

# CommunityTrends®

Community Associations Institute  
New Jersey Chapter March 2014



## MAKING DOLLARS AND SENSE

### **INSIDE:**

### **KICK IT IN REVERSE**

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### **I'LL BE DAMMED!**

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**...and more!**

**ALSO — Photos from the  
2014 CAI-NJ Awards Dinner!**

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# President's Corner



Marie D. Mirra, CPA

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2014 CAI-NJ President

We welcome March with anticipation for warmer weather and we count the days until spring arrives. As the New Jersey terrain defrosts, we prepare to clean up the aftermath of an extremely snow-burdened winter. The theme of this month is "Financial Fitness," which provides us with the opportunity to discuss the best ways for associations to optimize their budgets. We should take notes on the lessons we have learned so that we can be better prepared for next year. There will always be unexpected circumstances that interfere with our plans. Are you ready to make difficult decisions for the benefit of your community? As said by the influential author

of his time, Berthold Auerbach, "To acquire money requires valor, to keep money requires prudence, and to spend money well is an art."

Through CAI-NJ, we can communicate with each other in order to brainstorm strategic solutions. Together we can gather our options and prioritize objectives to help perfect our projects. As you read the articles provided in this month's issue of *Community Trends*®, I hope you will find valuable information to utilize for your community or share with others.

The Awards Dinner had a great turnout this year, as there were over 225 people in attendance. I commend the Awards Dinner Committee, chaired by Erin O'Reilly, for a job well done. During the evening, I took notice of the many long-term relationships formed by members of our CAI-NJ family over the years which gave me a sense of pride to be part of this wonderful organization.

The committees and staff are busy planning for the events ahead of us. As many of us are feeling the effects of a long snowy winter, let's look forward to the Spring Break Party which is just around the corner.... so remember to mark Thursday, April 10th on your calendar. With the positive feedback from the last couple of years, we are taking the event back to McLoone's Pier House located in Long Branch, New Jersey and look forward to seeing you there!

I conclude this month's article by leaving you with some words of advice. Please make it a goal and a priority to introduce yourself to at least five new faces at every event you attend. Face to face networking is an effective way to expand your knowledge and relationships within the industry. I ask that you give this a try, and you will hopefully find this strategy as helpful as I do.

Thank you for being part of our CAI-NJ family. ■

## On the Cover...

The Grounds For Sculpture is a 42-acre sculpture park and museum located in Hamilton Township, Mercer County, on the former site of the New Jersey State Fairgrounds. Founded in 1992 by John Seward Johnson II, the venue was intended to be dedicated to promoting an understanding of and appreciation for contemporary sculpture by organizing exhibitions, publishing catalogues, and offering a variety of educational programs and special community events.

In July 2000, it became a nonprofit organization open to the public. Operation revenues for the park come from visitors, art patrons, donations, and grants.

The grounds have over two hundred and seventy large-scale contemporary sculptures, with works by Johnson and other American and international artists. The park's outdoor collection grows by fifteen sculptures annually.

Source: Wikipedia.org

Photo taken at Grounds for Sculpture, Hamilton, NJ ([www.groundsforsculpture.org](http://www.groundsforsculpture.org))

# save the Date...

## MONDAY, JUNE 9, 2014

Eagle Ridge Golf Club

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# THE 2014 DENNIS R. CASALE MEMORIAL GOLF OUTING

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# Legislative Update



Jean Bestafka

*Renaissance Homeowners Association  
Legislative Action Committee Board Liaison*

## CAI-NJ Redoubling Manager Licensing Bill after Pocket Veto

The Manager Licensing bill was unfortunately vetoed at the very end of New Jersey's 215th Legislative Session. This occurred when the bill was not signed by the governor.

CAI-NJ will continue to work with legislators in this session. We are optimistic because the bill passed with over two thirds of legislators supporting it. Also, the Governor's veto message gives us a road map for success that we fully intend to follow. One of the questions open for discussion is the actual cost to implement manager licensing.

Your advocates at CAI-NJ are ready to develop a more reliable fiscal estimate so the cost to both the state and the manager community can be more easily predicted, and in the coming weeks we will be working with a bipartisan coalition of supporters to reintroduce and pass this critical legislation once these concerns are properly addressed.

