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Don't Be Dazed and Confused:

*Legalization of Marijuana and
Possible Impact on Virginia
Community Associations*

IN THIS issue:

features

- 10** Mold Hazards
- 14** Public Relations and Community Associations: Legal Strategies and Tips
- 18** Inheriting Old Violations
- 20** Don't Be Dazed & Confused: Legalization of Marijuana and Potential Impact on Virginia Community Associations
- 24** Worst Algae Catastrophies
- 28** 2021 Legislative Changes that Impact Community Associations

community trends

- 4** How to Crush the M-100 Exam
- 7** CAI Education for Business Partners
- 32** Talk the Talk
- 35** A VLR Success Story
- 36** The Road to PCAM®

references

- 3** Board Members & Committee Chairs
- 37** SEVA-CAI Classifieds

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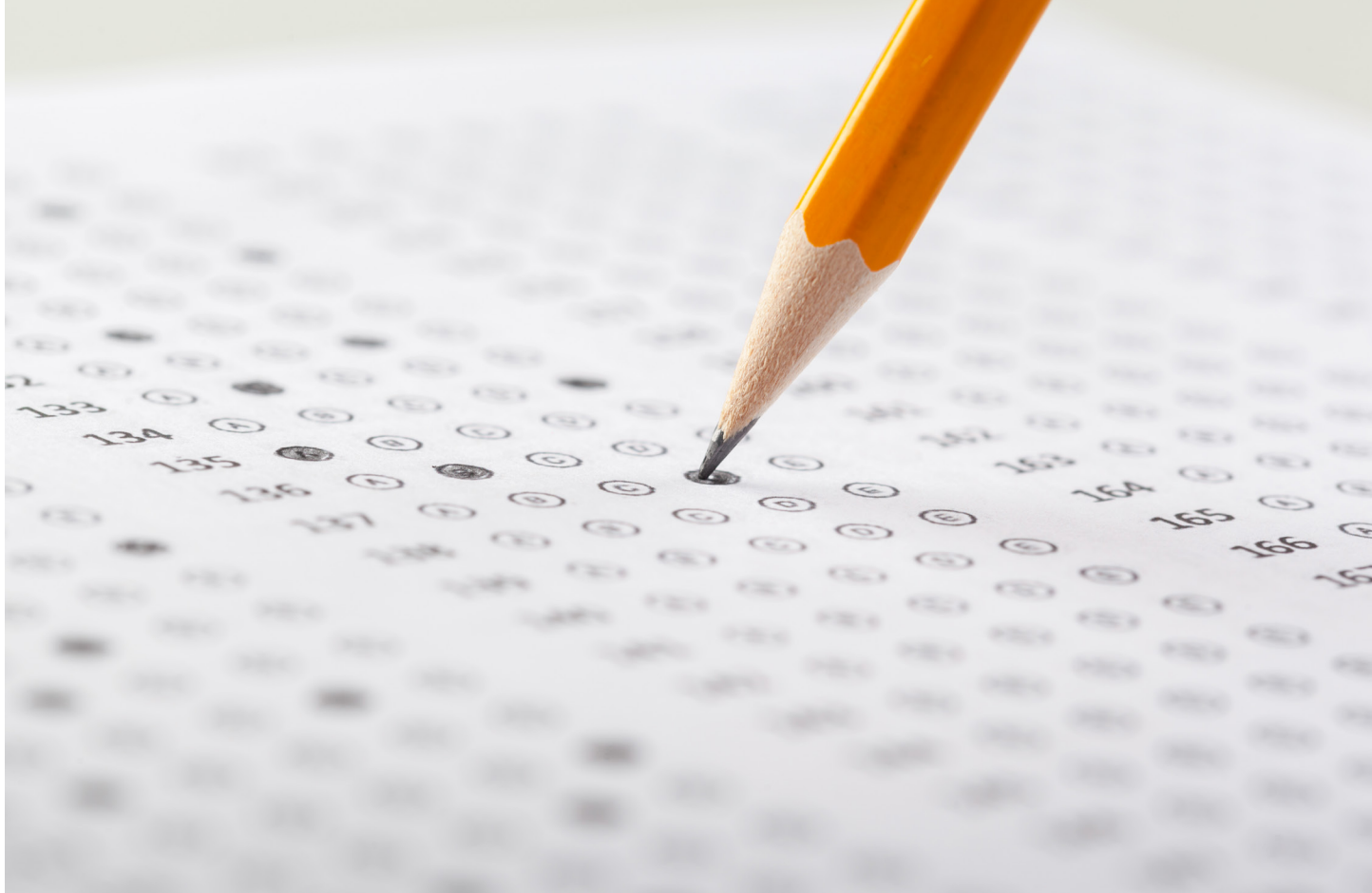
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How to Crush the M100 Exam

(Or Any Other PMDP Course)

By **Chantu Chea**, Association Bridge, LLC

If you're intimidated about taking a Community Associations Institute test because the other students in your class look like they are fresh out of college, fear not! You can boost your confidence by developing your study skills!

Make the Knowledge Your Own

You can hone your skills by deliberately practicing these methods. Over time, they may influence the way you absorb information, becoming second nature. The goal is to make the knowledge your own. Once that happens, taking the test is easy!

- **Define:** First off, rote memorization of definitions isn't as effective as you might think. Many people will mindlessly recite words from their textbook without ever understanding what they mean. Think of the definition as a jumping off point from which you can understand the basic idea. Then you have a foundation that allows you to dive deeper to fully grasp the concept.
- **Rephrase:** When you come across a new concept, rephrase it in your own words as if teaching it to a child. This will clarify the fundamental elements and may help you communicate concisely with clients in the future. No one at work will ask you to define "special assessment," but you'd better be able to explain the concept and its impact to a homeowner!

- **Use a Lifeline:** If rephrasing the concept doesn't come easily, it may help to seek a trusted friend or mentor. This could be a boss with more experience, a business partner with expertise, or a colleague who can help you identify resources. Your answers won't always be black and white. Sometimes the response requires you to think critically or do further research. It might spur three new questions! Though it may sound like a lot of work, it's worth it when a tough concept finally clicks.

- **Make It Real:** Once you have a decent grasp of the concept, start making connections. Apply it to something you experience at work, hear at a conference or read in an engineering report. It will help ingrain new concepts so that they're readily accessible when needed. Integrate this practice into your daily work life instead of restricting it to your study time.

There's no reason to compartmentalize your learning time to your few hours of studying. When you make connections to the forty hours of work you do every week, not only do you benefit, but so does your employer. When applied correctly, it helps you do your job better.

Conquering Test Anxiety

You might understand and apply concepts effortlessly but still suffer from test anxiety. Here are a few strategies to get the answers from your head onto the computer screen.

- **Create Your Own Questions:** When reviewing material for tests, immediately check your understanding by asking yourself what a good test question would be. Then make sure you can answer it, looking back at your notes if necessary. This exercise should help you with recalling information, better preparing you for test time.

- **Mnemonic Devices:** A memorization technique like a song or an acrostic can help your brain encode and retrieve information. Let's use the Great Lakes as an example:

Huron
Ontario
Michigan
Erie
Superior

- **Summarize:** There's nothing wrong with the summaries at the end of each chapter, but they aren't your own! Developing your own summary, verbally or in writing, will force you to rephrase everything so that it makes sense to you.



Making Education Work for You

Passing all the CAI courses won't help you become a better manager if you forget everything right after the test. Reinforce what you've learned in the classroom with everything you do on a daily basis. Chat with other managers about concepts that you want to explore. If they go off on a tangent, soak it in and consider expanding on what you've learned. Curiosity about a specific topic may blossom into a new passion or niche within the field.

CAI's PMDP courses will help you grow as a professional. Focusing on this broader perspective can help motivate you to master the material.

P.S. If standardized test taking still makes you anxious, remember— you only need a 70% to pass. Don't worry. You got this!



Chantu Chea, CMCA, AMS, is a "Creative Collaborator & Resident Contrarian" at Association Bridge, LLC. After tutoring a nervous M-100 student to help her pass the course exam and then acing her own M-205 test (a perfect 100!), it was clear she could help managers prepare for exams and face down test anxiety.

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CAI Education for Business Partners

By **Jessica M. Knutsen, CIC, EBP, CIRMS®**, *USI Insurance Services*

When I obtained my Property & Casualty insurance license in 2006, I knew from the beginning that I would need to attain the Certified Insurance Counselor (CIC) professional designation if I wanted to pursue a promotion. After five years of intense CIC instruction and five different 20-page essay exams, I was finally able to append the highly recognized CIC letters after my name. However, this effort didn't convey the level of required knowledge to provide insurance services to community associations.

The very first time I had the opportunity to work on the insurance program for a community association, I negotiated additional coverage for improvements and betterments within the units of a condominium association, modified the coinsurance terms and

achieved a significantly lower renewal premium. When I presented the terms to my supervisor for a final review, I realized that what seemed to be a competitive renewal insurance proposal, was actually not in compliance with the association's governing documents and didn't meet secondary lender requirements.

That was my very first lesson when I stepped into the unique Common Interest Community industry. However, a bigger lesson was that it didn't matter how many insurance designations I collected after my last name, I needed to educate myself about Common Interest Communities in order to utilize my insurance knowledge properly and provide the best advice to Boards of Directors and Community Managers.



