotland Square HOA

in Hampton, current Board Member and Immediate Past President of Hampton Bay Days and Sales Manager with Gate Systems in Virginia Beach.

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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.

FALL 2018
November 15th

WINTER 2019
January 15th

SPRING 2019
April 15th

SUMMER 2019
July 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

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FROM THE executive DIRECTOR

We're Having What Kind of Meeting?

What's the difference in a board meeting and a special meeting, or an annual meeting and a town meeting? Confused? Here's some clarification.

Annual Meetings

Annual meetings—or annual membership meetings—are required by association governing documents, which specify when they're to be conducted and how and when members are to be notified about the meeting. This is the main meeting of the year when members receive the new budget, elect a board, hear committee reports and discuss items of common interest.

Special Meetings

Special meetings are limited to a particular topic. The board can call a special meeting at any time, and they must notify all members in advance. The notice will specify the topic so interested members can attend. Special meetings give the board an opportunity to explore sensitive or controversial matters—perhaps an assessment increase. Members do not participate in the meeting, unless asked directly by a board member, but they have a right to listen to the board discussion.

Town Meetings

Town meetings are informal gatherings intended to promote two-way communication; full member participation is essential to success. The board may want to present a controversial issue or explore an important question like amending the bylaws. The board may want to get a sense of members' priorities, garner support for a large project or clarify a misunderstood decision.

Board Meetings

Most of the business of the association is conducted at regular board meetings. Board members set policy, oversee the manager's work, review operations, resolve disputes, talk to residents and plan for the future. Often the health and harmony of an entire community is directly linked to how constructive these meetings are.

Executive Session

The governing documents require the association to notify you in advance of all meetings, and you're welcome—in fact, encouraged—to attend and listen. The only time you can't listen is when the board goes into executive session. Topics that the board can discuss in executive session are limited by law to a narrow range of sensitive topics. Executive sessions keep only the discussion private; no votes can be taken. The board must adjourn the executive session and resume the open session before voting on the issue. In this way, members may hear the outcome, but not the private details.



Parties

Occasionally the association notifies all residents of a meeting at which absolutely no business is to be conducted. Generally these meetings include food and music, and they tend to be the best attended meetings the association has. Oh, wait! That's a party, not a meeting. Well, it depends on your definition of meeting.

Minimizing Meeting Mayhem

For many people, meetings are a fact of life. Whether it's a board or member meeting at your association, a volunteer meeting at your child's school or a department meeting at work, being adept at participating effectively and managing meetings is a useful skill.

Sometimes one or two participants will dominate the discussion, steer it off topic and interrupt others, causing long, uncomfortable or unproductive meetings. Whether you're the meeting chair or a participant, there are techniques you can use to help engage others, limit intrusions and minimize distractions.

Table the discussion. If a conversation is getting particularly heated, the chair or a participant can move to table the discussion for a later date. This helps clear the air and allows for a calmer and more meaningful conversation at the next meeting. It also sends the signal that debates will be conducted rationally and with respect.

Take it offline. When a meeting attendee takes a topic off course, everyone's time is wasted. A good tool for the chair to use—or for another attendee to suggest—to get the meeting back on track is to invite the member to continue the discussion privately. Saying, "Let's take this offline so we can talk more," is an easy way to get back on the subject without alienating the sidetracked speaker.

Use the agenda. The agenda is a useful tool for keeping a meeting moving efficiently. When a chair begins a meeting by saying, "We have a full agenda today," he or she sets the stage for productivity. Periodically referring to the agenda during the course of the meeting keeps all attendees focused on the discussion. If the chair doesn't have an agenda, ask the group to pause a minute to create an informal agenda that simply lists the topics to be covered or goals to be accomplished.

Call on members. To engage more reticent members of the group, and to balance the impact of more vocal participants, it's helpful to call on members by name to ask for their opinions. "What do you think, Mary?" or "Do you have some input here, Steve?" ensures that all members are valued. And you don't have to be the chair to ask for others' opinions.



Rebecca Woodring
Rebecca Woodring, CAE

Chapter Executive Director
Southeastern Virginia Chapter Community Associations Institute



Welcome NEW MEMBERS!

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A person wearing a grey hoodie is looking down at a device. The background is a blurred office or server room with blue and teal digital overlays, including lines, dots, and binary code. The text 'THE KEY TO WIRE FRAUD PREVENTION' is prominently displayed in the center. Below the main title, there is a yellow bar and a black box containing the word 'PREVENTION'. Further down, there is a section titled 'OUT-OF-BAND AUTHENTICATION' with a hatched box and the text 'Submitted by Alliance Association Bank'. At the bottom, there is a bar chart and the word 'INNOVATION' in a stylized font.

THE KEY TO WIRE FRAUD

PREVENTION

OUT-OF-BAND AUTHENTICATION

Submitted by Alliance Association Bank

INNOVATION



Everyone should take cyber security seriously. That's why associations should consider utilizing out-of-band authentication, to help make hacking an account much harder for attackers.

Out-of-band authentication is a process where access to an account requires two signals from two different channels. Attackers would have to compromise two separate and unconnected authentication channels, rather than one. For instance, if you get an email from a vendor, you should call them using the number you previously had on file and confirm that they sent the email. This is especially true if they are giving you new account information. One example is asking you to send money to a different account than one you've used in the past.

