

# Common Interest

The Official Publication of CAI-Connecticut

Vol. XVII: Issue 4 • 2022

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**Adoption of the  
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**How Much Money Should  
Our Association Have in  
RESERVE FUNDS?**

***...and more!***

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**community**  
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William Ward, Esq.	<b>Golf</b>	<b>Paradise</b>
<b>Club CIOA</b>	Carrie Mott, EBP	Lynn Jackson, CMCA,
Dave Pilon, CIRMS	<b>Lawyers' Council</b>	AMS
<b>Conference &amp; Expo</b>	Robin Kahn, Esq.	<b>Publication</b>
Karl Kuegler, Jr., CMCA,	<b>Legal Symposium</b>	Sam Tomasetti, CPA
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<b>CEO CAM Council</b>	<b>Marketing</b>	Chris Hansen, Esq.
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### Staff

<b>Kim McClain</b>	<b>Ellen Felix</b>
<i>Chapter Executive Director</i>	<i>Director Program Operations</i>
<a href="mailto:kim@caict.org">kim@caict.org</a>	<a href="mailto:ellen@caict.org">ellen@caict.org</a>

### Who Is CAI?

The Connecticut Chapter is one of 63 Community Associations Institute chapters worldwide. CAI-CT serves the educational, business, and networking needs of community associations throughout Connecticut. Our members include community association volunteer leaders, professional managers, community management firms, and other professionals and companies that provide products and services to associations. The Connecticut Chapter has over 1,200 members including nearly 150 businesses, and over 450 community associations representing 50,000 homeowners.



The materials contained in this publication are designed to provide accurate, timely and authoritative information with regard to the subject matter covered. The opinions reflected herein are the opinion of the author and not necessarily that of CAI. Acceptance of an advertisement in *Common Interest* does not constitute approval or endorsement of the product or service by CAI. CAI-Connecticut reserves the right to reject or edit any advertisements, articles, or items appearing in this publication.



To submit an article for publication in *Common Interest* contact Kim McClain at (860) 633-5692 or e-mail: [kim@caict.org](mailto:kim@caict.org).

## President's Message



Frank Pingelski, EBP

*"Problem solving and building consensus within our respective worlds seems to be an ever-increasing challenge."*

As we move through the summer months it's great to see everyone again! The world feels a little more normal than in recent years past and it couldn't have come sooner. Even with the changing uncertainty in the current operating environment everyone continues to plow ahead.

Problem solving and building consensus within our respective worlds seems to be an ever-increasing challenge. We will always have nay-sayers, but it's up to us as leaders within our communities, businesses and households to find a way! If you have an issue you are struggling with or topic you would like to see addressed, I welcome you to forward the idea to anyone involved with CAI-CT.

June was an action-packed month for CAI-CT activities: Empowering Women, Paradise and our Annual Golf Tournament. The content and presentations have been phenomenal. We are grateful to everyone involved for stepping up and volunteering their valuable time to lend us their expertise. The Annual Golf Tournament was a great summer day to be out with everyone!

While July and August are not quite as busy, we have the Summer Sizzler event on August 3rd and will be discussing everyone's favorite subject — insurance. We will be hosting this fantastic event at scenic Amarante's Sea Cliff in East Haven! Come, grab a drink, and hang out on the deck with some great company. ■



## NOTICE TO ALL CAI-CT MEMBERS

### Annual Meeting September 20, 2022

CAI-CT will hold its Annual Meeting on September 20, 2022 at 9:00 am via ZOOM. Election of officers and board members will be held at this time. If you have any questions or wish to make a nomination, please contact us at 860-633-5692 or [www.caict.org](http://www.caict.org).



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## Common Interest Publication Committee

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## From the Chapter Executive Director

**"Summer's lease hath all too short a date."**

~ William Shakespeare



Kim McClain

Courtesy CAI-CT

There is nothing quite like a beautiful summer day on New England. Thus far, those glorious days have been plentiful. Hopefully, the landscaping on your property is full of an abundance of blooms waiting to burst with color for the next round of excitement. And, maybe it's time to take a closer look at where you could fill in some gaps to be ready for next spring and summer. You can be sure to keep the birds and bees happy by adding more native and pollinator friendly plants. Just by adding a few pocket plantings here and there, you'll be amazed at the increase in pollinator activity. (I am thoroughly enjoying the influx of monarch butterflies in my little garden area!)

As you will observe on these pages, we've had a bunch of live events in fantastic locations in a variety of places in our great state. Those smiling faces tell the story of how happy people were to be together learning and then laughing. Check out our website: [www.caict.org](http://www.caict.org) for more upcoming events. We would love to see your smile too!

It has only been a little over one year since the tragic collapse in Surfside, FL. With that horror in mind, more and more of our associations are realizing how woefully underfunded their reserves are and how deferred maintenance is now a very major concern. Fortunately, we have many members who can help your association navigate all of the many considerations involved in planning and funding capital improvements.

It's never too early to register for the most important program we offer: Condo Inc. Given that your association is indeed a business, this program offers tips and techniques for more efficient and effective management of your association. While your professional manager is very knowledgeable about running your association, it is ultimately the board's responsibility to understand the inner workings of your association and how it keeps current with issues like: changes to the Common Interest Ownership Act (CIOA), rules enforcement for all, understanding financials and more. It is also important to keep in mind that Condo Inc. meets the requirements set forth in Public Act 06-23 which states that all board members should receive education about association operations. The next program is scheduled for October 1, 2022. Join us!

Stay cool and enjoy the summer! ■

## People in the News...



Lynn Jackson, CMCA, AMS, PCAM with The Property Group based in Stamford, CT was recently notified that she has achieved the professional designation of PCAM (Professional Community Association Manager). Those who obtain the PCAM designation demonstrate a commitment to education and professional advancement as one of their many priorities over the course of several years. In order to achieve this designation, all 6 level M-200 must be taken, along with passing the CMCA exam. In addition, a very rigorous PCAM Case Study must be completed. It is important to note that Lynn's case study was especially stressful as it occurred during COVID travel restrictions – yet she persisted! We are proud of her accomplishment. Congratulations! ■



## Share Your News With Us!

Email your industry-related news to [kim@caict.org](mailto:kim@caict.org).