Later on during a Community Association Institute (CAI) local chapter awards event, I observed that many CAI Business Partners were being addressed as “Educated Business Partners” (EBP) during the ceremony. Does that make me an “Uneducated Business Partner?” I asked myself. This triggered my interest to learn more about it. I found out that this is a three-hour course credentialed by CAI, targeted to all Business Partners of any industry who cater to community associations.

Whether you are an attorney, accountant, insurance professional, reserve provider, banker/lender, builder/developer, pool service contractor, realtor, software provider, landscaper, or roofer, among many other service providers, taking the EBP course will allow you to learn the intricacies and nuances of working with community associations. For example:

- The different types of community associations and ownerships
- The critical importance and hierarchy of an association’s governing documents
- Federal and State Oversight that applies to community associations (FHA, FEMA, etc.)
- The roles and relationships between a Community Manager and the Board of Directors
- Introduction to CAI and its governance: Board of Trustees and Membership Representation Groups (MRGs)
- Additional education if you intend to become “the expert”, such as:
 - RS** – Reserve Specialist
 - CCAL** – College of Community Association Lawyers
 - CIRMS** – Community Insurance and Risk Management Specialist
- Understanding your client’s qualifications. Does the manager you are working with hold a CMCA, AMS, PCAM, LSM, AAMC? What are all these designations?
- The dynamic and frequency of board meetings, which can directly affect your plans for responding to an RFP
- The bidding process – who is the decision maker? Can a committee or Community Manager make a recommendation? Why is there perceived resistance to change service providers?
- Ethics – gifts, lunches, concert tickets - What is acceptable? What is legal?

Taking this course requires a one-time investment of \$99, and this includes an exam that may be taken upon the completion of the course, with immediate results. Passing the exam awards the EBP distinction. Subsequently, your name will be added to CAI’s national website to recognize your EBP distinction. [Click here](#) to see the directory. The EBP distinction can also be used in press releases, brochures, proposals, email signatures, business cards or any other type of promotional material that will distinguish you amongst your competitors. While it is impossible to determine what your individual return on investment would be for completing this course, I can certainly tell you that gaining this distinction will give you the confidence and education needed to improve the way that you do business with community associations. This will naturally convert into winning more contracts. Your buyers, Boards of Directors and Community Managers will recognize your personal and corporate commitment. You will be more capable of navigating the challenges and particularities within this industry.

The community association industry has been rapidly growing in the last 30 years. According to 2019 Community Association Fact Book produced by the Foundation for Community Association Research (FCAR), there are approximately 351,000 community associations in the country, which represents 26% of the U.S population. This includes 8,725 community associations in Virginia, and 6,785 in Maryland. CAI’s has over 40,000 members, but surprisingly, only 1,058 members hold the Educated Business Partner distinction as of July 2021.

During the pandemic, CAI has provided alternative avenues for completing the course. I encourage you to take the next step to earn the EPB distinction, and attain the special recognition amongst thousands of companies and professionals who support community associations.

To take the next step, you can register online and complete the class within 120 days of the registration. To learn more [click here](#).



Jessica has been practicing insurance for 15 years. She is a Vice President at the USI Community Association Insurance Practice. She has built expertise developing Risk Management Plans and insurance programs for community associations. Jessica holds the Certified Insurance Counselor

(CIC) professional designation, the Educated Business Partner Distinction (EBP) and the Community Insurance & Risk Management Specialist® (CIRMS) designation administered by Community Associations Institute (CAI). She was recognized as the 2020 Educator of the Year by the Washington Metropolitan Chapter of CAI, and she currently serves in the CAI national Business Partner Council in an At-Large position (Insurance Broker). She can be reached at Jessica.Knutsen@usi.com

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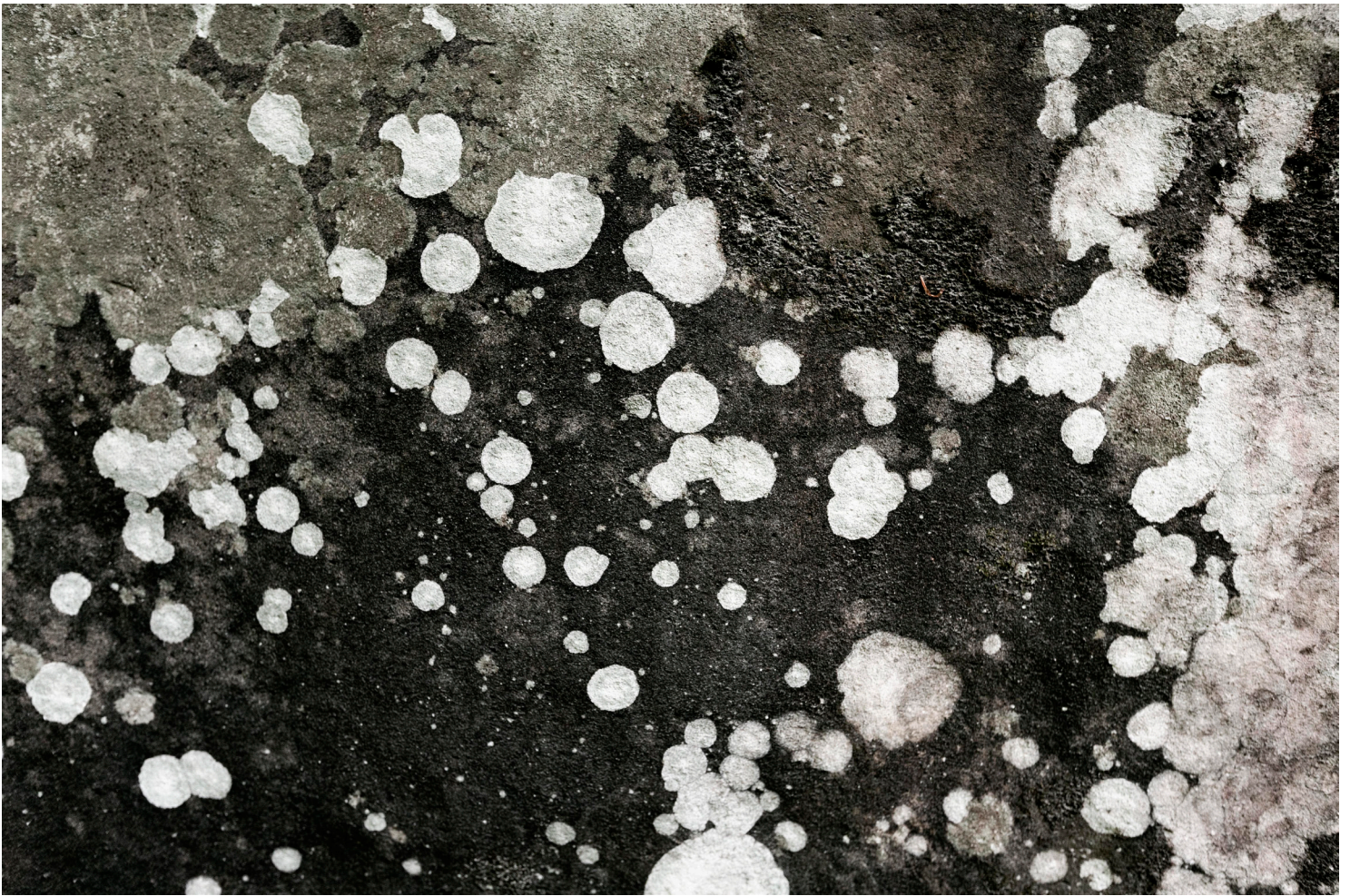
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Mold Hazards

By **Adrienne Gracias**, *Tri State Restorations*

Did you know that mold is everywhere and has over 100,000 different types!? Mold can grow on many different surfaces and is especially hearty on organic building materials like wood and drywall.

Awareness of seasonal hazards like mold is not only important for your property, it's necessary to maintain your community occupants safety and health. Summer's warmer weather and heavy rainfall creates a 'perfect storm' scenario for mold and microbial growth. Mold is caused by warm and humid conditions and is likely to grow and become a problem where there is indoor moisture, dampness, flooding, leaky roofs, improper ventilation, faulty appliances, high humidity, improper landscaping grading or most commonly, indoor plumbing issues.

More than half of all community reported water damage claims are caused by an appliance's supply or drain line

failure. While the appliance itself has a long term life expectancy, the hoses connecting these water lines only have a life expectancy of about 5 years.

Be sure to conduct annual and bi-annual inspections of your properties to ensure that hidden hazards are addressed in a timely manner. Here are some best practices and pro-tips:

- **Water Supply and Drain Lines** (Refrigerators, Dishwashers, Sinks and Washing Machines)

Pro Tip: Have all indoor appliances & plumbing inspected bi-annually and check for small pinhole leaks to avoid unwanted mold and microbial growth.

- **Hot Water Heaters** (Life expectancy 10 years)

Pro Tip: Service water heaters at least once a year and have them drained and refilled to examine for leaks. Replace unit prior to the 10 year life expectancy.

- **Window and Door Caulking and Sealant**

Pro Tip: Look for cracks or missing sections in external sealing to prevent unwanted moisture and water intrusion.