Similarly, if you get an email from a co-worker that asks you to send money to a new vendor or changes the account information for an existing vendor, confirm it is real. Walk over to their workspace or call them on their extension to confirm. It's better to ask questions first than to authorize the payment and regret it. Anyone who is tasked with purchasing supplies or making payments to vendors could be at risk of receiving falsified payment instructions. These fraudsters are smart; it is important to stay vigilant and cautious to avoid sending money to someone who is attempting to trick you in order to receive funds through fraudulent methods. Here are three common scenarios in which someone may try to trick you into a fraudulent transaction:

SECURITY BREACH

Your system has been breached and someone's email account has been hacked. In this scenario, a hacker has gained access to your systems in order to hijack your email accounts. This means that they have an employee's login credentials and can communicate with you without the employee knowing. The hacker can also make it appear as if an actual employee is sending an email with instructions on how to distribute funds. Oftentimes, the attackers will monitor your communications, and use the information they gather to send a more convincing e-mail.

VENDOR DATA HACK

The vendor's system has been hacked. In this scenario, one of your vendors has been hacked, and the attacker sends you an email from the vendor's account asking for you to make a payment. As in the first scenario, the email will be from a legitimate account of someone you have communicated with in the past. The attacker will also likely monitor communications and jump in after legitimate emails have been sent back and forth, so that it looks like a continuation of a real conversation with the vendor.

EMAIL IMPOSTER

The vendor's email is spoofed or imitated and it looks legit. This scenario is different from the first two because no one has actually been "hacked." Instead, the attacker makes it appear as if they are one of your vendors. These attackers are smart, so the email will look similar to a real email from your vendor. They may copy the logo and the email address will likely be off by only one or two characters. An example is CEO@company_xyz.com vs. CEO@company-xyz.com.

What's the solution to each of these scary scenarios? Out-of-band authentication, of course. Examples of out-of-band communication channels include email, phone and mobile data connections used to transmit one-time passcodes. By leveraging one-time passcodes transmitted over an out-of-band channel, you can protect against unauthorized access and data breaches perpetrated through phishing, brute-force attacks, password guessing and database hacking.

Contact your association banker to learn more about how protecting your accounts using out-of-band authentication.

Career In Motion

How to Get Things Moving in the Right Direction

If you want to get your career moving in the right direction, ask yourself this question: "What do I love about my work?" Your answer to this question can point you in the right direction to getting your career on the desired track. Whether you are looking for that big promotion, ready to leave for a new position, or wanting to start your own company, starting with what you love to do is always the right step. Your passion for your work will naturally shine through and others will take notice.

Getting your career moving will require a little more inner dialogue. You have to know who you are and be clear about where you want to go. Once you have the end in sight, start working backwards to create a strategic map that will help you achieve your dream job. Don't lose sight of your map in your day to day work. Ensure that every week you are doing something to get you a little closer to your next step. It could be as simple as attending a networking event or as complex as a college course, never stop moving in the right direction.

learn is building your resume for the next step. Moving your career ahead may also mean it is time to take some calculated risks. A project that is a little out of your comfort zone can be the time for you and your personal brand to shine.

Successful people are never too busy to listen. Use your networking skills, ask your human resources department or use social media to find a person you admire, a mentor, someone who has reached that next step and beyond. Don't be afraid to ask for a little advice or guidance. A few cups of coffee with an effective mentor may teach you more than hours sitting in a classroom. Most people are happy to share their success stories and help others learn from their mistakes, they are just waiting to be asked.

When you are truly ready to start moving your career forward, take charge and make it happen, you are the only one who can.



Join us at Catch 31 on November 1, 2018 from 4:00 PM - 6:00 PM for our Party with the Pros and Annual Meeting! Enjoy happy hour while networking with your colleagues at this free event!

REGISTER ONLINE AT SEVACAI.ORG/EVENTS

Create your own personal brand. Ensure each project, each meeting, each sales call you take on has your "signature" all over it. Focus on the answer to the questions above, do what you love and do it amazingly well. Your supervisor, coworkers and clients should be able to recognize your work in an instant. Your personal brand should be reflected in everything you do, say and most importantly post not just in the office but outside of it too. If you want your boss to see you as loyal, strategic and willing to go the extra mile your behavior, attitude and actions must reflect those key words.

Now is the absolute best time to seize the opportunity a little extra work provides. Think of those extra hours as an investment in your future. Take on projects that relate to and expand on the work you love. Each new skill you



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the board president

Community associations are legally formed as corporations, but on a practical level they're also communities of residents and neighbors. This means the president is responsible for maintaining the value of the corporate asset as well as enhancing – or at least maintaining – the lifestyle of the residents. It's a tall order.

The president must be familiar with the association's governing documents and promote compliance in all regards. He or she gets the authority to do this from state laws – either from the Condominium Act, Uniform Condominium Act, or Common Interest Ownership Act – depending on the type of association represented. One of the president's important roles is board leader. He or she officially speaks for the board and the association. The president also works closely with board members to establish goals for the association and ensures the community operates successfully. Thus, it is in the president's best interest to maintain volunteers' participation in association affairs. This includes developing volunteers' skills as team members, enhancing their knowledge of business and identifying and training new association leaders. As board leader, the president also presides over all meetings (board, special and annual meeting and executive sessions), and it's his responsibility to ensure meetings are productive.

The president is the liaison between the manager and the association. The manager's performance contributes significantly to the association's success. Therefore, it's very important for the president to understand the full scope of the manager's responsibilities. Close and frequent contact between the board and the community manager via the president promotes success and helps fulfill the contractual agreement, which lets the association run more efficiently.