## A-469 Reintroduced

The statement attached to the bill states that this bill makes several modifications to the laws of the state which regulate planned real estate developments and the homeowners' associations formed to manage the commonly-owned property in such com-

munities. There have been some court decisions indicating a need for the legislature to clarify and adjust the laws in this area. This bill clarifies the intent of the legislature that P.L.1993, c.30 (C.45:22A-43 et seq.) be viewed as an enabling act for homeowners' associations of non-condominium types of planned real estate developments, and it specifies that homeowners' associations, other than those managing condominium property, may hold title to the common property in the association's name. The bill prohibits the mere titling of common property in the name of the association to be construed as diminishing the ownership interests of unit owners in the common or shared elements and facilities of a planned community. This is because purchasers in all types of planned communities are sold by the developer a proportional interest in the common elements upon their purchase of an individual home or dwelling unit, in exchange for restrictive covenants in their individual deeds obligating them to maintain those common elements. The bill requires that the common property ownership interest be equal proportionately to the obligation of each unit owner to pay for the maintenance of the common property, and that the sum of the common property

interests in the community is not to exceed 100 percent or one, if computed fractionally.

In light of the shared ownership interests, the bill requires that the declaration of a planned real estate development state that membership in the homeowners' association is inherent for a purchaser of a home in such a planned community. The bill provides standards for homeowners' associations concerning access to records and elections of members to the governing board of an association. The bill eliminates closed-meeting working sessions of an association's governing board to reflect the similar law currently applicable to public governing bodies. The bill also provides a recall procedure which will authorize the removal of elected governing board members. The bill requires the State entity charged with the oversight of the "The Planned Real Estate Development Full Disclosure Act," P.L.1977, c.419 (C.45:22A-21 et seq.) to assist associations and owners in meeting the provisions of the bill. Currently this oversight is placed within the Department of Community Affairs.

The bill also requires the Commissioner of Community Affairs to distribute guidelines on the election procedures and to promulgate, within 60 days or so, any rules or regulations that may be necessary to effectuate the provisions. ■

*"The bill provides standards for homeowners' associations concerning access to records and elections of members to the governing board of an association."*

## Help CAI's Amicus Effort

The CAI Amicus Program is looking for your help. For years, CAI has participated in New Jersey court cases involving significant community association issues. We do this through our "Amicus" or "Friend of the Court" Program. With the court's permission, CAI files briefs in court cases advocating the interests of our members. CAI has successfully appeared in a number of important New Jersey cases, including Twin Rivers. It is important for our members to

let CAI know when they are involved in, or become aware of, a lawsuit which may have an impact of general concern to the industry. We can only participate and have our views expressed when we know about these cases when they first arise. So, this is an important request on behalf of both the National and Chapter Legislative Action Committees to please advise the Chapter office of any litigation involving community association issues of potential importance to the entire industry.

## CAI-NJ THANKS OUR 2014 PLATINUM PLUS SPONSORS

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# chapterTrends

## **Rezkom Enterprises, Inc. Welcomes Lauren Vadenais as New Sales & Business Development Associate**

*Ocean, NJ* – Rezkom Enterprises, Inc. welcomes **Lauren Vadenais** to their successful team. In her new position, Lauren will be responsible for new business sales, retention, and customer relations. Prior to joining Rezkom, Lauren was a Business Developer for a successful restoration company and prior to that she managed a luxury apartment community. Lauren is very much involved in CAI-NJ where she is currently the chairperson of the Special Events Committee. “Lauren is well-liked and respected in the industry. Her strong leadership skills, industry expertise, and strong work ethic will be positive contributions to the growth of Rezkom” said Jim Rademacher, CEO. “We are looking forward to having Lauren join us in our commitment to being an industry leader for on-site maintenance, renovations, and construction.”

## **Homestead Management Services, Inc. Welcomes Denise Lindsey-Becker, CMCA, AMS, PCAM**

*Hillsborough, NJ* – Homestead Management Services, Inc. welcomes **Denise Lindsey-Becker, CMCA, AMS, PCAM** to their team as our Vice President of Community Management. Denise comes to Homestead Management Services, Inc. with over 28 years of property management experience.

Spanning her career, Denise has been responsible for portfolio community management, the oversight of property managers as well as new business development, client relations and marketing. Denise was part of the pilot group of managers who tested the Certified Manager of Community Associations (CMCA) exam and was given the honorary designation for her participation in 1996. In addition to the CMCA Denise holds the Association Management Specialist (AMS), and the Professional Community Association Manager (PCAM) designations.