- **Air Conditioning & Heating Units**

Pro Tip: Install a secondary drain line and drain pan overflow switch. Replace air filters regularly to provide additional inspection touch points. Temperature regulation can also help prevent unwanted microbial growth, ask that residents not turn off their HVAC when they vacate the property, instead - ask that they turn up or down the temperature to remain cost effective but maintain airflow.

Is it Mold or Mildew?

Both are fungi, love damp environments and can grow on virtually any surface. Both can also cause air quality issues and exposure symptoms, putting building occupants at risk of serious illness.

Warning Signs:

- visible mold or water stains
- cracks around windows or doors
- musty smell or strange odor present
- wood rot around exterior doors and trim
- peeling paint
- leaking faucets, bath or toilets
- improper bathroom ventilation

MOLD FAQs:

- 100% of all types of mold have the potential to cause some health effects (EPA)
- 8 Symptoms of mold: sneezing, itchy & watery eyes, runny or itchy nose, congestion, dry mouth, and respiratory issues.
- 93% of chronic sinus infections attributed to mold (Mayo Clinic)
- 70% of structures estimated to have mold behind walls (Harvard EDU)
- 100,000 different species and types of mold
- 30% of brand-new homes have mold (CNN)

What Can I Do to Prevent Microbial & Mold Growth and Limit Damages to My Property?

Quick action is required when visible leaks or standing water is present. Water is very unforgiving and mold and structural damages can begin within mere hours of an incident! Prolonging action can cause severe secondary damages to your property and health hazards to your residents. Contact your community manager for immediate assistance!

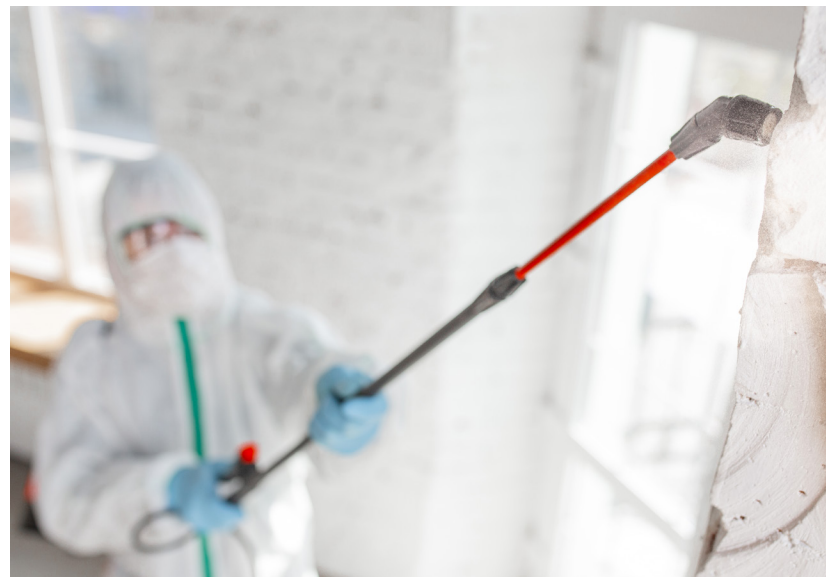
Follow these steps until a mitigation professional can intervene:

DO NOT:

- Disturb visible mold.
- Enter a room with standing water.
- Use a household vacuum to remove water.
- Remove wall-to-wall carpet.
- Use electrical appliances while on wet flooring.
- Wait for standing water to dry on its own.

DO:

- Contact your property manager or licensed restoration professional and notify them of damages.
- Remove as much water as possible by mopping/ blotting.
- Remove wet area rugs or other floor coverings.
- Wipe down furniture and prop-up wet draperies & furniture cushions for even drying.
- Move wall hangings to a safe, dry location.
- Open drawers, closets, and cabinet doors to enhance drying.





Seek a Qualified Expert

5 Questions to Ask Before Hiring:

1. **Are your employees certified and insured?**

Look for a contractor that holds the IICRC (Institute of Inspection, Cleaning and Restoration Certification) accreditation.

This ensures you are receiving the highest possible level of cleaning and restoration work, backed by an organization dedicated to raising the bar for customers and technicians worldwide.

Look for an indoor air quality specialist.

IAQA certified contractors undergo unique training allowing them to diagnose, consult and remedy common indoor air quality issues.

2. **What type of PPE will employees wear?**
Appropriate PPE for a mold inspection includes (but is not limited to) Tyvek Suit, Booties, Gloves and a Full or Half Face Respirator
3. **Do you have Mold Remediation experience? Testimonials?** Look for the 5 star ratings and ask for testimonials from recent customers.
4. **What types of chemicals/cleaning solutions will you use?** This is important especially if you have residents that are immune compromised or respiratory health issues.
5. **What mold removal techniques will be used?**
Look for someone that finds the source, removes all affected materials and remediates according to IICRC standard practices. Methods like dry-fogging often eliminate the airborne particles, but do affect the source of underlying mold or microbial growth hazard.

If your property or community residents have experienced any of the following hazards, immediately contact a certified professional:

- Severe allergic reactions/air quality issues
- Standing water or visible water caused by a recent rainfall or flood and need extraction & structural drying services
- Recent sewage backup or other plumbing issues
- Appliance leaks
- Damp floors or walls from an unknown source
- Questionable and aging water heater or hvac systems



Adrienne Gracias is a communications and marketing professional with 15+ years experience in copywriting, strategy development, design and project management of print and digital properties. Since joining Tri State Restorations as the Director of Marketing in March 2020, she's worked on the

development of the company's continuing education programs including the popular Virtual Coffee Break monthly webinar series. Adrienne participates in several committees within the Washington Metropolitan and Chesapeake Chapters of the Community Association Institute (CAI) and regularly writes for various industry publications. Learn more at TriStateRestores.com/VCB.

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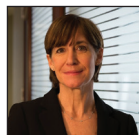
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Public Relations and Community Associations

Legal Strategies and Tips

By **William W. Sleeth III, Esq.**, *Gordon Rees Scully Mansukhani*

The media often paints community associations in a poor light. How can associations deal with public relations issues while adhering to the law and protecting their community? This article contains some practical tips that community managers and board members can employ in this area.

Dealing with Reporters

Reporters often make community association directors and boards look like the “big bad guy” picking on the poor little homeowner who simply wants the right to maintain an alligator in her yard, or fly a flag on a 25 foot flagpole, or do any sort of wacky and tacky thing with their property.

Many reporters who write news stories about associations will call the community manager or board president and ask for a quote for the story. In my experience, I’ve found that often the reporters don’t make those calls until shortly before the deadline for submission of the article. Often if the manager or board president doesn’t answer that call, they don’t have adequate time to place a return phone call before the story submission deadline expires.

In light of this, if an association knows in advance that a story is likely to generate media attention, it’s smart to have a quote already prepared and in-hand to provide to a reporter. The best quotes to provide are those that are only a single sentence long. If you only provide a single sentence, you significantly decrease the odds that the reporter will edit it to minimize or obscure the point that you’re trying to make. For example, if you provide a quote of three sentences, the reporter can take the least-relevant sentence and publish that and leave out the other sentences with more substance. On the other hand, if you only provide one sentence, the reporter is essentially forced to publish that one sentence (or not quote you at all, which many reporters are hesitant to do).

I almost always advise my clients to use a quote similar to the following in situations involving violations of the governing documents: “Unfortunately, after repeated attempts to try to obtain compliance from the owners, we were left with no choice but to [insert whatever action the association took] in order to protect the property values of the other owners by ensuring that all owners comply with the governing documents, just as they

agreed to do when they purchased their lots.”

This quote does several things: (1) by using “unfortunately”, it expresses the fact that the association isn’t happy that it has to pursue this, (2) it emphasizes that the association repeatedly tried to obtain compliance before undertaking legal action, (3) by saying “we were left with no choice”, it puts the fault on the owner, (4) by emphasizing the protection of property values, it highlights that this was not some arbitrary decision by the association, but rather serves one of the main purposes for which associations are formed: to preserve property values, and (5) it reminds the reader that the owner agreed to comply with the governing documents when he purchased his lot (with the implication being that the owner is failing to live up to his side of the agreement).

Sometimes associations can’t anticipate that an issue may generate press, such that they don’t have adequate time to prepare a press statement. I think that the best approach for dealing with those situations is for the association board, its community manager, and legal counsel, to all have a clear understanding of who is going to be the “spokesperson” to address the press. Having clarity on that front will help the association avoid sending mixed messages, or veering off from the main talking points.

What Not To Say

The spokesperson for the association should be mindful of the law of defamation. Defamation is the publication (whether spoken or in writing) of a materially false statement that harms someone’s reputation. Under Virginia law, the statement must be capable of being proven true or false (mere opinion is not enough). While associations should always be mindful to avoid defaming a person, this concern is especially important in the context of dealing with the media. A false statement to the media could harm a person’s reputation much more than a mere false statement made at a board meeting, given that the audience for the media statement may be many multiples of the number of people who would hear it at a board meeting.

Associations should also avoid making public comments about owner delinquencies on assessments. The federal Fair Debt Collection Practices Act (“FDCPA”) prohibits many disclosures to third parties about the status of consumer debt, and certain statements about an owner’s delinquency made by the community manager could fall within the scope of prohibited behavior under the FDCPA.