Leadership and management are the two qualities that muse underlie everything the president does. Sometimes these obligations require that the president set aside other roles, such as neighbor or friend, to accomplish goals.

In addition, as an elected representative of the association, the president must operate on democratic principles. The president who takes action without board input or who doesn't reveal his or her true agenda does not create a sense of community or meet residents' expectations.

Community association presidents often learn on the job. Training can begin with committee service of board membership before an individual steps into the top position. Also, many educational and networking opportunities exist for association volunteers to increase their understanding and knowledge of community association operations and their ability to manage and govern effectively.

A good community association president will make sure that he or she actively listens to everyone, exhibits confidence, takes charge as the leader of the community and the board and brings about positive change while making sure to confront unpleasant issues.

The position of president isn't for everyone, but fortunately every president has a board for support. As long as members recognize the importance of the community that unites them, the role of president can be very satisfying.



For more information,
check out this GAP Report from
CAI Press: *The Board President*
www.caionline.org/shop.

how to fix efflorescence on brick walls

Submitted by: PPG Paints



Brick buildings may be susceptible to a phenomenon called efflorescence, where salt-like deposits form on brick over time. If left to its own devices, this process ultimately can destroy brick buildings. To solve this issue, you can lightly pressure wash efflorescence on brick with approved commercial cleaning solutions.

Property Values and Efflorescence

In addition to the practical values that homes and other structures have, they also have financial values. The appraisal values of buildings partially depend on the condition of their constituent parts. If any individual components of a brick building suffer damage, the rest of the structure and its overall values can suffer too. Efflorescence presents a real physical danger to

brick-based structures, and it can also create visually unappealing deposits. This, in turn, can lower the value of buildings, and can even discourage potential tenants from pursuing rentals. These and other factors make it vitally important for property owners and managers to take care of efflorescence on brick issues promptly.

Efflorescence: There is More to it Than Meets the Eye

Brick structures often include mortar and similar products in their construction. These binders and the brick itself may contain calcium carbonate and other materials that are vulnerable to water. In addition, brick and similar materials are often slightly water-permeable, and moisture will often readily seep into these

ef·flo·res·cence (noun)

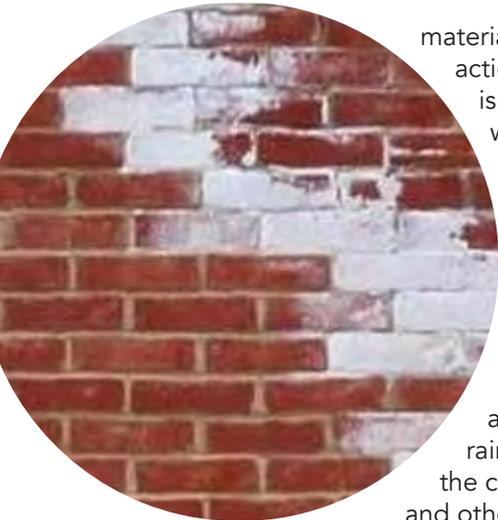
1a : the action or process of developing and unfolding as if coming into flower

b : an instance of such development

c : fullness of manifestation : culmination

2 : the period or state of flowering

3 : the process or product of efflorescing chemically



materials through capillary action. Capillary action is a natural process by which liquids spread steadily through water-permeable materials.

When rainwater encounters these binding materials, acids and salts that are dissolved in the rainwater can liquefy the calcium carbonate and other materials found in brick and mortar. Through gravity

and capillary action, these dissolved minerals can then penetrate through brick materials. When the water within this mineral-rich solution evaporates, it leaves behind salt deposits called efflorescence.

Efflorescence on walls can form both inside and on the surfaces of brick walls. If the salts associated with this problem accumulate in high enough levels they can then attract water molecules that can eventually rupture even the toughest brick structures.

Keep Your Brick-Built Property Efflorescence-Free

In situations where efflorescence is already present on brick structures, a number of effective remedies exist. Lightly pressure washing efflorescence on brick with approved commercial cleaning solutions is a common repair method. If homeowners have no access to pressure washers, stiff brushes and efflorescent-cleaning products often work well.

Once every trace of efflorescence is removed from the surface, the brick can be repainted. They should ensure that the original source of moisture is removed if it is ground-based.

While efflorescence is hazardous to the health of brick structures, it is also preventable. Builders who are constructing brick structures can begin the protective process by keeping their materials dry during wall-building. Structures that builders have recently completed can be externally protected by hydrophobic, water-repellant sealants that penetrate deep within the porous structures of bricks and protect them from the inside out.

Efflorescence is indeed a potential hazard to brick and masonry-based buildings. The good news is, property owners and managers who take simple precautions and use the appropriate cleaning, remediation, and protective products can keep efflorescence on walls at bay, and their properties healthy.



In French,
efflorescence
means
“to flower out”



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what type of insurance do you need when hosting events for your association?

Submitted by **Connie E. Phillips, CIC, LUTCF, CSA, EBP, CIRMS®**, *Connie Phillips Insurance/Financial*



When hosting social events, an association should always make sure to protect themselves from additional liabilities. One of the first steps in protecting the association would always be to understand and realize what specific insurance coverages are needed to provide that protection. You should contact your current insurance provider and make them aware of the event details and ask specifically about any extra coverages that are needed.