Denise currently serves on the Board of CAI-NJ as Treasurer and is an active volunteer and participant in the organization's events. Denise is the former chairperson of the Education Committee of the New Jersey

chapter of CAI, served as Board Liaison for the Manager's Committee and is currently the Board Liaison to the Conference and Expo Committee.

Denise is a frequent contributor to *Community Trends*® and *Cooperator* publications and has been a speaker for The Essentials of Volunteer Leadership for CAI-NJ and New Jersey Regional Counsel of Community Associations Institute as well as several seminars and CAI-NJ Conference and Expo programs.

“We wish Denise all the continued success in her focus on community management as she joins our team in her position as Vice President of Community Management,” said Louis J. Curtis, CMCA, AMS, PCAM and Marilyn M. Curtis, CMCA, AMS owners of Homestead Management Services, Inc.

Homestead Management Services, Inc. is a family-owned professional property management company located in Hillsborough, NJ with over thirty years of combined property, operational and financial experience.

## **Access Property Management Names Jennifer Staub Community Manager To The Lehigh Valley**

*Center Valley, PA* – **Jennifer Staub** has joined Access Property Management in their Center Valley office as a community manager.

Having worked in property management for eight years, Ms. Staub will oversee property planning and improvements, in addition to the community's fiscal management and residential concerns.

“Jennifer is a tremendous asset to our growing office in the Lehigh Valley, her business knowledge and experience will serve our board members and associations,” said Ami Ruland, regional manager at Access Property Management (APM). Ms. Staub will join property management veterans, Rita Schierer and Diane Hall in their Lehigh office.

Founded in 1989, Access Property Management is an Accredited Association Management Company (AAMC®) and an Accredited Management Organization (AMO®) as well as being recognized by the Institute of Real Estate Management (IREM) for integrity, superior service, experience and expertise.

## **SOLitude Lake Management Ranked 2nd Largest Distributor of AquaMaster Fountains and Wins Calendar Contest**

*Avondale, PA* – **SOLitude Lake Management**, an industry leader in lake and pond management, fisheries management and related environmental services for the Eastern United States, announced that for the fourth consecutive year they have ranked as the 2nd largest distributor of AquaMaster Fountains and Aerators, both in the United States and Internationally.

Additionally, photos of three SOLitude projects won the 2014 AquaMaster Calendar Contest and four more were awarded representation in this year's calendar featuring dazzling shots of fountains in healthy waterbodies.

“The synergy between our company and SOLitude is evident in the quality of instal-

CONTINUES ON PAGE 54.



**Representatives from AquaMaster Fountains and Aerators, Rudi Huber (center, blue jacket), National Sales Manager, and Jason Gangaway (center, red shirt), Service Manager, present the entire SOLitude Lake Management team with their award for being the 2nd largest distributor in the United States and Internationally.**



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## Reverse Mortgages for New Jersey's Communities

By Richard Eakins  
First Constitution Bank

*"Credit score, assets, and income  
will be considered beginning in 2014  
to ensure homeowners' ability to pay  
taxes and homeowner's insurance."*

Everywhere you look on TV, in the mail, and in the newspapers you see ads for reverse mortgages. They're in the news and in financial planning segments of the news. They're becoming more popular. So why are they important to you? They're for the seniors who are the principal demographic for many communities.

An FHA Home Equity Conversion Mortgage (HECM) is the most popular reverse mortgage. The National Reverse Mortgage Lenders Association defines a HECM reverse mortgage as "a special type of loan used by older Americans to convert [some of] the equity in their homes into cash."

AARP adds, "[it's] a loan against your home that you do not have to pay back for as long as you live there." So borrowers never have to make monthly payments, they never give up ownership of the property and they never owe more than the market value so the

estate or the heirs won't be responsible for any shortfall.

The reverse mortgage is in most respects like a 'forward' mortgage except that the lender is paying the borrower and the mortgage balance is growing, instead of the borrower paying the lender and the balance is shrinking.

Reverse mortgages are safe with FHA requiring one hour of counseling with an independent third party to review estimates and other options, and mandatory mortgage insurance. That assures that the borrower can never owe more than the property is worth and there is no personal liability.

What seniors do with the funds is up to them. Typically, seniors want reverse mortgages to get out of a jam, pay off a mortgage, pay for in-home care, pay for long term care insurance, travel, maintain their lifestyle, improve cash flow or support their retire-

ment plan. Frequently seniors cite the relief that reverse mortgages bring or the sense of independence or security that seniors achieve.