What To Say

When associations make public statements to the media, they should ensure that they emphasize the fact that the board of directors and the association represent the interests of all of the owners. Some reporters may try to paint the association as the “bad entity” oppressing the owners, when the reality is that the association is directly

accountable to the owners through the elections for the directors, potential recall votes, and other measures contained in the governing documents. The more that an association can do to convey the message that its decisions are simply the will of most of the owners in the neighborhood, the better the association will be able to rebut any misleading narrative in a story as to how decisions are ultimately made within a community association.

The Document Amendment Option

On certain occasions, an association will face a “continuing story” in the press, whereby the press continually publishes story after story on an issue. These types of stories often involve veterans trying to fly giant flags or install massive flagpoles in a manner inconsistent with the governing documents. The media may run five or more stories on the issue, such that the association perceives that it’s taking a beating on the public relations front.

In these instances, the association may want to consider putting to a vote of the membership an amendment to the governing documents that would change the provision at issue. This way, if the owners vote down the change to the provision, the board has a readily-available talking point to convey to the media, namely that it’s not just the “big bad board” that’s enforcing that provision in the governing documents, but rather the entire membership chose to leave that provision in the governing documents. That narrative (that one owner is violating a provision that enjoys broad support from the community) is a much less compelling story than one that seeks to portray a small number of directors as an oppressive force.

Conclusion

Community managers and directors should ensure that they take a proactive approach to dealing with the public relations challenges posed by community association governance. Through proper preparation and coordination with legal counsel, associations can ensure that they minimize their legal risks and put forward their best image to the public.



Will Sleeth is a partner at the law firm of Gordon & Rees and serves as the Team Leader of the firm’s national Community Association Law Practice Group, a team composed of over a dozen attorneys throughout the nation who focus on community association law. Will has

been recognized for the past eight years by Super Lawyers Magazine, and also been named a “Top Lawyer” by Coastal Virginia Magazine for numerous years running.

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Inheriting Old Violations

"Our Board Just Inherited a Host of Old Violations - What Should We Do?"

By **Michael A. Inman, Esq.**, *Inman & Strickler, P.L.C.*

We often get calls from new board members after transition from developer control. They have questions like this one: Some of the homeowners have added fences, above ground pools and sheds without getting approval from the Association. Many of these changes do not appear to meet the standards that are part of our documents. No action has been taken to correct these violations. How do we go about enforcing the covenants and rules?

The first step is to examine the architectural guidelines and the enforcement provisions in the governing documents. Usually an association's declaration establishes a committee, often called the architectural standards committee, and grants it powers and duties.

There are often architectural guidelines in the nature of rules and regulations which detail the standards for the community and the procedures for enforcement. If these do not exist, the board of directors should pass a policy resolution that clarifies the standards in the association's governing documents with greater detail and sets the

procedures for enforcement. This policy resolution is generally referred to as a "due process procedure."

One of the most important reasons that these procedures need to be in place is that the actions of the committee are subject to review in any legal action in which the association may become involved. The more clearly the resolution defines the procedures and the more closely the committee adheres to them, the more likely they are to be successful if enforcement of a covenant or rule goes to court.

The Virginia Condominium Act and the Virginia Property Owners Association Act provide that in order for the association to legally enforce any violation of the rules it must have given the violator an opportunity to be heard and be represented by counsel at a meeting of the committee or board of directors. There are strict rules regarding written notice of the hearing.

Before taking these steps, the association needs to send each owner a "non-hostile" notice of a rule's violation. It

is possible that an owner does not know that there is a violation or doesn't understand the rule. Offer to meet with the owner to explain the reason for the rule. In other words, do some marketing. Cold demand letters "out of the blue" can leave a homeowner feeling less than cooperative.

Subsequently, if the violation is not corrected, the owner needs to be given notice of a hearing by the committee. This notice needs to state the time and place and the rights of the violator in that hearing. If the Board finds there is a violation, it should give the owner reasonable time to correct the problem. This may be as little as five days to remove a junk automobile or up to six months to remove an unauthorized addition to the lot depending on the circumstances. If the owner does not clear the violation, Virginia law provides that you may levy administrative charges ranging from \$10 per day for a continuing violation to \$50 per single offense, provided that the governing documents permit such charges. This is treated as an additional assessment.

With consistent enforcement most violations will be cleared up by the first or second notice. The majority of the remaining violations can be resolved at a hearing. Occasionally a violation will not be resolved and either the association or the violating owner will want to take the matter to court.

Board members have a fiduciary duty to the community to enforce the covenants and promptly notify owners who violate them. If the Board repeatedly fails to act on a certain type of violation and many owners "follow the leader", it may lose the right to enforce the rule – this is called waiver of rights. If offenders refuse to comply within a reasonable time, the board has an obligation to take legal action. As an example, this kind of problem can arise with non-compliant fences or storm doors being overlooked.

Perhaps the board does not understand its obligations, or perhaps it is reluctant to take action against neighbors. Whatever the reason for the lack of action, the board of directors, whether it is composed of developer appointees or elected board members, has a duty to enforce the rules. The question is: what are the specific standards and powers established in the declaration of covenants and restrictions? If the guidelines are clear and thorough enough then the Association must step up and enforce the guidelines. If they are not, then the Board needs to consider amending the association's governing documents to provide for more complete standards and to give the board of directors the necessary enforcement powers.



Mike Inman has been practicing law in the Hampton Roads area for over 40 years, primarily in the areas of real estate, business and community association law. Mr. Inman is an active member of SEVA-CAI, and was a member of the Legislative Action Committee for over 15 years.

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Don't Be Dazed and Confused:

*Legalization of Marijuana and
Possible Impact on Virginia
Community Associations*

By **Deborah M. Casey, Atty at Law, CCAL®**, Vandeventer Black LLP
and **Kathleen Panagis, Atty at Law**, Vandeventer Black LLP

Massive legislation legalizing marijuana in Virginia became law July 1, 2021. The legislation ranges from legalization of marijuana to expungement of criminal records involving marijuana offenses to funding a public awareness campaign on the health and safety risks of marijuana to creating the Virginia Cannabis Control Authority. This article focuses on how the legalization of marijuana in Virginia may impact community associations in the context of possession and home cultivation.

LEGALIZATION OF MARIJUANA IN VIRGINIA

Effective July 1, 2021, persons 21 years or older in Virginia may legally possess up to one ounce of marijuana on their person or in any public place. In addition, persons 21 and older may cultivate up to four marijuana plants for personal use at their place of residence, but no household may have more than four marijuana plants. "Household" is defined as those individuals, whether related or not, who live in the same house or other place of residence, and marijuana may only be cultivated at such person's main place of residence. Marijuana plants cannot be visible from the public right of way and must have an attached legible tag that includes the person's name, driver's license or identification number, and a notation that the marijuana plant is being grown for personal use. In addition, individuals who cultivate marijuana in their homes must take precautions to prevent unauthorized access by persons younger than 21 years of age.

Further, persons 21 years and older may engage in "adult sharing" of marijuana so long as it does not exceed one ounce and does not include remuneration. Notably, "adult sharing" does not include instances in which (i) marijuana is given away contemporaneously with another reciprocal transaction between the same parties; (ii) a gift of marijuana is offered or advertised in conjunction with an offer for the sale of goods or services; or (iii) a gift of marijuana is contingent upon a separate reciprocal transaction for goods or services.

Unlike personal possession and home cultivation, retail sales of marijuana in Virginia are not slated to start until January 1, 2024. Despite Virginia legalizing marijuana, marijuana is still considered an illegal substance under federal law pursuant to the Controlled Substances Act.

POSSIBLE IMPACT ON COMMUNITY ASSOCIATIONS

The most readily anticipated impact legalization of marijuana will have on community associations, particularly those with attached private dwellings, include: (1) complaints related to odors from marijuana smoke, and (2) possible damages and liability related to home cultivation.



MARIJUANA SMOKE

Even prior to the legalization of marijuana in Virginia, residents complained to associations about marijuana smoke emanating into their homes. With legalization, associations may anticipate an increase in complaints. Virginia community associations and residents, however, are not without recourse in addressing this smoke.

Impacted residents should first try to reach out to their neighbors to make them aware that the marijuana smoke is bothersome and to seek mitigation efforts (e.g., smoking outside, installation of air filters/scrubbers/purifiers, investigate air flow mechanisms, sealing of areas that may contribute to transmission, alternative consumption methods, etc.). This step is often overlooked but could yield a positive result if neighbors engage in respectful communication and consideration.

If a community association receives a complaint of marijuana smoke infiltrating a residence, the association likely should investigate to determine its duty and authority. This process entails a review of the association's governing documents regarding smoke, nuisance, and compliance with applicable laws. The restrictions and rules can run the gambit.

Restrictions that Ban Smoking

For community associations that have express restrictions in their recorded governing documents that prohibit smoking at the property, which may include in condominium units or adjoined homes, these associations may have sufficient authority and a duty to take enforcement action. Associations should look carefully at their documents to discern how "smoking" is defined and whether it covers all types of smoke, including marijuana smoke.



Restrictions that Require Compliance with Law

It is relatively common for community associations to have provisions in their recorded governing documents that prohibit illegal activity and/or that require residents to comply with all valid laws. Even though Virginia is legalizing marijuana, marijuana remains illegal under federal law. Accordingly, associations that have such restrictions in their recorded governing documents can look to them for enforcement.