For instance, if you want to serve alcohol at an event, most policies will include "Host Liquor Liability". There is a fine line between being the "host" and "serving or distributing the alcohol". If you "serve" the alcohol, you may need to purchase an "event" policy that includes liquor liability for the one day/night event. You can also request your agent to add liquor liability to your current association policy, but most carriers may not offer this.

Obtain confirmation of these coverages from your current agent. If they provide you with a Certificate of Insurance (COI) from your policy, be sure to request specific coverage be stated on the COI. i.e. "Liquor Liability is included in the above liability policy." The date of the event and description should also be stated on the COI.



Should the association not carry Workers Compensation Insurance, you may want to consider this additional coverage. This is separate from the basic General Liability policy you already carry. This would cover any person working on behalf of the event, whether it be association members, volunteers or the professionals you decide to hire.



The best way to transfer the liability risk of alcohol, live entertainment or an exercise instructor is to hire a professional that carries their own business insurance and request a Certificate of Insurance (COI) naming the association and property manager as an additional insured. These certificates should include the necessary coverages of:

- General Liability Insurance
- Professional Liability Insurance
- Liquor Liability Insurance
- Workers Compensation

Insurance policies are complicated to understand, so make sure you talk to your agent about what is and is not covered. Start looking into this prior to the event to investigate all different situations that would best fit your needs.

It's very important that you work with an insurance agency that understands the association's master insurance policy and governing documents to ensure that adequate protections are purchased.



FORECLOSURES BY COMMUNITY ASSOCIATIONS *to Collect Delinquent Assessments Policy*

Community Associations Institute (CAI) endorses legislation that provides a fair and equitable foreclosure process that protects homeowners, property values, and the financial health of community associations by ensuring foreclosures by community associations are completed in a timely and reasonable manner.

CAI supports the right of community associations to both judicially and non-judicially foreclose units and lots for the purpose of collecting delinquent assessments and minimizing future delinquent assessments.

CAI supports and advocates for a fair and equitable foreclosure process by community associations that: (1) provides timely notice to owners and gives owners a reasonable opportunity to cure any default prior to foreclosure, (2) allows a reasonable amount of time for owners to cure a default as the foreclosure proceeds, (3) promotes reasonable expenses and costs of the foreclosure process, and (4) provides notice to all other lien holders of record (or required by law) so that lien holders have the right to either exercise their right to foreclose or participate in the process.

To ensure legal and timely foreclosure, governmental housing finance regulations should preserve lien priority for association assessments to protect the financial stability of both homeowners and associations. Mortgage servicing standards specific to housing in a community association must be improved so that a property in foreclosure by the community association is continually maintained by the owner of record or the mortgage holder/servicer, with association assessments being paid in a timely manner as well.

Lenders that acquire property by foreclosure must preserve, protect, maintain, and insure such properties according to all applicable association requirements at all times, including during any period of abandonment or vacancy. Lenders



should also provide the association with a single point of contact to facilitate prompt response and curative action for all violations of the community association's covenants and rules and regulations, including deed restrictions pertaining to use the lot or unit.

CAI endorses legislation that provides community associations with an assessment lien priority as defined in the Uniform Common Interest Ownership Act.

BACKGROUND

Countless Americans lose their homes when lending institutions are unable to collect mortgage payments. The decision of a community association to foreclose on a homeowner must be considered critically. CAI supports the use of foreclosure after other reasonable attempts have been made to compel owners to fulfill their obligations to the association.

Unlike mortgage lenders most community associations are not able to reject purchasers based on credit worthiness. They must accept purchasers that may become debtors notwithstanding the ability to pay. This, along with other factors, may lead to situations where units and lots are sold to people who either cannot or choose not to pay assessments.

Associations need the discretion to determine the most effective collection technique for a particular delinquency, which may include payment plans, lawsuits, foreclosures, or other lawful collection methods. Notwithstanding various methods of collection, judicial and non-judicial foreclosures are necessary and cost-effective methods of collecting assessments.

Importantly, due to debtor rights laws in some states foreclosures may be the only available tool to effectively recover delinquent assessments. This is particularly applicable to abandoned homes and homes occupied by owners who intend to stay as long as possible without paying any assessments. In addition, this is exacerbated when a lender fails for a protracted period of time to foreclose a mortgage in default and there is insufficient equity to satisfy the association's lien.

For these reasons, CAI supports the right of community associations to initiate foreclosure proceedings to collect delinquent assessments so long as those proceedings provide fair and equitable notices, procedures and opportunities for the owner to cure and for other lien holders to exercise their right or participate in the foreclosure process to the extent the law provides.

CAI endorses legislation that provides community associations with an assessment lien priority as defined in the Uniform Common Interest Ownership Act.

The failure to pay assessments in community associations leads to a particularly unfair result because the expenses of the association must be paid regardless of the delinquency. This effectively means that other owners in the community pay the delinquent owner's share of the expenses while the delinquent owner (and that owner's lender) continues to benefit from the maintenance of values realized as a result of those expenses. Moreover, numerous delinquencies may materially impact the financial condition of the community association and result in a reduction in the value of all homes in the community. In short, delinquencies must be addressed to minimize this unfairness and the potentially cumulative negative effects from nonpaying owners.

The Property Owners' Association Act (Va. Code Ann. § § 55-508 through 55-516.2) governs HOA activities in Virginia, while the Condominium Act (Va. Code Ann. § § 55-79.39 through 55-79.103) applies to all condominiums created after July 1, 1974 (and supersedes the state's older Horizontal Property Act). The two sets of laws are very similar when it comes to assessments liens, with a few minor differences. Association Boards and Managers should employ their professional association attorney to ensure foreclosure proceedings are conducted correctly.