# UPCOMING CAI-CT EVENTS

## CHAT & CHEW with Common Interest Author

On ZOOM

Wednesday, July 27 • Education from 12:00 - 1:00 pm

Ask Your Questions to your favorite authors!

This month's featured speaker will be Dan Levine, CPA – Tomasetti, Kulas & Company, PC.

(No Continuing Education Credits for this event)

Free for CAI Members, \$25 - Non-Members

## CHAT & CHEW with Common Interest Author

On ZOOM

Wednesday, August 31 • Education from 12:00 - 1:00 pm

Free for CAI Members, \$25 - Non-Members

Ask Your Questions to your favorite authors!

This month's featured speaker will be Adam Cohen, Esq. – Pullman & Comley, LLC

(No Continuing Education Credits for this event)

## SUMMER SIZZLER Education & Networking PARTY

**The Times (and Climate),  
They are a Changing...**

Wednesday, August 3 • Education from 3:00 pm - 5:00 pm

Networking Party 5:00 pm - 7:00 pm

Amarante's Sea Cliff, East Haven



More microbursts, extreme flooding, rising sea levels, increased drought - how will all of this affect our communities? Will higher amounts of flood insurance be required? Do current deductibles levels provide adequate coverage? What about fire insurance and replacement costs? Can risk management mitigation offer some protection? Our experts will help us navigate steps to prepare for future weather-related disasters. We will be returning to our favorite shoreline location – Amarante's – for another great Summer Sizzler party on the deck. Don't miss it!

Managers & Board Members: \$30 - CAI Members, \$55 - Non-Members

Service Providers: \$100 - CAI Members, \$125 - Non-Members

Sponsorships Available. Please visit [www.caict.org](http://www.caict.org) for more information.

## CEO CAM Council – Hosted on Zoom

Tuesday, August 16 • 1:00 - 2:00 pm

**Qualifications to attend:** you must be an individual member or the designated chief executive officer or equivalent of a management company holding a CAI membership. No more than two individuals employed by the same company may participate on the Community Association Managers Council at the same time. Pre-registration is required.

## EVENTS FOR YOU IN 2022!

### SEPTEMBER

Wednesday 9/28/2022

Fall Fun (IN Person Event)

3:00-7:00 pm

Location: Hops on the Hill, South Glastonbury



Wednesday 9/28/22

CHAT & CHEW with Common Interest Author •

Education from 12:00 - 1:00 pm - On ZOOM

### OCTOBER

Saturday 10/1/22

Condo Inc. • 8:30 am - 2:30 pm – Wallingford (In-Person)

Wednesday 10/12/2022

Community Conversations • 2:00-3:15 pm – ZOOM

Tuesday 10/18/2022

Manager CEO Council • 1:00 - 2:00 pm – ZOOM/Hopin

Thursday 10/27/2022

Legal Symposium

1:00-6:00 pm – ZOOM/HOPIN



**Visit [www.caict.org](http://www.caict.org) to register  
and for updated information.**



**Saturday, October 1, 2022**

Wallingford, CT

8:30am-2:30pm

Light breakfast and lunch

Members \$50, Non members \$100

## CAI-CT's Recommended Course for All Connecticut Community Associations

### CONDO, INC.

The Business of Running Your Community

**IN-PERSON**

Do you serve on the board of your association? Are you considering serving? Whether you are a seasoned board member, a recently elected board member or unit owner seeking to understand more about how an association runs, this course is for you!

Topics include:

- **LEGAL:** CIOA, Documents, Rules Enforcement, Meetings, Contracts
- **FINANCIALS:** Budgets & Reserves
- **CONTEMPORARY ISSUES:** Reserve Analysis, Long-Term Planning
- **INSURANCE:** CIOA, Risk Management, HO6 Policies, D&O Insurance



Visit [www.caict.org](http://www.caict.org) to register.

## Manager Matters...



## International Community Association Managers Day – June 13

Recently, Community Associations Institute (CAI) added International Community Association Managers Day on June 13 to the National Today calendar. This day is dedicated to the more than 55,000 community association managers in the U.S. and thousands more worldwide. Community association managers are the professional backbone of the condominium communities and homeowners associations that they serve, providing the skills and expertise that are essential to successful operations and governance.

We've got almost a whole year to determine how to honor and highlight the hard working managers who keep our associations humming day and day out. Let's be creative! ■

roburt/Stock/Getty Images Plus

## THANK YOU NEW & RENEWING MEMBERS

### Welcome New Members

#### Associations

Deep Brook Harbor Homeowners' Association  
Fox Meadows Condominium Association  
Lake Place Condominium Association, Inc.  
Loveland Farms Condominium Association, Inc.  
Regency Towers  
Sea Scape  
Stonewood Condominium at Richards Avenue Association Inc.  
Windermere East Owners Association

#### Individual Managers

Darrell S. Burne  
Rebecca Kaluski  
Elvira Kovshov  
Michael Milazzo  
Melissa Rosabella  
James Spada  
Jeffrey Ulrich

#### Business Partners

Bedford Construction and Woodworking  
Blusky Restoration  
GAF Roofing Material Manufacturer  
KBL Contractors LLC  
LiftMaster - Chamberlain Group

### Thank You Renewing Members

#### Associations

Ballymeade Association, Inc.  
Brookwoods II  
Carriage Crossing Association, Inc.  
Cedar Hollow Association, Inc.  
Chapel Hill Condominium Association  
Chateau Wood Condominium Association  
Cold Spring Village  
Countryside Manor Condominium Association, Inc.  
The Crossings Homeowners Association  
Dellwood Gardens Condominium Association  
Edgewater Association, Inc.  
Essex Village Condominium Association  
The Fairways at Torrington Association Inc.  
Four Beaches Condominium Association

Franklin Square Condominium Association  
The Gardens at Summerfield Condominium Assn.  
Gloria Commons Homeowners Association, Inc.  
Governor's Bridge Homeowners Association  
Greystone on the Lake Condominium  
Kendall Green Condominium Association  
Kensington Acres North Owners Association  
Long Hill Condominium Association  
Meadow Brook Estates Homeowners Association Inc.  
Mountain View Condominium Assn. of Meriden, Inc.  
Oldefield Farms Homeowners Association, Inc.  
Palmer Landing Community Association  
Parkview South Condominium Association  
Prosperity Park Condo Association  
The Renaissance of Danbury Condominium Assn.  
Ridgewood @ Middlebury  
Riverview Commons Association  
South Village  
Spinnaker Association, Inc.  
Steeplechase Condominium Association  
Sterling Village Association, Inc.  
Strawberry Fields Condominium Association, Inc.  
Village Victoria Condominium Association  
The Windingbrook Townhouse Association  
Westwood Village Condominium Association, Inc.  
Wolfpit 27 Condominium Association

#### Management Companies

Empire Property Management Corporation  
Felner Corporation  
Palmer Property Management  
Plaza Realty & Management Corporation  
Premier Property Management  
Residential Management Corporation  
Sentry Management, Inc.  
SOMAK Property Management  
White & Katzman Management, Inc.