Restrictions that Bar Nuisances, Annoyances, and/or Interference with Peaceful Enjoyment

Another common provision prohibits nuisances, annoyance, and/or interference with quiet enjoyment of one's home. Determining what constitutes a nuisance, annoyance, or interference is a fact-specific inquiry. Currently, there are no cases in Virginia that have specifically addressed whether marijuana smoke is considered a nuisance. Nonetheless, Virginia case law has held that a nuisance may include "everything that endangers life or health, or obstructs the reasonable and comfortable use of property." *National Energy Corp. v O'Quinn*, 223 Va. 83, 85 (1982) (citations omitted). An analogous case from a Roanoke Circuit Court found that a party sufficiently pled facts that cigarette smoke from a neighboring resident interfered with the party's enjoyment of her property and caused annoyance to her occupation of her property; specifically, that smoke infiltrated her home, caused her breathing problems, and other medical issues. See *Reid v. Meisenzahl*, 95 Va. Cir. 188, 189 (Roanoke Cir. Ct. 2017). To determine whether complaints about marijuana smoke violate this type of provision an association should investigate the claim, speak with the parties involved, and gather and consider any additional information to help guide a decision. Involving legal counsel early in the process is encouraged.

Interestingly, at the same time Virginia is legalizing marijuana, two other new statutes take effect on July 1, 2021, which permit community associations to establish rules that restrict smoking. For property

owners' associations, boards may establish rules that restrict smoking in the development, including rules that prohibit smoking in common areas and in *attached* private dwellings, except to the extent the declaration provides otherwise. For condominium associations, boards may create rules that restrict smoking in the condominium, including rules that prohibit smoking in the common elements *and within units*, except to the extent the condominium instruments provide otherwise. Adopting rules that restrict smoking may be another option available to community associations to address issues related to marijuana smoke. Before adopting any such rules, consult with legal counsel about the pros and cons, and potential impact.

If a community association has any of the provisions above, it likely has authority, and hence a duty, to enforce. Enforcement options may include working with the residents to reach an amicable agreement, issuing notices of violation and/or cease and desist letters, proceeding with due process procedures, and/or pursuing injunctive relief.

Conditions Related to Marijuana Cultivation

With individuals 21 and older permitted to cultivate up to four marijuana plants in their homes, the conditions needed for plant growth could result in unintended consequences. There are different ways to cultivate marijuana, many of which include some combination of a warm environment, humidity, and a light source for significant portion of each day. It is foreseeable that these conditions could lead to mold and/or a fire hazard. Unit owners and residents who cultivate marijuana in their units or adjoined homes will need to exercise caution and take steps to prevent harm or damage. Community associations should be familiar with the relevant provisions in their governing documents related to the cultivation of marijuana





in a unit or attached home. Further, associations should consult with their insurance representative to determine whether the current insurance policies cover claims related to marijuana cultivation and what, if any, additional insurance may be recommended. Finally, determine whether the insurance policies need to be revised or increased to cover the risk.

SPECIAL CONSIDERATION RELATED TO MARIJUANA

Regardless of whether smoking marijuana in a unit or attached private dwelling is prohibited under a community association's governing documents or rules, an association may receive a reasonable accommodation request from a resident who seeks to smoke marijuana in a unit or attached private dwelling because of a disability or, conversely, seeks adoption of a rule prohibiting smoking as a reasonable accommodation.

Virginia community associations are subject to the federal Fair Housing Amendments Act of 1988 ("FHA") and the Virginia Fair Housing Law ("VFHL"). Together, the FHA and VFHL prohibit discriminatory housing practices against individuals based on their protected class. When it comes to community associations and marijuana, the protected class at issue will likely be individuals with disabilities. Both the FHA and VFHL prohibit discrimination and require community associations to make reasonable accommodation in rules, policies, practices or services when necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling.

Reasonable accommodation requests related to marijuana may result in different treatment under the FHA versus VFHL since federal law classifies marijuana as an illegal drug. In January 2011, the Department of Housing and Urban Development issued a memorandum stating public housing agencies and owners of other federally assisted housing are

not required to grant reasonable accommodations for medical marijuana use. Unlike federal law, however, marijuana will be legal in Virginia starting July 1, 2021, and Virginia has its own fair housing laws. As such, there could be different outcomes under the FHA and VFHL for reasonable accommodation requests related to marijuana. A Virginia community association that receives such a request should consult with its legal counsel.

The legalization of marijuana in Virginia will have many implications for individuals, businesses, government, and society in general. Virginia community associations should consider the potential impact, consult with counsel and determine whether to amend governing documents, adopt rules, and consider its policies and procedures.

Disclaimer: The information in this article is for general information and is not legal or tax advice. Nor does any exchange of information associated with this article in any way establish an attorney-client relationship.

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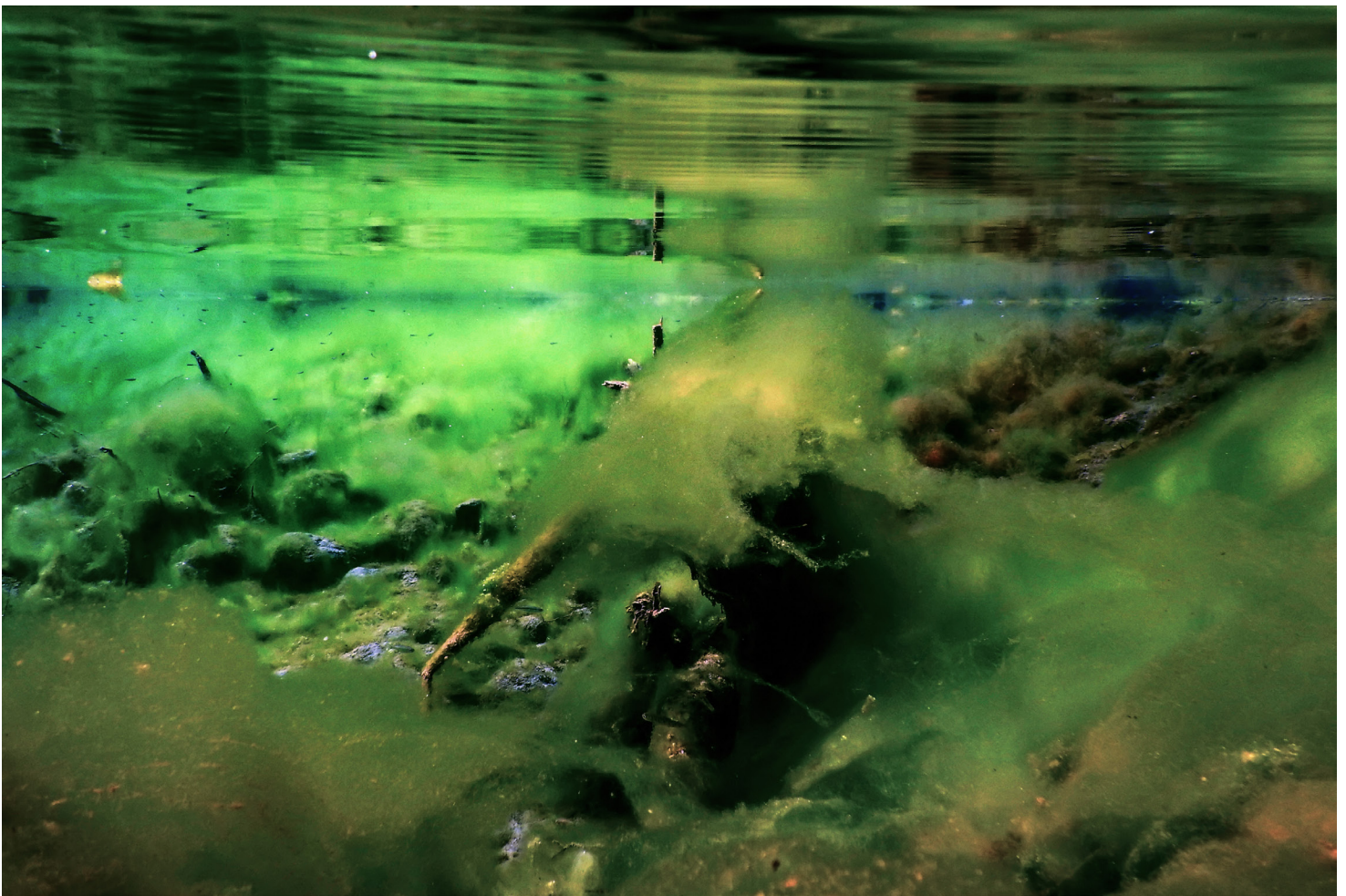


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¹ For more information on this sweeping legislation, check out <https://lis.virginia.gov/000/chapter550.pdf>.

² [Va. Code § 55.1-1819.1](#).

³ [Va. Code § 55.1-1960.1](#).