WHEN YOUR BOARDS

PLAY POLITICS



By **Meigan Montoya**, Content Marketer, *TOPS Software*



I like to think that I'm a very politically aware individual. I follow causes important to me, I make donations to efforts I believe in when I can, and I write in to my representatives around once a month. Like many on all sides of the conversation, I have a lot of support to give or rebuke. And I bet you do, too!

Not so fast. It's great to want to show support to your favorite representative or candidate. And you can absolutely do that...but if you're a board member, you want to tread lightly in how and when you show that support.

Can your Community Association get involved in local politics? Why Is This Even an Issue?

Well, because politics are messy. Candidates want access to Community Associations because communities contain large numbers of their constituency. So of course, politicians want the endorsement of a community.

And in an ideal world, this wouldn't be an issue, because all elected officials would have only the best of intentions for the country, and there would be no greed or dishonesty. I bet there would even be unicorns! But, an ideal world we do not live in, so we must be careful about how we represent ourselves when showing support.

Careful How? Careful like if you're going to go out to drinking with friends, and think you might get a little bit sloppy, you make sure you aren't wearing your company logo! Mostly, you just want to be aware of who you're representing with your support--and I don't mean which candidate.

When you make a decision to offer a candidate support as a member of the Board of Everytown Homeowners/Condo Association, you're speaking on behalf of the community. Let's say there's a candidate who says they can cure cancer and end world hunger, but they're also on the Board of Directors for National Puppy Kickers, Inc. and actively support the Foundation for Stealing Candy from Toddlers. I'm sure there are some who would support this (intentionally ridiculous) fictitious person, but just like real politics, there are just as many who would oppose them. And neither side should feel like their support is being given without their permission.

So here's a couple of things you can't do (and ways you can get around them!):

A Board Member cannot make a donation to a candidate with community funds.

But you can! You, Jane or John Doe of Anywheresville, USA, can make a contribution of your own personal money to any candidate that you deem worthy.

A Community cannot post candidacy signage in common areas.



But you can! You can post all the signage you want on all of your privately-owned property. Your personal car, your own home, even your weirdly patriotic pet armadillo can show off how much you believe in your chosen candidate (obviously while adhering to your community regulations...and probably animal ownership and care laws, too).

Is There Anything a Community CAN Do?

Of course! As I said, candidates love Community Associations because they're large pockets of their constituency. And because candidates track the activities of their competition, it isn't uncommon for multiple candidates to vie for your attention! At the end of the day, communities (and their members) hold a lot of power, and there are a few ways you can utilize it:

Friendraiser, anyone?

A friendraiser is the fund-less counterpart to a fundraiser. Where a fundraiser's goal is to raise funds (a big no-no when the donor is a community), a friendraiser's goal is to, well, make friends! It's a chance for candidates to meet with a large group of their potential constituents and hopefully walk away with a new list of potential supporters.

Candidate forum

A candidate forum is a great way for a candidate to hold an open and honest discussion about their platform with voters. Think of it as a real life AMA (Ask Me Anything), where a candidate can address issues tied to the community, including toll roads, estoppels or other pending laws, micromanagement of board members, community access, and more.

You can also get involved with a CAI Legislative Action Committee (LAC)! LACs are volunteer-based committees founded through CAI and are dedicated to allowing a state's constituency to fight for the industry's best interests. Per CAI, "LACs exist to represent the interests of and provide regular communications to, CAI members and chapters located within their boundaries with respect to state legislative, regulatory and amicus curiae activities of relevance to the creation and operation of community associations."

<https://www.caionline.org/Advocacy/LAC/Pages/default.aspx>

Getting involved in the political sphere is great! Just be sure you're careful about what that involvement entails.



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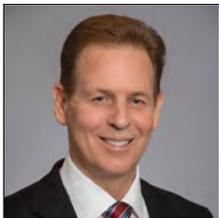
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Political Signs & Community Associations in Virginia

By Michael A. Inman, Esq., CCAL® of Inman & Strickler, P.L.C.

In the midst of this electoral season, perhaps it is especially timely to discuss sign regulation in communities, particularly as it relates to political signs. You may be getting questions or comments about sign regulation in your communities, so we thought it would be a good idea to let you know what goes, and what does not, in community associations with regard to political signs. There are those that will assume

that there is no way that community associations can regulate political signs because it violates their right of free speech under the First Amendment to the Constitution. For reasons we will explain, this is not entirely correct in the community association context.



Of course it is common to have sign regulation in community associations, particularly with respect to "For Sale" signs. Is there a distinction to be made between "For Sale" signs and political signs? Political signs seem to have more to do with free speech than for sale signs. In fact, when analyzing government regulation of speech, courts often distinguish between "commercial speech" and other types of speech, and find that commercial speech is not entitled to the same level of protection as other types of speech. But does that matter in a community association?

Basic Principles Apply

Although municipalities are constrained by the First Amendment in regulating political signs, there is really no restraint imposed on community associations which are created by the recordation of restrictive covenants.

These covenants are in the nature of a contract between the owners of lots or units, and buyers in the association are deemed to have agreed to the contractual provisions upon their purchase.