### Individual Managers

Darci Angarano  
Linda Magee Arvers, CMCA  
Nicholas Michael Bragano, CMCA  
Joseph W. Brennan, CMCA  
Hakki Cinel, CMCA, AMS, PCAM  
Keith William Confalone  
Alex Danis, CMCA  
Douglas Dillon, CMCA  
Jean Dobbins  
Michael Donadeo  
Regina A. Hamel  
Joseph Kelly  
Sandra A. Pimentel, CMCA  
Andrew Price, CMCA, AMS  
Gregory Wayne Roberts, CMCA  
Rachael E. Rosario, CMCA, AMS  
Paul Peter Scalzo, Jr., CMCA  
Jared Schulman, CMCA, AMS  
Ellen B. Sias, CMCA  
Richard Robert Stoepfel, CMCA  
Hilary Stoudt, CMCA  
Janet Van Tassell, CMCA  
John A. Walker, CMCA  
Tasha Anne Woodford, CMCA, AMS  
Timothy Wayne Wyatt, Jr.

### Business Partners

Adam Quenneville Roofing, Siding & Windows  
Assured Partners  
BELFOR Property Restoration  
Bouvier Insurance  
CINC Systems  
Fairfield County Bank Insurance Services, Inc.  
Pacific Western Bank  
Pilicy & Ryan, PC  
Pro-Klean Cleaning & Restoration Services  
Pullman & Comley, LLC  
SavaTree/SavaLawn  
Servpro  
SOLitude Lake Management  
The Reardon Agency, Inc.  
V. Nanfiro Roofing & Siding, Inc.  
Webster Bank





## Legislative Update

This session was particularly busy and stressful for our advocacy team, as we were required to testify on multiple bills and beat back several bad bills before they made it out of committee. The two bills we were tracking most closely had the following outcomes:

**SB 4 AN ACT CONCERNING THE CONNECTICUT CLEAN AIR ACT.** The good news about this bill is that due to Sen. Will Haskell's willingness to work with us to tweak the original bill regarding EV charging stations, we were able to include greater protections for boards and associations in how they allow for the installations of charging stations. (See below for further explanation of the Public Act.) SB 4 (Public Act 22-25) also includes language regarding the allowance of solar panels in **PLANNED UNIT DEVELOPMENTS ONLY. This new law concerns only those communities which define themselves as a Planned Community and NOT condominiums or cooperatives.**

The law specifically applies to only those communities which are defined in their declarations (typically found Article 2) as being planned communities. The law also states that it does NOT apply to those Planned Communities where the roof is shared with any other units. The association may adopt reasonable rules about the installation of solar panels. It is best to seek the advice of your association's attorney in order to ensure proper procedures are in place prior to the Public Act 22-25's effective date of October 1, 2022.

### **SB 413 AN ACT CONCERNING COMMON INTEREST OWNERSHIP COMMUNITIES**

This bill authorizes the Commissioner of Housing to create a study group to examine reserve studies and reserve funding. This bill did not make it to the House for a vote and died. However, CAI-CT plans to create our own study group to develop legislative recommendations for the 2023 session. If you have any interest in serving, please contact Kim McClain at [kim@caict.org](mailto:kim@caict.org). ■

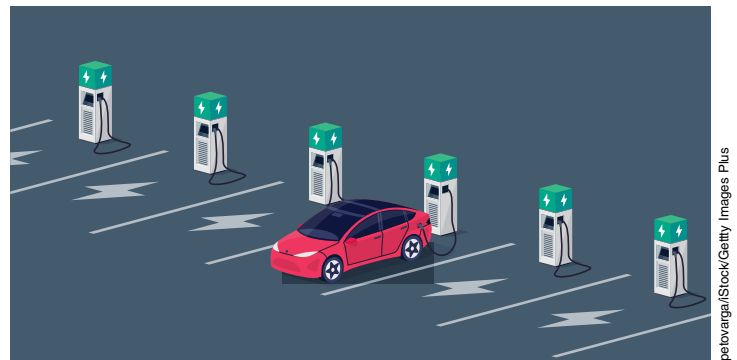
## Public Act No. 22-25 AN ACT CONCERNING THE CONNECTICUT CLEAN AIR ACT

### §§ 2 & 3 — RIGHT TO CHARGE IN CONDOMINIUMS AND COMMON INTEREST COMMUNITIES

*Summary: Establishes “right to charge” in condominiums and common interest communities by voiding governing document provisions that unreasonably restrict EV charging installation in a unit or limited common element parking space; establishes requirements for processing applications and provisions applicable to charging station installation.*

The Act establishes “right to charge” provisions for unit owners in condominiums (§ 2) and common interest communities (§ 3). Beginning October 1, 2022, the Act makes void and unenforceable any provision in declarations, bylaws, rules, or condominium instruments, as applicable (“governing documents”), that prohibit or unreasonably restrict EV charging station installation in a unit or limited common element parking space.

An EV charging station is an electric component assembly or cluster of component assemblies designed specifically to charge batteries in EVs by permitting the transfer of electric energy to a battery or other storage device. Limited common elements are portions of the condominium or common interest community designated as reserved for the use of one or more units, but not all units.



Under the Act, EV charging stations in condominiums and common interest communities must meet all applicable health and safety standards and requirements under federal, state, or municipal law.

### **Exceptions**

The Act's right to charge provisions do not apply to condominiums and common interest communities that (1) impose “reasonable restrictions” on EV charging stations or (2) have EV charging stations in a number that is at least equal to 15% of the units. Reasonable restrictions are those that do not significantly increase an EV charging station's cost or decrease its efficiency or specified performance.