Retirees are now using reverse mortgages with other assets in a coordinated financial plan. When the stock market is down, retirees can draw from the equity in the home instead of selling stock for less than its price at a later date, or, retirees can delay taking social security payments and let those benefits grow while using the equity in the home. This smoothes out the ups and downs of retirement portfolios and coordinates social security withdrawals. No longer is a reverse mortgage a resource of last resort or only for emergencies.

Reverse mortgage qualification is easy. Seniors must be 62 or older. Credit score, assets, and income will be considered beginning in 2014 to ensure homeowners' abil-

CONTINUES ON PAGE 10.

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ity to pay taxes and homeowner's insurance. Single family residence and condos when used as a principal residence will qualify. Any existing mortgage, home equity line of credit, or other lien must be paid off, usually with the proceeds of the reverse mortgage. Homes in trusts or in life estates may also qualify.

The proceeds are based on current interest rates, the date of birth of the youngest borrower and the property value. The older the borrower the greater the proceeds – up to approximately 65 percent of the property

value.

For example, see Fig. 1 (below) for a 70 year old borrower who has a \$350k property.

Since 2013, adjustable rate HECM payouts are restricted to 60 percent of the Principal Limit for the first year. If the mandatory obligations, like existing mortgages and closing costs, exceed 60 percent, then the borrower can take an additional 10 percent or the remainder of the Principal Limit, whichever is less.

Fixed rate reverse mortgages will pay out

only 60 percent of the Principal Limit unless the mandatory obligations exceed 60 percent. A fixed rate HECM for purchase will provide the entire Principal Limit.

Seniors can also purchase a property with a reverse mortgage. The benefits and calculations are the same as a refinance. And, the single closing for the purchase and financing saves the borrower money.

It was common for condo owners to get reverse mortgages. In 2009, FHA eliminated the spot condo approval in favor of full development approvals — resulting in fewer approvals and fewer reverse mortgages.

Expiration of approvals and scant new approvals in New Jersey mirrored a nationwide trend. According to HUD, 780 New Jersey projects received FHA approval from 2002 through 2012. Yearly approvals (now good for only 2 years) peaked in 2010 at 262 dwindling to 129 by 2012. In 2011, only 2 project approvals expired, but by the end of 2013 a total of 330 projects expired.

Many reverse mortgages were used for condos before approvals began to expire. In New Jersey from 2007 to 2009 the number of HECMs for condos remained nearly flat

**Fig.1:**

	ADJUSTABLE INTEREST RATE*	FIXED INTEREST RATE**
Principal Limit (gross amount available to the borrower)	\$200k \$1175/mo	\$200K
60% first year	\$120K	\$120k
Remaining years	\$80k	\$0

\* 2% lenders margin    \*\*4.5%

- Adjustable rate options allow a lump sum payout, a monthly payout, a line of credit or a combination of the three
- Fixed rate options offer a lump sum payout only

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at an average of 372 units per year. By 2012, that number was down to 76 reverse mortgages for condos.

Condominium project approval is still an option. *The Condominium Project Approval and Processing Guide*, June 30, 2011, provides direction. Financial documents, insurance, master deed, site plans, plat maps, detailed information about ownership within the development, etc. must be submitted. The documents are assembled by the management team, engineering firms or consultants and usually forwarded to HUD for review.

Hiring a project consultant is one approach to FHA approval. A project consultant should have extensive experience and "know as soon as possible or in advance if there's even an eligible project for approval." Once the documents are submitted for approval, HUD will pay close attention to financial statements and operational considerations.

The process can be fairly routine if one follows the Guide, if the management company has good records and if the HOA Board is supportive. The best part is the benefit to the residents. "The advantage of the reverse mortgage is significant. The ability of people on limited income to get the equity is valuable." ■

*Richard Eakins NMLS#523001 is a Reverse Mortgage Loan Officer with 1st Constitution Bank NMLS#433840 in Cranbury, NJ. He has offered reverse mortgages exclusively for 11 years. He has assisted or advised over a dozen communities in the process of obtaining FHA Condominium Approvals.*

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# 2014 CAI-NJ Awards Dinner...