Court Decisions in Other States

In Kansas the legislature passed a bill which makes it illegal for neighborhoods to adopt restrictive covenants prohibiting political yard signs. David Hudson, a First Amendment scholar at Vanderbilt University, has done research to cast doubt on the legitimacy of such laws. He states: *"The First Amendment generally protects people only from government interference with speech."* Mr. Hudson cited a Pennsylvania court ruling which stated that an association did not violate the First Amendment by removing political signs in accordance with the association's declaration prohibiting the posting of signs at the individual units. The judge included the following statement in the ruling:

"The courts of the Commonwealth have vigorously defended the rights which are guaranteed to our citizens by both the Federal and our Commonwealth's constitutions. One of the fundamental precepts which we recognize, however, is the individual freedom to contractually restrict, or even give up those rights. The homeowners challenging the sign prohibition contractually agreed by the provisions in the Declaration at the time of purchase, thereby relinquishing their freedom of speech concerns regarding placing signs on their property."

Another significant case was decided in New Jersey. In a ruling that could have implications beyond New Jersey, in 2007 the N.J. Supreme Court upheld the right of homeowners' associations to restrict the posting of political signs and other forms of constitutionally protected speech, as long as the restrictions are not *"unreasonable or oppressive."*



In a unanimous decision, the Court ruled:

"We conclude that in balancing plaintiffs' expressional rights against the association's private property rights, the association's policies do not violate the free-speech and right-of-assembly clauses of the New Jersey Constitution."



Virginia Code Section on Political Signs in Municipalities Not Applicable

Thus, there is a critical distinction between state law or municipal ordinance and association covenants.

The Virginia Attorney General has recognized this distinction in a 2004 Opinion interpreting Virginia Code § 15.2-109, which restricts the ability of a "locality" to prohibit the display of political campaign signs on private property. The Attorney General was asked whether the restriction of this statute also applied to private homeowners' associations. The Attorney General stated that a locality meant "a county, city, or town as the context may require" and concluded:

"Accordingly, it is my opinion that the restriction imposed by § 15.2-109 on a locality's authority to regulate the display of political campaign signs on private property does not apply to private homeowners' associations."

Virginia Bill Unsuccessful

In 2007, the Virginia General Assembly considered a bill which would have prevented community associations from regulating political signs. With opposition from CAI Virginia Legislative Action Committee, the bill was withdrawn by the sponsor.

So What's the Best Way to Deal With the Issue?

It is clear then that under current law are not dealing with Constitutional issues in the association context, but we are dealing with covenants and rules. Under Virginia law, recorded covenants need not be reasonable. Because they are recorded in public land records, any person purchasing has constructive notice of their existence and is required to abide by those covenants. If the covenants prohibit political signs, then they are prohibited and the board has no power to permit them, although such prohibitions are rare.

On the other hand Rules promulgated by a board of directors must be reasonable. Consequently, if an association's board is empowered to enact rules that govern the conduct of the homeowners on the common areas and their lots, those rules must be reasonable.

If there is no prohibition on signs in the covenants, the board is authorized to make rules, and if the board believes that rules on political signs are appropriate, then the rules should be ones of *reasonable regulation*, rather than *prohibition*. Consequently, we advise in such a case that association rules should allow for the posting of signs on a lot or unit of a reasonable size for a reasonable time before the vote is taken, expressing the views of the individual homeowner which are not unduly offensive. In other words, if it has authority to make rules, the board may regulate the time, place, and manner of the signage as long as it is reasonable. The judgment as to the parameters of this freedom of expression is left to the Board of Directors of each association.

In conclusion, recognition should be given to the First Amendment rights to freedom of expression where there is not a prohibition in any covenants. If you are in need of a rule in this regard or wish for us to review a proposed rule we are pleased to do so. In the meantime, we urge you all to register to vote, exercise your vote and let your preferences be known in order to fully participate in the electoral process.





Attorney General Opinion on Political Signs

OP. NO. 04-060

COUNTIES, CITIES AND TOWNS: GENERAL PROVISIONS.



Restriction on locality's authority to regulate display of political campaign signs on private property does not apply to private homeowners' associations.



The Honorable H. Russell Potts, Jr.
Member, Senate of Virginia
September 30, 2004

ISSUE PRESENTED

You ask whether the restriction imposed by § 15.2-109, regarding a locality's ability to regulate the display of political signs on private property, also applies to private homeowners' associations.



RESPONSE

It is my opinion that the restriction imposed by § 15.2-109 on a locality's authority to regulate the display of political campaign signs on private property does not apply to private homeowners' associations.



BACKGROUND

You relate that there is confusion regarding the applicability of § 15.2-109, not only to localities but also potentially to private homeowners' associations that regulate or may seek to regulate the display of signs within their respective boundaries. There is concern that § 15.2-109 may supersede the authority of homeowners' associations to regulate the conduct of their members by covenant, resolution, or guidelines, specifically relating to the display of signs on property within the associations' boundaries and subject to the contractual authority of the association.



APPLICABLE LAW AND DISCUSSION

The 2004 Session of the General Assembly enacted § 15.2-109,¹ which prohibits local regulation of political campaign signs displayed on personal property:



No locality shall have the authority to prohibit the display of political campaign signs on private property if the signs are in compliance with zoning and right-of-way restrictions applicable to temporary nonpolitical signs, if the signs have been posted with the permission of the owner. The provisions of this section shall supersede the provisions of any local ordinance or regulation in conflict with this section. This section shall have no effect upon the regulations of the Virginia Department of Transportation.