*[Continues on page 8.]*

**PUBLIC ACT 22-25...from page 7.**

**Application Processing**

Under the Act, unit owners may apply to install an EV charging station to the applicable governing body (Board of Directors or Executive Board). If the parking space is located in a limited common element, the unit owner must have written approval from each owner of each unit that has reserved use of the limited common element parking space. The governing body must (1) acknowledge, in writing, the application within 30 days after receiving it and (2) approve or deny an application, in writing, within 60 days after receiving it. The governing body must process the application in the same way as the governing documents require for other additions, alterations, or improvements.

Under the Act, unless the governing body reasonably requests additional information within the 60-day period for acting on an application, an application that is not denied in that timeframe is deemed approved.

**Conditions for Approval**

Under the Act, the governing body must approve an EV charging installation if the owner agrees in writing to:

1. comply with provisions in the governing documents regarding an addition, alteration, or improvement;
2. have a licensed and insured contractor install the charging station;
3. provide a certificate of insurance within 14 days after approval that shows insurance coverage in amounts the Board deems sufficient;
4. pay for the charging station's installation-associated costs (e.g., increased master policy premiums, association attorney's fees, engineering or professional fees, permits, and applicable zoning compliance); and
5. pay for the charging station's electricity usage.

**Unit Owner Responsibilities**

The Act makes the unit owner, and each successive owner, of the EV charging station responsible for the following:

1. costs for damage to the EV charging station, common elements, or units due to the EV charging station's installation, use, maintenance, repair, removal, or replacement;

2. costs to maintain, repair, and replace the EV charging station until its removal;
3. costs to restore the physical space where the charging station was installed after its removal;
4. associated electricity costs;
5. common expenses from uninsured losses under any master insurance policy the association holds on behalf of unit owners; and
6. disclosing to prospective buyers (a) the charging station's existence, (b) the associated responsibilities, and (c) that the purchaser accepts the charging station unless it is removed before the unit's transfer.

The Act also specifies that a unit owner is not required to maintain liability coverage for an existing National Electrical Manufacturers Association standard alternating current power plug.

**Permitted Association Actions**

The Act specifically authorizes associations to do the following:

1. install an EV charging station in the common elements to be used by all unit owners and develop appropriate rules for the station's use;
2. create a new parking space where one did not previously exist to facilitate installing an EV charging station;
3. require the unit owner to remove the EV charging station before the unit's sale unless the purchaser agrees to take ownership of the station; and
4. assess the unit owner for any uninsured portion of a loss associated with an EV charging station, from a deductible or otherwise, regardless of whether the association submits an insurance claim.

**Attorney's Fees**

The Act specifies that the prevailing party must be awarded reasonable attorney's fees in any action by an association seeking to enforce compliance with the Act.

**EFFECTIVE DATE: October 1, 2022 ■**

**SUMMER SIZZLER Education & Networking PARTY**



**GOOD FOR  
2 CEUs**

**The Times (and Climate), They are a Changing...**

**Wednesday, August 3rd**

**Education 3:00 pm - 5:00 pm • Networking Party 5:00 pm - 7:00 pm**

**Amarante's Sea Cliff, East Haven**

*Sponsorships Available. Please visit [www.caict.org](http://www.caict.org) for more information.*

**To register visit [www.caict.org](http://www.caict.org).**

More microbursts, extreme flooding, rising sea levels, increased drought — how will all of this affect our communities? Will higher amounts of flood insurance be required? Do current deductibles levels provide adequate coverage? What about fire insurance and replacement costs? Can risk management mitigation offer some protection? Our experts will help us navigate steps to prepare for future weather-related disasters. We will be returning to our favorite shoreline location — Amarante's — for another great Summer Sizzler party on the deck. *Don't miss it!*

**Managers & Board Members:**

**\$30 - CAI Members, \$55 - Non-Members**

**Service Providers:**

**\$100 - CAI Members, \$125 - Non-Members**



## LegallySpeaking...



Adam Cohen, Esq.

### Is the State Holding Your Association's Money? *How to Claim Your Escheated Funds*

By Adam J. Cohen, Esq.

Like many other states, Connecticut has appointed itself as the official “lost and found” for all money abandoned within the state’s borders. We’re not talking about coins dropped on a sidewalk. Abandoned money can include old bank accounts, uncashed checks, stocks and bonds, money orders, life insurance policies, and other valuable assets. Connecticut is currently holding several hundreds of millions of dollars for over one million rightful owners who have yet to ask for it back.

The legal term for this governmental function is “escheat,” and the rationale is that the State is in the best position to look after these funds until the owners step forward to claim them. The State, of course, uses and invests the money in the meantime. The Unclaimed Property Division of the State Treasurer’s Office is responsible for collecting and disbursing the funds. The program operates under a series of statutes which require banks, courts, businesses, utility companies, employers, hospitals, and virtually anyone else holding the assets of someone with whom they’ve lost contact. This often includes money left over in accounts of customers with bad mailing addresses or the property of a person who dies with no known heirs. After a fixed period of unsuccessful efforts to locate a rightful owner, usually between three and five years, the holder of the money is legally required to turn it over to the State (in fact, the State can sue the holder for failing to do so).

Why does this matter to your community association? Because a great deal of the money which the State is holding belongs to condominiums and homeowners associations. Often the money is part of the auction proceeds from a mortgage foreclosure against a unit owner after the bank was paid in full. The community association never claimed its share of those proceeds for any unpaid common charges, probably because the wrong person was served with the original lawsuit paperwork (like an old manager or board member no longer in touch with the community), or the Executive Board did not understand how to properly participate in the litigation. After a few years of waiting, the court simply forwarded the extra money to the Treasurer’s Office. Other sources of unclaimed funds owed to associations might include credits on cancelled utility and insurance accounts, vendor rebates and refunds, and operating and reserve accounts held by a bank which wasn’t given contact information for an incoming board or manager.