What We Can Learn from the Worst Algae Catastrophes in History

By **Greg Blackham**, Aquatic Specialist, *SOLitude Lake Management*



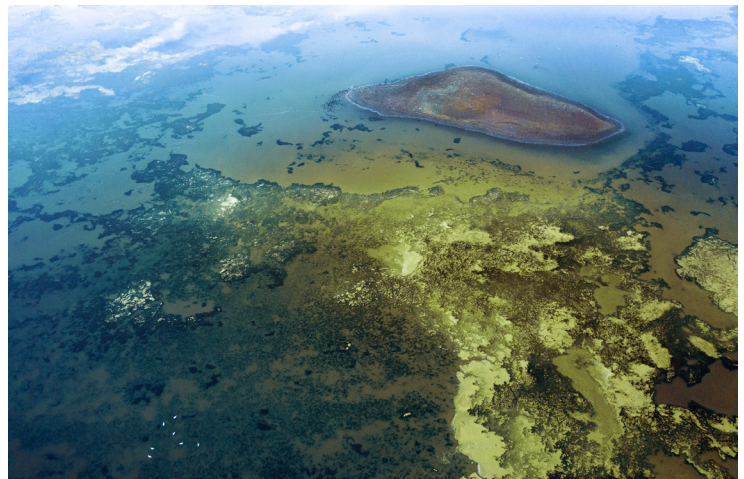
Cyanobacteria, often referred to as blue-green algae, are changing the way providers of green consulting services approach algae management in lakes and ponds. Harmful Algal Bloom (HAB) treatments reached an all-time high in 2018. HABs have the potential to be highly toxic and can severely impact the health and wellbeing of all nearby humans, pets and wildlife. The devastating effects of harmful algal blooms have been witnessed repeatedly throughout the US over the past 10 years. There is no area of the country that is safe from the threat of HABs, as two recent catastrophes from very different parts of the country show us. We can, however, learn from these

natural ecological disasters and implement proactive lake management strategies to help avoid them in the future. Toxic algal blooms have plagued Florida's largest freshwater lake, Lake Okeechobee, over the past several years. Cyanobacteria cover almost the entire lake each summer and transform the beautiful aquatic ecosystem into a thick green pea-soup color. Most of the HABs found in the lake produce toxins that are very dangerous to humans, fish and other wildlife. Cyanotoxins also are capable of becoming airborne, meaning contact with the water is not the only means of exposure. The polluted waters of Lake Okeechobee are not just contained to the lake; they pollute everything downstream including the St. Lucie river and Caloosahatchee river. Eventually, these systems dump the toxic algae along Florida's east and west shorelines, polluting these once beautiful tourist destinations with a thick brown sludge that severely limits access to swimming and fishing.

Massive harmful algal blooms don't just occur in warm regions of the south. Many people are familiar with Lake Erie and remember the media attention around the massive blue-green algae outbreaks of 2011 and 2015. Yearly blooms of cyanobacteria on Lake Erie not only threaten local wildlife and people that come into direct contact with the water while utilizing the lake, but also threaten all of the towns and cities, like that of Toledo, Ohio, that use the lake as a source of drinking water. Much scarier than the acute effects of cyanotoxins is a growing connection between blue-green algae and neurodegenerative diseases such as ALS, Alzheimer's disease and Parkinson's disease. Studies have found a direct link between these diseases and BMAA, a nerve toxin produced by cyanobacteria. The blue-green algae capable of making BMAA are ubiquitous and can be found in almost any waterbody, even those as small as a stormwater pond or ditch.

What is causing this explosion of recent toxic algae growth? Many factors contribute to algae growth, including temperature, sunlight, and carbon dioxide, but nutrients are the main differentiator between a balanced waterbody and a disaster. Nutrient pollution caused by urban growth, industrial development and agricultural waste is making its way to our water resources. Fertilizers and pollutants from residential lawns and commercial turfgrass flow to our lakes, ponds, waterways and, eventually, bays and oceans. Concentrated stormwater runoff is now diverted and funneled into waterbodies that were never meant to process so many nutrients. Wetlands, which once served as natural nutrient "filters," have been displaced by roads, sidewalks and other impervious surfaces. The result is unhealthy and unbalanced aquatic ecosystems.

Proper identification of HABs is crucial, and can be confirmed through water quality tests carefully assessed by a professional lake manager. Water quality testing can reveal the species causing the bloom and confirm whether or not toxins are present. SOLitude utilizes in-house, state-





of-the-art laboratory analysis to reveal potential water quality imbalances that can encourage HABs to develop. Once identified, steps can be taken to proactively minimize the issue and prevent future algal outbreaks.

Proactive management strategies have proven very effective at limiting the negative effects of nutrient loading. A large percentage of nutrient pollution stems from poor cultural habits. As individuals, we can do our part by cleaning up pet waste, reducing fertilizer use (or switching to phosphorous-free products), improving our recycling habits and properly disposing of grass clippings and leaves.

Proactive lake management strategies should also be implemented. Creating a living shoreline of beneficial native plants around lakes and ponds further protects them from erosion and runoff. And the installation of submersed aeration systems or floating fountains helps provide an oxygen-rich aquatic environment, which leads to improved water quality.

Waterbodies that have suffered from unbalanced water quality for many years may require more impactful restoration tools. Ecologically-friendly products like Phoslock and Biochar can be applied to the water column to “de-activate” undesirable nutrients, thus preventing them from ever fueling the growth of aquatic weeds or algae. Physically removing nutrient-rich muck and sludge from lake bottoms using a mechanical hydro-rake can help provide the same benefits, while “turning back time” on the aquatic resource to facilitate increased water volume and depth. Integrating new technologies is also key to

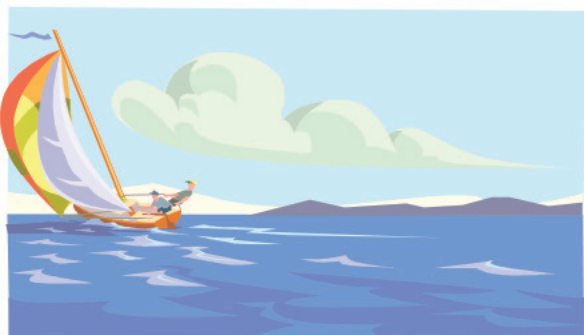
eradicating and preventing cyanobacteria. For example, nanobubble aeration is a new and innovative solution that is capable of quickly reducing the impacts of nutrients responsible for fueling aquatic weeds and algae.

As an aquatic management professional who has managed lakes and ponds for nearly 15 years, I can assure you that a proactive approach combining preventative cultural practices and restorative measures in polluted waters is the most effective and least costly approach. Reducing the frequency at which severe Harmful Algal Blooms occur is certainly achievable. We need not wait for the next algae catastrophe to strike; let’s stop it first.



Greg Blackham is an Aquatic Specialist at SOLitude Lake Management, an environmental firm specializing in the sustainable lakes, stormwater ponds, wetlands and fisheries management. Learn more about this topic at www.solitudelakemanagement.com/knowledge.

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2021 Legislative Changes *that Impact Virginia Community Associations*

By **W. Thomas Chappell, Esq.**, SEVA-CAI Legislative Action Committee Representative, *Vandeventer Black LLP*

In the midst of the COVID-19 crisis, the Virginia General Assembly had a busy 2021 session that consisted of a regular session and a subsequent special session during which it passed many different pieces of legislation that will affect community associations. The CAI Virginia Legislative Action Committee (VALAC) kept a close eye on the happenings before the General Assembly and advocated on behalf of community associations.

VALAC monitored approximately 40 bills that were filed and advocated for or against many of them to legislators. As many of these new laws will impact the powers and governance of community associations, it is important to understand these changes and seek legal advice about the new legislation. While there were many changes with the potential to affect community associations, below is a summary of the highlights.



Virtual Meetings - House Bill 1816 and Senate Bill 1183

Under prior law, association board meetings could not be fully virtual—at least two members had to be physically present at the meeting place stated in the notice. At the beginning of the COVID-19 crisis, the General Assembly passed legislation temporarily allowing for board meetings to be held entirely virtually during declared states of emergency. In the 2021 session, the General Assembly made this temporary change permanent for board meetings and passed legislation expanding this to also allow for committee and member meetings to meet virtually if the board has passed guidelines allowing for electronic meetings. With the ending of the current State of Emergency on June 30, 2021, these changes will be welcome.

Under the new law, any meeting of an association, board or committee may be held in part or in full electronically as long as the board has adopted guidelines for electronic means at the meetings. Importantly, the definition of electronic means has been expanded to include a “meeting conducted via teleconference, videoconference, Internet exchange or other electronic means.” The guidelines have to ensure that those accessing the meeting are allowed to be there and that people who are entitled to take part in the meetings are able to do so. For board meetings, there is no longer a requirement to have at least two board members physically at the meeting place.

Under prior law, there was no express provision in either the Condominium Act or the Property Owners’ Association Act authorizing virtual member meetings. While an incorporated association may have authority in the Nonstock Act to meet by remote participation, unincorporated associations had no clear option. The new laws expressly authorize association meetings to be held entirely or partially by electronic means.

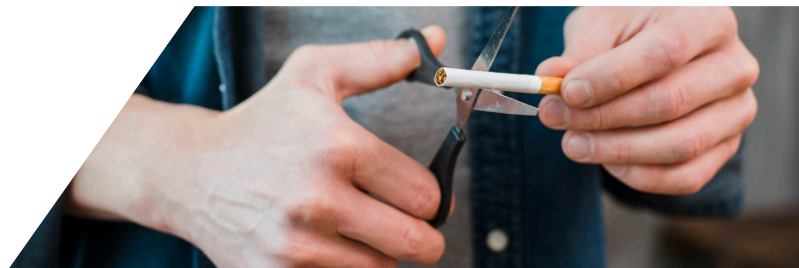
Keep in mind that not all associations may be able to meet virtually even with this new law. While this issue is being debated in the legal community and may ultimately have to be resolved by a court ruling or further action by the General Assembly, associations that are Virginia nonstock corporations may not be able to hold member meetings entirely virtually if the governing documents require the meeting to be at a place. Incorporated associations that want the ability to meet entirely virtually should pay close attention to the details of the new legislation and work with

counsel to review and revise their documents to facilitate such electronic meetings.