Section 15.2-102 provides that, as used in Title 15.2 "unless such construction would be inconsistent with the context or manifest intent of the statute," the term "locality" or "local government" "shall be construed to mean a county, city, or town as the context may require." The General Assembly did not include homeowners' associations in this definition.² Section 15.2-109, therefore, does not pertain to a homeowners' association or its ability to enter into covenants or to adopt resolutions or other guidelines. Because § 15.2-109 does not pertain to homeowners' associations, it would have no effect on their ability to regulate the conduct of their members by covenant, resolution, or guidelines, with respect to the display of signs on property subject to an association's contractual authority.



CONCLUSION

Accordingly, it is my opinion that the restriction imposed by § 15.2-109 on a locality's authority to regulate the display of political campaign signs on private property does not apply to private homeowners' associations.



¹ 2004 Va. Acts ch. 388.

² Under accepted rules of statutory construction, the mention of one thing in a statute implies the exclusion of another. See *Grigg v. Commonwealth*, 224 Va. 356, 364, 297 S.E.2d 799, 803 (1982) ("Expressio unius est exclusio alterius."); *Op. Va. Att'y Gen.*: 2002 at 34, 36; 1997 at 35, 35; 1994 at 9, 11.



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TOPIC: *Political Signage*

Q: Hey all! We have signage rules in our docs that only allow sale and lease signs, of a certain size, color combo etc. We have owners now putting up political support signs, and refusing to take them down. Short of fines, this is a touchy subject. What alternatives have any of you used in past election years to curb political signage? ~ Jeff

Answers from CAI Members:

We've had that occur. Our signage rules prohibit any signage. We have a written policy for fining. First is a written warning without fine. Subsequent notices have fines on a graduated scale. Meaning a second notice gets a minimum fine with third notices at a higher rate and additional notices at higher, fixed amount for future notices. It's severe but we rarely have violations past the first warning notice. If someone has issue or wants to protest the fines, goes to the Board for review/decision. We're consistent with the process because we have a lot of residents. After the first maybe year of the policy, the issues stopped.

Linda Lively
359 Post Oak Lane Own Association
Houston TX

Jeff, it's probably best to check with the association's attorney on this question. Your current rule may be unenforceable, but the attorney could advise the board on that question. The next part of the process is: does the community want the rule changed to allow political signage? In my former community, political signage was allowed up to sixty days prior to an election, but needed to come down within three days after the election.

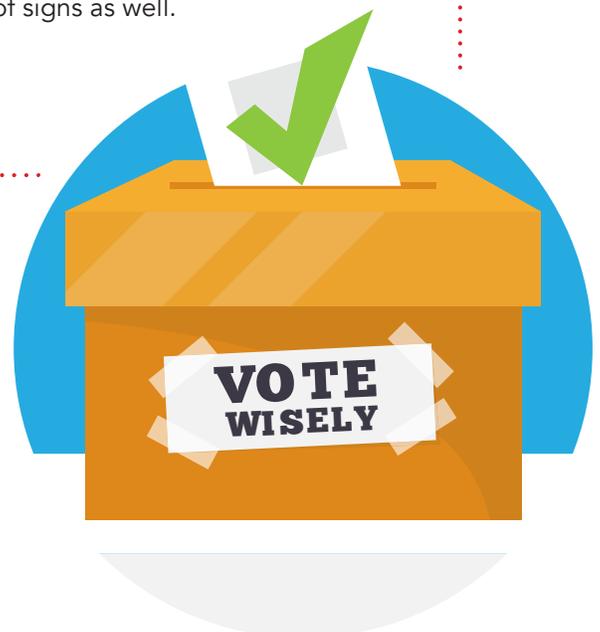
J. Patrick Moore, CMCA®
Administrative Manager
Claremont Civic Association
Portland, Oregon

I suggest checking the laws in your state regarding political signs. I posted two links from Supreme Court rulings regarding political signs. You may want to consider adopting a policy that allows the placement for a certain time period prior to an election and that also states how long after an election the sign will be allowed. You could also state a limit on the number of signs as well.

Tally Jenkins CMCA®, AMS®, PCAM®
Canyon Gate at Northpointe
Tomball TX

Since a court case in 2012, In New Jersey, HOAs can not enact a blanket ban on political signs. Here is how it has been interpreted: This case clarifies that HOAs cannot impose blanket restrictions on a unit owner's right to post a political sign on his or her own property. However, they can still enact reasonable time, place and manner restrictions, such as limiting the number or location of the signs.

Paul Raetsch
Horizons At Woods Landing
Mays Landing NJ



CAI Members Open Forum on Exchange

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My recommendation to my Association clients is to permit political signs, but enact reasonable time, place and manner regulations, e.g., they have to be no larger than certain dimensions, they can only be up for 30 days prior to the election or vote in question, they must be removed within 3 days of the election or vote in question, they cannot be profane, etc. Check with your Association counsel for specific guidance, but that has always been my position on the issue. Current Florida law doesn't recognize a First Amendment right in this context, but that could change and why invite unnecessary hostility and possibly a legal challenge when you can adequately regulate via reasonable time, place and manner restrictions?

James A. Gustino - Attorney/Owner
James A. Gustino, P.A.
Winter Garden, Florida

The HOA Board is supposed to be focused on the value of the community. Therefore any rules about signage (that are allowed by local and state law) should be made with that in mind! We restrict it to one per candidate and only in the front mulch bed and only for a certain period. that gives the owners a level of freedom of speech without negatively impacting on the value of the community. Showing a level of political interest should not be considered negative.