The amount held by the State in these situations may be only a few dollars, or it might be thousands. Usually the only reason escheated money remains unclaimed is because the rightful owner had no idea it existed. Fortunately, in the internet age, the process for discovering and claiming escheated funds is relatively simple. The Treasurer’s

Office maintains a website that makes it very easy to look up whether your association is owed any money. There is no deadline; no matter how many years have

passed since the money was abandoned, the State will honor a proper claim and send a check to the rightful owner or his descendants. And the claims process is completely free of charge.

Go to [www.CTbiglist.com](http://www.CTbiglist.com) and enter your association’s name in the “last name” field. If listings appear, you can click on them to create a claim form which will tell you the nature of the unclaimed assets and which you can fill out and print to submit by mail. Be careful – after you click on the confirmation button to create the claim form, the website will block later access to the listing (to prevent duplicate claims), so don’t quit before finishing the entire procedure. When you mail in the completed form, you will need to include:

- (1) written proof of your right to submit the claim on the association’s behalf, such as a management contract or a signed board resolution;
- (2) a document showing the association’s federal ID number, such as a copy of a federal tax return or a typed (not handwritten) W-9 form;
- (3) copies of your own driver’s license and social security card; and
- (4) if the funds were deposited with two name-identifiers (like the association and a management company), a letter from the depositor confirming that either one may properly claim ownership. Large companies that regularly process escheats will have an “unclaimed funds department” available to help.

After the Treasurer’s Office verifies the claim paperwork, you can expect a check to be mailed out to the association a few weeks later. Unfortunately the website will not reveal the dollar amount being held. Instead, you just have to submit the claim and wait for the Treasurer’s Office to respond with the details.

While you’re at it, try entering your own name on the website. The State just might be holding money for you personally as well. ■

*Adam J. Cohen is an attorney with the Law Firm of Pullman & Comley, LLC headquartered in Bridgeport, Connecticut. As the Chair of its Community Associations Section, he represents and gives seminars to condominiums, tax districts, and other communities in matters ranging from amendments of governing documents to revenue collection strategies and commercial disputes.*

*“Connecticut is currently holding several hundreds of millions of dollars for over one million rightful owners...”*



## FinanciallySpeaking...



Daniel Levine, CPA

### Inadvertent Interfund Receivables & Payables

By Daniel Levine, MBA, CPA

Association accounting is based on tracking activity through various funds. Typically, most associations have two major funds, an operating fund that reports its day-to-day activity and a capital repair fund which contains large replacements of items like roofs or roads.

Each fund is its own silo of activity, but at times a board may not see this as such and process transactions in ways that give rise to interfund items about which they may not necessarily be aware. This article will focus on how interfund items are created and how a board can track and identify if one exists.

#### Financial Mechanics

Before we discuss why interfund receivables and payables inadvertently occur, a foundation in how financial statements operate is important. As highlighted in previous articles, a set of financial statements will consist of a balance sheet and an income statement.

A balance sheet is a specific moment in time and reflects assets, liabilities, and equity of an association. For a balance sheet to be in balance, an association's assets must equal the sum of its liabilities and equity.

An income statement covers a range of time and is how an association financially got from a previously dated balance sheet to the current balance sheet.

The two statements are linked via net income. An association's net income eventually will be combined into its equity balance and that change in equity allows a balance sheet to remain in balance.

The final point to also remember is that when recording transactions an association will both "debit" or "credit" various accounts with total debits equaling total credits. Debiting an account that has a credit balance will reduce it while debiting an account that has a debit balance will increase it. Crediting an account with a credit balance will increase it while debiting an account with a credit balance will reduce it.

An association's accounts will typically have the following balance types:

- Assets = Debit Balances
- Liabilities = Credit Balances
- Equity = Credit Balances
- Income = Credit Balances
- Expenses = Debit Balances



*"...a set of financial statements will consist of a balance sheet and an income statement."*

*Using an example to tie the mechanics together:*

- An association's only activity for the year is that they spent \$200 dollars on a mailer to the community.
- As cash is an asset, this \$200 will reduce (credit) cash on the balance sheet, therefore, to remain in balance either another asset has to increase \$200, liabilities need to decrease \$200, or equity needs to decrease \$200.
- In this case the association increases expenses (debit) which when netted into equity results in a reduction in equity by \$200 and allows the balance sheet to remain in balance.

#### The Impact on Fund Accounting

Now where this gets complicated is overlaying these rules on how an association breaks down its activity into different funds. When co-mingling transactions across different funds, the association will inadvertently create a interfund receivable/payable.

For example, most associations will pay for items out of their operating checking accounts, but this may include items that are reserve expenses. Having a mismatch like this results in an interfund receivable/payable to keep the books in balance.

*[Continues on page 12.]*

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**FINANCIALLY SPEAKING...from page 10.**

The reason for this is that if an expense is paid for by operating but the expense is a reserve expense, operating assets changed with the payment while reserve equity changed from the expense allocation. Each fund's specific balance sheet no longer balances and to not violate accounting rules an interfund amount is created. An association that isn't diligent about the reserve cash movements can create sizable interfund receivable/payables inadvertently that then can impact later decision making.

Another example is monthly contributions to fund the capital reserve fund. If a payment isn't made into a reserve account but the unit owners were assessed, essentially what occurs is that income has come in that would increase reserve equity, but reserve cash hasn't increased. To fix the discrepancy interfund accounts are created to reflect the outstanding contribution to the capital reserve accounts.

**How to Guard Against This**

A simple control against this issue is a combination of documentation and verifying the documentation translates in the financial statements. Something as frequent as a quarterly check could suffice.

As stated previously, the most common inadvertent interfund is paying for an expense by one fund that is the responsibility of another. The association's treasurer can simply review the cash activity for the previous quarter in conjunction with approvals (whether it's a form authorizing an expense or the association's minutes) to ensure the

*"Doing this check can help prevent depleting cash from a specific fund that is paying for items it isn't supposed to cover..."*

activity approved by the board has been reflected in the cash activity.

Of the two major funds, the reserve fund typically is much simpler to track as it has fewer overall transactions. By doing this quality check, the board can make sure that there are no outstanding interfund items or resolve any that are discovered.

Doing this check can help prevent depleting cash from a specific fund that is paying for items it isn't supposed to cover and not being reimbursed.