Further, and not entirely new, the association must ensure that it provides a reasonable, non-electronic alternative to a person who wants to attend association, board or committee meetings but does not want to participate virtually or lacks the capability to do so.

Under the new laws, members will be able to vote in person, by proxy or by absentee ballot unless the association’s documents explicitly prohibit such voting. Proxies can be cumbersome and require the proxy holder to be present to vote. Use of absentee ballots is a welcome addition or alternative. Voting may occur electronically if the board has adopted guidelines for doing so. Members who vote by proxy or absentee ballot are deemed present at the meeting all purposes, including for purposes of quorum. Moreover, the electronic voting must ensure that voters’ identities are protected if a secret ballot is required.

Amends: Va. Code §§ 55.1-1800, 55.1-1815, 55.1-1816, and 55.1-1832 (Virginia Property Owners’ Association Act); and 55.1-1900, 55.1-1935, 55.1-1949, 55.1-1952 and 55.1-1953 (Virginia Condominium Act)



Smoking Restrictions - House Bill 1842

The General Assembly passed legislation greatly expanding the ability of associations to restrict smoking in their communities by rule. For property owners’ associations, associations can now not only ban smoking in common areas, but in attached dwelling units by rule. Condominium associations have even broader powers and can restrict smoking not only in common elements, but in dwelling units, whether or not attached by rule.

To reiterate, this change enables smoking restrictions not only in common areas/elements in associations but also within individual units in condominium associations and attached dwelling units in property owners’ associations. Associations should evaluate whether to adopt/amend rules to include such restrictions.

The statute does not define “smoking” or limit it to tobacco. It is not specified whether the statute is broad enough to include pipes, cigars, and (now legalized in Virginia) marijuana smoking. It is also unclear whether it

includes vaping. It is anticipated these issues, and others, will have to be resolved via court ruling or further action by the General Assembly.

Amends the Code by adding Va. Code §§ 55.1-1819.1 (Virginia Property Owners' Association Act); and 55.1-1960.1 (Condominium Act)



Parking Accommodation Requests - House Bill 1971

The General Assembly passed legislation requiring a community association to treat a request for accessible parking as a request for a reasonable accommodation, even if the request would require a physical alteration to the premises such as installing a curb cut or restriping. As the request for parking will be considered an accommodation as opposed to a modification, the association is required to pay for expenses associated with modifying a parking area so that it can be used for parking. Of course, the request must be reasonable and not impose an undue financial or administrative burden or cause a fundamental alteration to the association's operations.

Amends: Va. Code § 36-96.3:2 (Virginia Fair Housing Law)



Changes to Time to Enforce or Take Action on a Judgment - House Bill 2099

Those involved in collections should pay close attention to House Bill 2099 recently passed and signed into law. Under prior law, creditors could execute and take action on a judgment for twenty years after the date of judgment and had the ability to extend this period for subsequent periods of 20 years. The judgment enforcement period is unchanged for judgments ordered or domesticated before July 1, 2021. However, under the new law, judgments entered on or after July 1, 2021, have the enforcement period cut in half. Judgments obtained on and after July

1, 2021, can be enforced for ten years. This period can be extended up to two times by recording a certificate in the clerk's office that extends the judgment lien for additional period of ten years. Associations and those involved in the collections process should examine their systems to determine whether procedures should be put in place to accommodate this change.

Amends: Va. Code § 8.01-251 (Limitations on enforcement of judgments)



Marijuana Legalization - Senate Bill 1406 and House Bill 2312

In perhaps the most publicized legislative action in the last session, the General Assembly legalized marijuana for personal use in Virginia. People 21 years of age and older may now legally possess up to one ounce of marijuana under Virginia law and may cultivate up to four marijuana plants for personal use in their residence. No household may have more than four plants. Marijuana plants cannot be visible from the public right of way and must have a legible tag that includes the owner's name, driver's license or identification number and a notation that the marijuana plant is being grown for personal use. While Virginia is relaxing its laws on marijuana, it is important to keep in mind that marijuana remains illegal under federal law.

Amends: Va. Code §§ 4.1-1100; 4.1-1101 and many other Code sections.



Expansion of the Court of Appeals Jurisdiction - Senate Bill 1261

In a significant change to Virginia appellate procedure, the General Assembly passed a law expanding the jurisdiction of the Court of Appeals effective January 1, 2022. Under prior law, civil cases in circuit court could be appealed to the Supreme Court of Virginia only by petitioning to the

Supreme Court asking a three-justice writ panel to grant the appeal before the full seven-justice Court would hear the case. As the majority of cases were denied at the writ stage, many civil cases end without a full appeal of a circuit court ruling. Domestic relations, workers compensation, and most criminal cases were appealed to the Court of Appeals of Virginia, an intermediate appellate court. While domestic relations and workers compensation appellants had an appeal of right to the Court of Appeals, criminal appellants had to petition the Court of Appeals to have their appeals heard. Litigants could petition the Supreme Court to review rulings of the Court of Appeals. Accordingly, many cases involving community associations, which typically are civil in nature, have been resolved at the circuit court level without a ruling by an appellate court.

The new law expands the jurisdiction of the Court of Appeals so that most civil litigants and criminal defendants will have a right to a full appeal. As before, litigants will be able to petition the Supreme Court to hear cases decided by the Court of Appeals. As there will be a right of appeal to the Court of Appeals for civil cases, community associations involved in litigation are more likely to be involved in a full appeal of trial court rulings.

This change will have both positive and negative effects on community associations. The cost of litigation may increase as cases that were previously resolved at the circuit court level, including those in which community associations prevailed, are more likely to have full appeals. However, community associations that do not prevail at the trial court level will also have the opportunity to have an appellate court review in full the trial court ruling.

Amends: Va. Code §§ 8.01-670, 17.1-405, 17.1-406 and many other Code sections.

Every General Assembly session involves issues affecting community associations. Associations and stakeholders should be mindful of these changes, consult counsel, and consider revisions/additions to documents, policies, and procedures.

Disclaimer: The information in this article is for general information and is not legal or tax advice. Nor does any exchange of information associated with this article in any way establish an attorney-client relationship.

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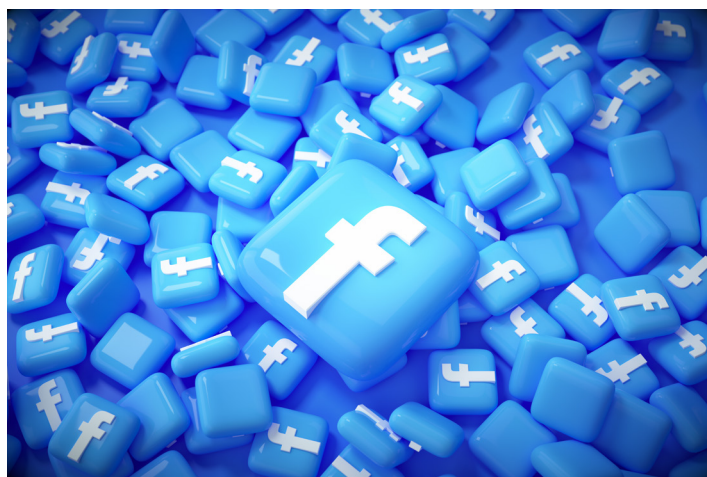
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SOUTHEASTERN VIRGINIA
CHAPTER
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ASSOCIATIONS INSTITUTE



TALK THE TALK

By **Lance Bellman**, *Ready Roofing*

I have happily noticed the improved professionalism of requests for services from managers and management firms over the last couple years. Long gone are the old "Replace with like kind and like color...state warranty" emails that used to fill my inbox. Today, with updated education from organizations like Community Associations Institute, combined Vendor & Manufacturer Training Events (breakfast/lunch-n-learns) and assistance from strong qualified Team Leaders (experienced managers) training new employees...these communications are far more descriptive and accurate. This in turn allows a vendor/contractor to reply to any request within a shorter time frame. What I would like to share is a few industry terms that may help to improve this process even further!

There are two types of projects community managers need to address on what is almost a daily basis. The first being projects which warrant repair services. I'll use my industry 'Roofing' to site examples. If there is a leak or other failure/damage to the roof, you want to

contact a vendor/contractor to perform a repair. In this instance you would want to submit to a selected what is referred to as a 'Request for Proposal' or 'RFP'. This will notify the vendor/contractor he or she is to identify an issue at a particular address and it will also provide him/her with ALL the info necessary to accomplish that task. This includes community name, specific address, contact/complainant name and phone number (as many numbers as possible is always preferred). Then finally a brief description of what was reported to the manager or company representative upon the initial complaint.