Stanley Levine
Carolina Preserve by Del Webb at Amberly
Cary NC



I think we need to see the trees for the forest. Political speech on signs e.g. "Jones for Mosquito District" is given much higher protection than commercial speech, like "For sale." I doubt any state has the power to limit political speech on private property. Common elements of condos mean that all signs can be regulated, as the owner jointly owns the property administered by the association. In an HOA with privately owned lots, it's more problematic. How about some common sense? People are fiercely partisan today more than 50 years ago. The enforcement mechanism is cumbersome and here in FL, I'd hate to try and lien and foreclose for a fine levied for a political sign. I suggest that the Board work with counsel and the people involved to see if some accommodation can be reached. Bob Tankel

Robert Tankel
Tankel Law Group
Dunedin FL

We incorporated into our Rules and Regulations verbiage regarding For sale/rent signs, security deals, medical alert decals, and political signs. Our political signs have to be approved by our Architectural Control Committee, professionally prepared, only 2 signs and they can not exceed 2' x 2' in size. Signs outside unit cannot exceed 3 feet in total height, including the sign and must be within 10 feet of the front of the unit and placed in shrubbery bed adjacent to the unit. Cannot be displayed earlier than 30 days prior to election and removed 3 days after election date. Signs cannot be posted on structures, fences, poles or any other natural object, i.e., tree. We cleared everything with our Association attorney.

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	Elaine G. Luria	D		Anthony J. Flaccavento	D
District 3	Robert C. "Bobby" Scott	D	District 10	Barbara J. Comstock	R
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District 4	Ryan A. McAdams	R	District 11	Jeff A. Dove Jr.	R
	A. Donald McEachin	D		Gerald Edward Connolly	D
District 5	Peter J. "Pete" Wells	L	Stevan M. Porter	L	
	Denver L. Riggleman, III	R			
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Here are four easy things you can do to support Make a Difference Day this year:



Donate and help recent victims of hurricanes

Following any hurricane, communities are on a difficult journey to recovery. Whether you're able to donate \$5 or \$5,000, every donation counts. Donations go directly to those who need it most. Donate now to the organization of your choice!

Give your time to a meaningful cause

A little time can go a long way in helping those in need. If you prefer to volunteer with children, adults, the elderly, animals, or behind the scenes in a soup kitchen, you can find the right volunteer work for you. Start with an internet search around volunteering opportunities near you. Filter your search based on your interest level, availability and anything else that matters as you choose the opportunity you want to move forward with. Once you've found your cause and coordinated your time, you can simply show up and start making a difference.

Give a blood donation

According to the Red Cross, approximately every two seconds someone in the US needs blood. Donating blood can be a fast, easy, and cost-free way to give back. If you're one of the 37% of Americans eligible to donate, your blood can truly make a

day

difference in saving someone's life. Sometimes people need specific platelets that only some donors have, so your blood could be amongst the only blood that could save that person. You could be someone's superhero! Consider holding a blood drive in your community.

Bring a box of gently used toys and/or clothes to a local shelter or children's hospital

By searching for items to donate, you can reduce clutter while contributing to the greater good. You may just find you feel great doing so – organizing and reduction of clutter are proven to have positive psychological effects. It's a win-win for all.

We hope you find this list useful and that you can join in giving back this Make a Difference Day. Even if you can't this year, you can always keep these suggestions in mind for future volunteering.



Millions of people have united in the common mission to improve the lives of others.

USA Weekend is a national weekend newspaper magazine which is distributed through more than 800 newspapers in the United States and published by Gannett Company as a sister publication to USA Today. USA Weekend's focus is on social issues, entertainment, health, food and travel. USA Weekend, along with Points of Light, have been sponsoring National Make a Difference Day, the largest national day of community service, for more than twenty years.

HOW TO OBSERVE

Do what you can to make a difference and use #MakeADifferenceDay to post on social media.

If you are looking for ways to continue to organize community volunteer projects, please go to the All For Good website (<https://www.allforgood.org/>) where you can discover new ways to make a difference.

HISTORY

National Make a Difference Day was created in 1992 by USA WEEKEND magazine and joined by Points of Light. Together they have sponsored the largest national day of community service for more than twenty years.



upcoming events:

NOVEMBER

1-2:

M-204 PMDP Course
Community Governance
Virginia Beach, VA

1:

Party with the Pros
at the Annual Meeting
Virginia Beach, VA

DECEMBER

7:

2018 Holiday Luncheon
& Annual Awards Ceremony
Virginia Beach, VA

JANUARY

23-26:

CAI Law Seminar
New Orleans, LA

FEBRUARY

7:

2019 Kick Off Party
Hampton, VA

MARCH

9:



presents:

CA Day 2019
Trade Show & Education Expo
Virginia Beach, VA

Visit us online at
www.sevacai.org
for more information
on upcoming events.



M-204

community governance

November 1-2, 2018
Hilton Virginia Beach Oceanfront
Virginia Beach, VA

Sinners & Saints

A SEVA-CAI PARTY WITH THE PROS
November 1, 2018 | Hilton Virginia Beach Oceanfront

Holiday LUNCHEON

2018

December 7, 2018
The Westin Town Center

The graphic features a light blue background with falling snow. At the bottom, there are green pine branches and several silver and white Christmas ornaments.

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