**Conclusion**

Interfund activity is a frequent occurrence in association accounting. However, if activity isn't appropriately allocated and tracked, interfund items can inadvertently arise that can impact an association's finances that aren't expected. An association's board should take steps to track and detect potential outstanding interfund issues and make sure these items are resolved timely. ■

*Dan Levine, MBA, CPA is a Certified Public Accountant at Tomasetti, Kulas, And Company P.C. Dan has extensive experience with tax and attestation services to condominium associations from all around Connecticut. Dan is an active participant in CAI-CT related programs and can be found presenting accounting best practices at these events throughout the year. Dan is also a member of our At Large Legislative Advocacy Committee and serves on the CAI-CT Board of Directors.*



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Since the positive feedback we got for our program last year was so overwhelming, we decided to bring back the dynamic duo of Erica Pilicy-Ryan, Esq. with the Flood Law Firm, LLC and Kelly Freitas, Esq. with Feldman, Perlstein & Greene, LLC for our program on June 8th at Hawk Ridge Winery in Watertown. Both the weather and venue were picture perfect! The wine was divine and the food was scrumptious.

Our speakers offered a lively presentation about knowing your audience in order to convey a message and be effective in communicating. With lots of real-life examples and even a clip from the movie, *Legally Blonde*, they demonstrated how and why actually listening will make a tremendous difference in getting your points across.

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Jonathan Chappell, Esq.

## Adoption of the Budget & Special Assessments: *Do it Correctly*

By Jonathan Chappell, Esq.

**F**requently, a board member or unit owner asks about the procedure utilized to adopt a budget or special assessment. The response may create some confusion. Many times the confusion involves whether unit owners must be given the opportunity to vote to approve the budget or special assessment. This article is intended to outline the required statutory procedures. This article may just be confirmation that your community is doing this correctly; however, some may not be. When there is doubt, it may be time to call the association's lawyer.

### IS THIS IMPORTANT?

Yes.

An association simply cannot operate without adopting a budget. By statute, an association must have an annual budget. Subsection 47-261e(a)(1) of CIOA requires the adoption of a budget "at least annually."<sup>1</sup> Putting that statutory requirement aside, without a valid budget, how can an association calculate and collect revenue sufficient to pay for necessary services? More simply, how does an association know it can afford something? Without a budget, spending or setting the amount of the common charges may just amount to guesswork. The adoption of the budget might be the board's most important power or function.

Another very important association power is the power to assess. Be honest. Nobody living in a common interest community likes to even hear or say out loud the words "special assessment." CIOA, itself, may be a bit squeamish too.<sup>2</sup> Special assessments come in all shapes and sizes, and are adopted for different reasons. One association may choose to adopt a one-time lump sum assessment per unit to fill a gap in its revenue relative to what was expected when budgeted. Another may adopt a special assessment tied to a loan to finance a significant capital project expense, giving owners the option to pre-pay an owner's portion of the entire cost while others pay monthly throughout the loan's term. An association might assess a sum to every unit and allow a number of months to pay it – basically a short-term, no interest loan to an owner.

Whether the adoption of a budget or special assessment, it must be done correctly.

### CAUTION! YOUR DOCUMENTS MAY BE WRONG

Wait. "You lawyers always tell us 'read your documents.'"

Correct. However, the procedure for adopting a budget or special assessment is another area where a statutory change supersedes even a properly enacted, prior-in-time document provision.



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*"The adoption of a budget and special assessment involves similar procedures. Each requires board action followed by a vote by unit owners."*<sup>4</sup>

To adopt a valid budget or special assessment, you must follow the procedures found in CIOA § 47-261e, no matter what your documents may dictate. Since 1984, CIOA has required all communities to follow the processes in Section 47-261e. Section 37 of Public Act 09-225 first enacted what is § 47-261e of CIOA. This statute, with limited exceptions, preempts a conflicting document provision, including communities created both before and after 1984.<sup>3</sup> Since July 1, 2010, every community must adopt its budget and a special assessment in accordance with CIOA § 47-261e.

Your community may have documents that differ from 47-261e regarding the procedure for the adoption of a budget or special assessment, especially communities created before 2009.

### HOW TO ADOPT A BUDGET/SPECIAL ASSESSMENT

The adoption of a budget and special assessment involves similar procedures. Each requires board action followed by a vote by unit owners.<sup>4</sup> Each requires the affirmative vote of unit owners with at least a majority (or a greater percentage in your documents) of the total voting power in the association in opposition to a board proposed budget. Unless at least a majority of owners vote in opposition (i.e. "no"), the board-approved budget/special assessment is approved or

deemed approved.

That warrants repeating. Unless at least a majority of the units votes to reject it, the board's approved budget/special assessment passes. This is so even if less than a quorum of owners votes at a meeting or returns ballots.

This deference to a board's proposal may be surprising to some. You might have a declaration or bylaw provision that conflicts with CIOA. Also, if an owner does not vote, an owner's inaction results in his/her vote essentially becoming a "yes" vote in support of the board's proposed budget/special assessment.

The following are basic outlines to adopt a budget and special assessment.

### I. Budget

CIOA subsection 47-261e(a)(1) requires that:

1. The board adopts its proposed budget.
2. Within 30 days of board approval, a budget summary of the board's proposed budget must be distributed to all owners.
3. "Simultaneously" the owners must be given notice of a unit owners' vote within not less than 10 but not more than 60 days.

### II. Special Assessment

Subsection 47-261e(b)(1) of CIOA requires:

1. The board proposes and approves a special assessment.
2. If the 15% threshold is exceeded, within 30 days a summary must be sent to all owners.

3. The board must set a meeting and vote to occur within no less than 10 or more than 60 days from sending the summary.

An association must adopt an annual budget. Additionally, it will at some point likely need a special assessment. Each must be adopted correctly. Follow CIOA § 47-261e. ■

*Jonathan Chappell, Esq. is an attorney in the law firm of Feldman, Perlstein & Greene, P.C. based in Farmington, CT. Jonathan serves on our At Large Legislative Advocacy Committee and is a member of our Publications Committee.*

### END NOTES:

- 1 The adoption of an amended budget during a fiscal year should be done with the same procedure as an annual budget.
- 2 "Special assessment" is not defined in CIOA. Section 47-202(3) does define "Assessment" as "sums attributable to a unit and due the association pursuant to section 47-257." Though beyond the scope of this article, an assessment, if assessed properly, may include nearly any sum owed by a unit owner to an association.
- 3 See CIOA 47-216(a).
- 4 With a special assessment, the board must make a threshold determination whether a proposed special assessment "together with all other special and emergency assessments proposed by the executive board in the same calendar year, exceed fifteen per cent of the association's last adopted periodic budget for that calendar year." If 15% is exceeded, there must be a unit owner vote. If not, the board's proposed assessment is effective without an owner's vote. This article assumes the special assessment proposed exceeds this 15%.