CAI-NJ honored the stars of 2013 at its Annual Awards Dinner on Thursday, February 27, 2014 at Ariana's Grand in Woodbridge, New Jersey. This was the largest Awards Dinner ever as nearly 230 guests enjoyed an evening of networking, live entertainment by pianist Eddie Pirrera and most importantly recognized those members who made 2013 a year to remember!

## Awards Sponsors:

### Outgoing President's Recognition

*Eiseman Construction Company*

### Outgoing Directors' Recognition

*Signature Property Group, AAMC*

### President's Award

*FWH Associates, P.A.*

### Hall of Fame

*The Falcon Group- Engineering, Architecture & Energy Consultants*

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*Access Property Management, LLC, AAMC, AMO*

### The Jerome M. Fien Distinguished Service Award

*BHB Insurance Services*

### The Candice Bladt Community Manager of the Year

*Cowley's Termite & Pest Services*

### Recruiter of the Year

*Stark & Stark*

### Business Partner of the Year

*McGovern Legal Services, LLC*

### Committee of the Year

*DW Smith Associates, LLC*

### Committee Chair of the Year

*Capital One Bank, N.A.*

### Author of the Year

*Mezzacca & Kwasnik, LLC*

### Speaker of the Year

*Felsen Insurance Services, Inc.*

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## Thank you to the 2014 CAI-NJ Awards Dinner Committee:

### Awards Dinner Committee

Erin O'Reilly — *Chair*

Dean Semer, Esq. — *Vice Chair*

Edward Eastman, Esq.

Melissa Eiseman

Beth Duffy

Nicole Malise

Victoria Simoes, Esq.

Joseph Stables

Andrew Batshaw, CMCA, AMS — *Board Liaison*



# 2014 AWARD WINNERS

## Outgoing President's Recognition

Nina Stanton  
*Clearbrook Community Association*

## Outgoing Director's Recognition

Robert Barlow, CMCA, AMS, PCAM, CIRMS  
*ADP Barlow Insurance*

Michael Karpoff, Esq., CCAL  
*Hill Wallack LLP*

Jack McGrath, R  
*The Grande at Colts Neck Condominium Association*

## President's Award

Caroline Record, Esq., CCAL  
*Hill Wallack LLP*

## Hall of Fame

Elaine Warga-Murray, CMCA, AMS, PCAM  
*Regency Management Group, LLC, AAMC*

## Friend of the Chapter

Senator Jeff Van Drew  
Legislative District 1

## "Jerome M. Fien Distinguished Service Award"

James Magid, CMCA, LSM, PCAM  
*FirstService Residential, AAMC*

## "Candice Bladt Community Manager of the Year"

Robert J. Marino, CMCA, AMS  
*Signature Property Group, AAMC*

## Recruiter of the Year

Jeffrey Logan  
*Taylor Management Company, AAMC, AMO*

## Business Partner of the Year

Amco Pest Services, Inc.

## Committee of the Year

*Legislative Action Committee*  
James Magid, CMCA, LSM, PCAM – *Chair*  
Jean Bestafka – *Vice Chair*

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A. Christopher Florio, Esq.  
Jules C. Frankel, CPA  
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Caroline Record, Esq., CCAL  
Audrey Wisotsky, Esq.

Jack McGrath, R – *Board Liaison*

Mary Faith Nugiel, CPM, CMCA, AMS, PCAM – *Board Liaison*

## Committee Chair of the Year

Alfred Ojejinmi, CPM, FRICS, AMS, PCAM  
*Presbeuo Group, Inc.*

## Authors of the Year

Edward Guttenplan, CPA  
*Wilkin & Guttenplan, P.C.*

Arlene Stern  
*1530 Owners Corp. (The Colony)*

## Speaker of the Year

Paul Santoriello, PCAM  
*Taylor Management Company, AAMC, AMO*

*Continues on the next pages.*

*Awards Dinner (continued from previous page)...*



(left) Erin O'Reilly (FirstService Residential, AAMC), Chair, 2014 Awards Dinner Committee, Joseph Stables (Kings III Emergency Communications) and Nicole Malise (The Falcon Group - Engineering, Architecture & Energy Consultants).

**Awards Dinner  
Photos by  
Steven Douglas  
Photography.**

(below) Gabe Vitale, Kate Costello and Gary Gleitman, all of C&L Sweeper & Pavement Maintenance.



(above) Edward Guttenplan, CPA (Wilkin & Guttenplan, P.C.) and Lori Kenyon, CMCA, AMS PCAM (Signature Property Group, AAMC).