Even though sometimes these descriptions are not immediately associated with the underlying problem it gives your vendor/contractor a good point which to at least base his/her conversation when addressing the resident. After the vendor/contractor has made contact with the resident then an inspection date and time can be established. The purpose of the inspection will be to identify the severity of the problem, diagnose the cause and recommend the proper solution to prevent

reoccurrence. Again, this is what is referred to as the 'RFP'. A manager will send an RFP to the vendor, in turn the vendor will send a photo-documented proposal, that often doubles as a contract for the repair itself.

It is important to note the cost associated with this repair can usually be reduced if the manager/management firm grants the vendor permission to perform the repair on-site (during first visit). Clearly the advantage to the contractor will be eliminating a second trip out to the address, therefore incentivizing them to keep the cost down. This will also eliminate further damage to the area in question if it is exposed to the elements due to the nature of the damage. I.e. Deteriorated pipe boot/collar allowing water to flow into attic area of a dwelling.

This is usually viewed as a 'Win-Win' and most management firms set the number associated with the repair to be anything below \$1000 dollars. Of course, a healthy work history with the vendor/contractor is a perquisite for this type of authorization as you are spending the community's money with implied consent. If approved in advance, vendors/contractors would label this type of repair as a 'Work Order' or 'Go Do It'. This caveat should be listed in somewhere readily identifiable in the initial 'RFP' being sent to the vendor/contractor in the first step of this process.

The second type of project community managers deal with regularly are those will require full-replacement. Good examples of this would be fencing, decking, gutters/downspouts and roofing. These projects tend to become more complicated not only because of the considerably higher price tag. But because of a greater deal of responsibility upon the manager and an even larger onus placed upon the management firm. If there is a failure with projects of this size, an attorney representing the community is usually involved seeking compensation on behalf of that community.



Fortunately, there is an easy solution...however, it is one that requires a community manager to take a more active role in the process. Again...let's use 'Roofing' as my example, how would a manager embark on this process? Let's make it easy and say the 'reserve study' indicates the current roofs have out-lived their life-expectancy and the maintenance records are beginning to show repairs reflecting exactly that. Perfect timing...then what next? Within the construction industry there are countless numbers of material manufacturers for every facet of the market. A managers first goal should be to address with the 'Board of Directors' (BOD), what products they want use. You can go in two directions here, or even in both! First, you can consult your vendor/contractor for opinions or recommendations, or you can bring in manufacturers' representatives to speak about their products. Both should be more than happy to address the BOD directly either at an evening meeting or through some type of virtual call. A word to the wise, if you find a vendor/contractor or manufacturer unwilling to commit to this portion of a project, well then you have probably just succeeded in eliminating one of your possible avenues.

I have personally have participated in both in-person meetings and virtual communications, and though I am always eager to help by giving advice or sharing information, I prefer it when a community gets the manufacturer involved. By doing this you can always guarantee to eliminate any bias a vendor/contractor has based upon how often they may go golfing or fishing with a particular manufacturer's rep! Either way, once a product/manufacturer is selected that company will develop what is referred to in the industry as a 'Scope' of work.

This is "Official" directions or instructions on the type and application of a product and any ancillary components necessary in that process. Remember when I mentioned the dreaded, "Replace with like kind and like color...state warranty" verbiage? You'll have none of





Take-Aways:

- Good companies are eager to speak on their own behalf, and willing to present proposals in person, regardless of the place or time of day.
- There are different levels of licensed contractors in the state of Virginia. Do your homework!

<https://www.dpor.virginia.gov/LicenseLookup>

<https://www.dpor.virginia.gov/Boards/Contractors>

<https://www.bbb.org/>

- Just because a vendor/contractor has a 'General Contractors' license, do they specialize in what you want them to bid on?
- Some 'Manufacturers' make several products spanning numerous cross-sections of construction. Make sure these companies are as specific as possible to the issue you are addressing.
- Vendor/contractors that are members of Community Associations Institute CAI are paying for a membership to have the ability to work for specifically for you and held far more accountable for their performance.

this with a manufacturers scope of work. You'll be able to request bids from vendors based upon these documents. Then place those bids in front of the BOD and have them make a decision confidently knowing you are providing them with an 'Apples to Apples' comparison for products/services from your vendors/contractors.

Furthermore, if any contractor intentionally deviates from the 'Scope' of work then you have a manufacturer in between you and the problem, and one more layer of protection to keep your community from not getting what they "Thought" they were paying for when they signed the contract.

I hope this helps pull back the veil too often surrounding the process, and provides a little insight in making smarter decisions for your community!



Lance Bellman is a project manager for the Ready Roofing Company in the Hampton Roads area. He has been an active member of the SEVA-CAI community for over a decade, serving on numerous committees, and receiving both the 'Rising Star' and 'Newsmagazine Committee Volunteer of the Year' awards. He can be reached at lance.bellman@readyroofing.com



A VLR Success Story

By **Shannon Lee**, *Relay Electric, LLC*

Whew! When you look at the calendar it is so hard to believe that we are in the final quarter of 2021. Many of us believed that when 2020 was over we would be back to normal. Here we are almost 2 years into our new normal. Time really does march on whether we want it to or not.

2020 took so much from us... graduations, CA Day, in-person school, shopping as we knew it and VLR. When the announcement that VLR 2021 would be in person, Carey and I immediately signed up and made our reservations. It is always a great trip for us as a family and it is a great investment for Relay Electric. Claire took off that week from work so that she could go with us and Jack made his request for new golf shirts. Let the countdown begin.... We were ready!! But just like all things COVID-19, our trip hung in the balance.

Ten days before the trip, my parents tested positive for COVID. And my kids were exposed to them. I got the kids tested and the results were negative. But Daddy was not doing as well. He was admitted to the hospital with double COVID pneumonia and he developed blood clots. I could leave home not knowing how he was going to do. We made the decision that I would stay home with the kids and Carey would go alone. You talk about major disappointment!!!! We were finally going to travel and I was going to send him off by himself. If I am honest with you I was mad, hurt and feeling robbed. I was extremely immature about the entire trip.

And then my 16-year old Claire, who was off work because of COVID, and my 14-year old Jack, with new golf shirts, said "Mom, go be with Dad. We will be fine alone by ourselves." And my Daddy said "I have seen Relay accomplish too much for you to sit here while I am in the hospital and you cannot even come in to see me. Go." So I packed my bags and without Carey knowing

I left for VLR 2 days after him. We recruited the help of Cariese and members of the committee (and Scott Albright) to keep Carey away from the porch. That is a huge job. And he was ticked. Why did Scott Albright have him on such a tight schedule? Every time we talked he was fussing.

I arrived just in time for the Friday night reception and fireworks on the mountain top. And like always, the events were fabulous!! I ate breakfast in the dining room and caught up with friends from across the state that I only see at VLR. I attended 2 classes on Saturday that were wonderful. I was able to engage with like-minded people who share a commitment to association living and industries that support it. There was camaraderie from the events to the classroom to the porch. My heart was full. But most importantly there was not a person who walked by me that did not tell me that they were praying for Daddy or thinking about him. I was supported at every turn by the people who attended. And I needed that.

CAI offers so much to us professionally that I could never begin to thank the people who have given us a chance to experience this segment of work. But personally it has given me so much more. VLR is the homecoming of this organization. I don't know when we will ever be normal again but I do know that as long as CAI and VLR exist to do all that they can for their members we will be hopeful for better days.



Shannon is President of Relay Electric, LLC and is actively involved in all aspects of the business operations. She is a 3-time Chair of the CA Day committee and an active member of the SEVA-CAI Board of Directors.



The Road to PCAM[®]

By **Kimberly D. Mills, CMCA[®], AMS[®]**, Berkeley Realty Property Management

Professional

Able, acknowledged, polished otherwise known as an expert in their field.

Community

A social group of any size whose members reside in a specific locality, share government, and often have a common cultural and historical heritage.

Association

A voluntary group or union is a group of individuals who enter into an agreement, usually as volunteers, to form a body to accomplish a purpose. Common examples include trade unions, learned societies, professional associations, and environmental groups.

Manager

A person responsible for or administering all or part of a company or similar organization.

The thought of achieving the highest professional designation for a manager in the condominium and homeowner's association industry are a tall order. I began my career in association management in 2012, one of my best friends had suggested it to me on a whim that with my construction background and sparkling personality, I would do great at this new adventure. Sitting here today, I never imagined that I would be on my way to obtaining the highest designation in this industry, The "PCAM."

In order to sit for the PCAM, an association manager must have obtained their CMCA and complete all of the M-200 classes. When COVID hit in 2020 the way classes and meetings were held changed drastically to the "new normal." Everything went virtual, which for me with my busy life and schedule has worked out for the better. As I sit here now, I have finished my last M-200 class and I am preparing to sit for the PCAM exam. Although I am a people person, I am very excited that the PCAM is being offered in the virtual setting. This saves money, time and travel for the manager while also giving me time to focus on my role as an Association manager and going above and beyond to provide the best customer service.

CAI Case Study Offerings

- February 3-4, 2022 - Virtual
- May 2-3, 2022 - Orlando, FL
- July 14-15, 2022 - Virtual
- September 29-30, 2022 - DC Metro Area
- December 1-2, 2022 - Virtual

Each virtual offering will feature a video property tour, live interviews with the host community manager, board, and vendors, and instructors online in a Zoom meeting.

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