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## Manager's Column...



Rich Wechter, CMCA

Being Practical, Part LXXVIII

# Virtual Meetings — Time to Make Them Standard Operating Procedure

By Rich Wechter, CMCA

In this column, we tackle various topics of interest with the intent of imparting practical advice. In this issue's column, we address the status of "Virtual Meetings" and offer an opinion that it is time that virtual meetings become a standard operating procedure of community associations going forward.

### A. Setting the Table on this Topic

Kenneth Blanchard noted that "In a world that is constantly changing, it is to our advantage to learn how to adapt and enjoy something better." We might not have been ready or prepared to enter the world of virtual meetings back in March of 2020 at the outset of the Covid-19 pandemic, but now have over two years of experience with virtual board and unit owner meetings and can properly assess their effectiveness as well as any drawbacks to their use in place of in-person meetings. It is my personal opinion that the benefits of virtual meetings outweigh any loss of personal contact that occurs in an in-person meeting.

### B. Why Virtual Board and Unit Owner Meetings are More Effective Than In-Person Meetings

I offer just a handful of reasons why virtual board and unit owner meetings are more effective than in-person meetings:

1. Far better attendance by unit owners. Being able to join a board or unit owner meeting from the comfort and convenience of one's home has clearly boosted attendance at these meetings.
2. Far better active participation by unit owners at these meetings. It appears over the last two years that unit owners are more likely to speak up at a virtual meeting than at an in-person meeting.
3. Far better attendance by board members. Board members who travel for either business or personal reasons can now fully participate in these meetings which reduces the number of meetings that cannot be held due to a lack of quorum.
4. Virtual meetings can generally commence on time without the concerns of weather, traffic and work-related issues. Participants, both board and non-board members have many times joined a virtual meeting on one device in transit only to switch to another device when they get home.
5. The board and unit owner meetings generally run in much more efficient manner. This is particularly the case when the meeting has a fixed length, and the moderator of the meeting works very hard to stick to that timetable.
6. Documents that need to be shared during the meeting can easily be displayed for attendees of these meetings. This is most effective



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*"The beauty of virtual meetings is the absence of any battles over masks, social distancing or even vaccination status."*

during budget season when a draft budget can be displayed for all to see and review.

7. Disruptive attendees can be muted, and, if necessary, removed from a virtual meeting much easier than from an in-person meeting. In today's world of chaotic and occasionally violent meetings, this is a major benefit of virtual meetings.
8. The Covid-19 health issues have not been eliminated or reduced to such a degree that most people feel safe gathering for an in-person board or unit owner meeting. This is especially the case with community associations that previously held board meetings at the homes of board members.
9. Guests at board or unit owner meetings such as attorneys, consultants, and vendors can participate at virtual meetings without the additional cost of traveling to such meetings.
10. Reduced costs for those community associations that have to pay for venues to hold in-person board and unit owner meetings.
11. No mask or social distancing required. The beauty of virtual meetings is the absence of any battles over masks, social distancing or even vaccination status.
12. Greater flexibility in the scheduling of virtual meetings, both as to the date and commencement time for these meetings. Venue availability is no longer a concern when scheduling a virtual meeting.

### C. What you Lose With a Virtual Board or Unit Owner Meeting

1. Meeting and greeting attendees with a personal touch.

[Continues on page 27.]

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Michelle Baldry, PE,  
PRA, RS

## TECHNICAL EXPLANATIONS

### How Much Money Should Our Association Have In Reserve Funds?

By Michelle Baldry, PE, PRA, RS

When it comes to reserve funds, a common question we hear is “how much money should our association have in reserves?” The truth of the matter is, it depends. Each association is unique in a variety of ways, so the answer to this question varies widely depending on the community, its components, and its wants and needs.

Because there is no uniform answer to this question, it’s prudent that associations of all types commission regular reserve studies. While there are elements of a reserve study that are engineering-based, the primary function of reserve studies is capital planning. From developing capital expenditure schedules to a tailor-made reserve funding plan, reserve studies work with and for your community to answer this question for your individual association.

Recommended to be updated on a *two to five year cycle*, reserve studies keep your association up-to-date on when community components will need repair or replacement, in which order these projects should take place over the next 30 years, and how much money will be required in reserve funds at each specific juncture to ensure timely component maintenance.

The threshold funding method is commonly used when laying out an association’s capital plan. Using this strategy, associations will have a detailed capital plan that answers the exact question, “how much should we have in reserve funds?”

While reserve study providers can utilize a variety of funding methods in their reports, we find that threshold funding allows for associations to put stable amounts of money into reserves each year, making sure that there is enough to ensure that capital projects can be addressed in a timely manner while not hoarding unnecessary amounts of money.

If your association is underfunded, a reserve study will help you get back on track to adequate reserves over time. Experienced engineers are highly versed in life cycle cost analysis and have the knowledge and expertise to guide your association to fulfill its responsibilities without overlooking any needed community expenses.

The truth is, the amount an association needs in reserve funds differs year to year, and there isn’t necessarily a specific percentage at which reserves need to be consistently funded. Methods that target an arbitrary balance relative to the *fully funded* balance do not offer a complete picture of overall financial health. While maintaining a 100 percent funded balance is generally a safe strategy, it typically results



*“...there should ideally always be enough reserve funds to cover expenses when they arise without having to implement hefty special assessments on residents.”*

in over-funded reserves. On the other hand, threshold funding provides a clear, easy-to-follow plan to ensure a healthy community and adequately funded reserves.

One very important point to consider, however, is that there should ideally always be enough reserve funds to cover expenses when they arise without having to implement hefty special assessments on residents. Not only is this unfair to residents, especially those on a fixed income, but it can lead to decreased property values as underfunded associations are more likely to defer maintenance and capital projects. Furthermore, community reserve funds are being scrutinized more than ever by potential buyers.

At the end of the day, commissioning a reserve study and following its recommendations can save associations the time, hassle, and negative outcomes of being underfunded. Better yet? They will answer the question of how much your association should have in reserve funds at any given time. Your association and its budgetary needs are unique, and your reserve study will be too! ■

*Michelle Baldry, PE, PRA, RS is a Regional Executive Director with Reserve Advisors.*



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## Knowledge and Networking at Paradise

With a glorious afternoon and the Long Island sound as our backdrop, our Paradise Committee came through with a terrific program focused on avoiding complaints to the Commission on Human Rights & Opportunities (CHRO). A staff attorney with CHRO, provided us with a very comprehensive overview of how CHRO functions and strategies for managing problems before they become serious issues and ultimately reported to CHRO. We also learned about many of the legal and insurance pitfalls that associations boards can steer clear of if they act properly.

A very important presentation about how our environment — mainly landscaping — can impact the well-being of a community ended the program. We were reminded how the environment we create with landscape design can serve to increase a sense of inclusivity for those with sensory or mobility concerns and also a place of respite and healing. There were many great ideas that were shared.

The networking part of the event was lively. Lots of laughter and smiles filled the room.

### **Thank you to our excellent speakers:**

Michelle Dumas Keuler, Esq.  
*Commission on Human Rights & Opportunities*

Robert A. Pacelli, Jr., Esq.  
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**Y**ou have questions! Mister Condo has answers! Every issue of *Common Interest* features an “Ask Mister Condo” Question submitted by a reader of the Ask Mister Condo website at <https://askmistercondo.com>. There are often many reasonable suggestions and solutions to condo questions. Mister Condo is asking you to participate and share your wisdom with the world. Review the question and Mister Condo’s answer below. Do you have anything else you’d like to add to this question or answer? Comment online at <https://askmistercondo.com>.

### Condo Complex Defects are the Tip of the Iceberg

**L.M. from New Haven county, Connecticut writes:**

Dear Mister Condo,

I have lived in a complex for nearly 25 years and while it’s fine, a new board and management company took over. The owners are responsible for their own windows, storm door and garage doors. I have replaced mine but some of the condos have windows that are full on condensation, garage doors that are old and worn/peeled and no storm doors. It’s in our bylaws to maintain this while board takes care of decks. (which by the way haven’t been painted in 30 years!). The complex looks so shabby and the President said there is nothing they can do to make owners maintain windows and doors—so why then do the bylaws state this. Is this true? Owners can let their properties go to pot. This impacts my unit and curbside appeal. I honestly don’t believe this is the case and no one is held accountable. I am so frustrated- can you advise me?

#### Mister Condo replies:

L.M., like so many older associations, it would appear that yours has done a poor job over the years of collecting enough common fees to fund these completely predictable deteriorated common elements. The current Board is feeling the brunt of this mistake and now finds itself in the midst of dealing with a problem that has been avoided for years. One of three things will happen. The Board can address the problem and issue a Special Assessment of all owners to cover the cost of the needed repairs for the common elements owned by the association – roofs, building exteriors, common grounds like parking, etc.. The Board can seek an HOA loan to cover these costs. Or, the Board can do nothing and the deterioration will continue until there is a building failure – water leak or worse, catastrophic failure of a building like a deck collapse. Raising capital through Special Assessment or loan is likely to be unpopular with owners as they will have to bear the costs. Ignoring the problem will only make it worse but that is a common scenario as dealing with the problem is expensive and usually unpopular with owners whose support is needed by Board Members wishing to be reelected. All you can do as an owner is bring the problem to

the Board’s attention and urge them to act appropriately. If enough owners feel the same way, the Board is likely to raise the money and fix the problem. Otherwise, expect more of “there is nothing we can do” as a response from the Board because they are right. Without money there is nothing they can do. As for individual unit repairs that are the responsibility of the unit owner, they can enforce the rules but it would appear they are choosing not to. That is unfortunate but not out of character from what you have described here. If it were me, I would assess the situation and either double down on my efforts to “save” the community or I would sell my unit and move elsewhere. This community is in a lot of trouble and the repair is going to be expensive. All the best!

Did you know that you can subscribe to the weekly Ask Mister Condo newsletter? Go to <https://askmistercondo.com/subscribe/> and you’ll get Mister Condo’s best advice delivered to your Inbox every Monday! Follow Mister Condo on Facebook or Twitter and get daily updates on current questions delivered right to your phone, desktop, or tablet. Since 2012, Mister Condo has been politely offering some of the best HOA and condo advice to readers just like you! Join in the friendly conversation at the website or on Twitter, Facebook, and LinkedIn. Visit us at <https://askmistercondo.com>. There’s plenty to talk about! ■

## ENVIRONMENTAL TIP

### Use Less Plastic

Summer picnics and barbeques are terrific, but maybe there is a way to make them more environmentally friendly. Although plastic utensils and disposable plates may seem easy, they end up in landfills. When they break down, they release greenhouse gasses that pollute the air. Also, they can get carried away and end up in the oceans.

Try to have reusable options available. A metal water bottle will be much more convenient than buying – and tossing – plastic water bottles. Check out a local thrift store to buy regular cups and utensils at a good price.



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[Continues on page 26.]

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## MANAGER'S COLUMN...from page 18.

2. Direct eye contact with a speaker.
3. The home-baked goods and refreshments that are usually offered at board meetings conducted in a board member's home or at a venue for a unit owner meeting.
4. An easier voting process for in-person unit owner meetings.

## D. Conclusion

The benefits of virtual board and unit owner meetings, in the opinion of this author, far outweigh the drawbacks that occur with such virtual meetings. While an association could elect to hold an occasional board meeting or an occasional unit owner meeting in-person while conducting the vast majority of such meetings virtually, the virtual board and unit owner meeting is perhaps the one and only good thing that has come out of this over two-year-old health crisis nightmare. Advances in technology should only enhance the effectiveness of virtual board and unit owner meetings. We hope that this article will encourage community associations to make virtual board and unit owner meetings standard operating procedure for their respective associations. ■

*Rich Wechter, CMCA is Senior Vice President at Westford Real Estate Management, LLC. Rich serves as a LAC Delegate and a member of the Legal Symposium Task Force.*



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