(above) Elaine Warga-Murray, CMCA, AMS, PCAM (Regency Property Group, LLC, AAMC) and Jim Rademacher (Rezkom Enterprises, Inc.), 2009 CAI-NJ President.

(left) Senator Jeff Van Drew (New Jersey Legislative District 1), recipient of the Friend of the Chapter Award, Nina Stanton (Clearbrook Condominium Association), 2013 CAI-NJ President and Jacquie Rogers, CMCA, AMS, PCAM (Access Property Management, LLC, AAMC, AMO).



(left) Nina Stanton (Clearbrook Condominium Association), 2013 CAI-NJ President, Erin O'Reilly (FirstService Residential, AAMC), Chair, 2014 Awards Dinner Committee, and Paul Santoriello, PCAM (Taylor Management Company, AAMC, AMO), recipient of the Speaker of the Year Award.

(below) Fran McGovern, Esq. (McGovern Legal Services, LLC, 2014 CAI-NJ President Elect, Erin O'Reilly (FirstService Residential, AAMC), Chair, 2014 Awards Dinner Committee, George Caso and Glenn Zuhl of Amco Pest Services, recipient of the Business Partner of the Year Award and Nina Stanton (Clearbrook Condominium Association), 2013 CAI-NJ President.



(left) Chris Florio, Esq. (Stark & Stark), 2010 CAI-NJ President, Jeff Logan (Taylor Management Company, AAMC, AMO), recipient of the Recruiter of the Year Award and Nina Stanton (Clearbrook Condominium Association), 2013 CAI-NJ President.

(below) Members of the Legislative Action Committee accept their award as the Committee of the Year.



*Continues on the next pages.*

*Awards Dinner (continued from previous page)...*



(above) Hank Johns (Cowley's Termite & Pest Control), Robert Marino, CMCA, AMS (Signature Property Group, AAMC), recipient of the Candice Bladt Community Manager of the Year Award and Nina Stanton (Clearbrook Condominium Association), 2013 CAI-NJ President.



(above) The evening's entertainment was once again provided by the talented Eddie Pirrera.



(above) Vinnie Hager, CIRMS (JGS Insurance) and Michael Polulak, Esq. (McGovern Legal Services, LLC).

(right) Edward Guttenplan, CPA (Wilkin & Guttenplan, P.C.), recipient of the Author of the Year Award with Arlene Stern (1500 Owners Corp., not pictured), Erin O'Reilly (FirstService Residential, AAMC), Chair, 2014 Awards Dinner Committee and Nina Stanton (Clearbrook Condominium Association), 2013 CAI-NJ President.



(above) Nina Stanton (Clearbrook Condominium Association), 2013 CAI-NJ President, Debbie Pasquariello, CIRMS (BHB Insurance Services) and James Magid, CMCA, LSM, PCAM (FirstService Residential, AAMC), 2005 CAI-NJ President and recipient of the Jerome M. Fien Distinguished Service Award.





(above) Stephen Block (Capital One Bank, N.A.), Alfred Ojejinmi, CPM, FRICS, AMS, PCAM (Presbeuo Group), recipient of the Committee Chair of the Year Award and Nina Stanton (Clearbrook Condominium Association), 2013 CAI-NJ President.

(below) Lori Kenyon, CMCA, AMS, PCAM (Signature Property Group, AAMC) and Michael Karpoff, Esq., CCAL (Hill Wallack LLP), recipient of the Outgoing Director's Recognition.



(below) Marie D. Mirra, CPA (Mirra & Associates, CPAs, LLC), 2014 CAI-NJ President presents the Outgoing President's Recognition to Nina Stanton (Clearbrook Condominium Association), 2013 CAI-NJ President.



(above) Lori Kenyon, CMCA, AMS, PCAM (Signature Property Group, AAMC), Jack McGrath, R (The Grande at Colts Neck), 2006 CAI-NJ President and recipient of the Outgoing Director's Recognition, Marie D. Mirra, CPA (Mirra & Associates, CPAs, LLC), 2014 CAI-NJ President and Erin O'Reilly (FirstService Residential, AAMC), Chair, 2014 Awards Dinner Committee.



(above) Dan Ciarcia, FWH Associates, P.A., Caroline Record, Esq., CCAL (Hill Wallack LLP), 2008 CAI-NJ President and recipient of the President's Award and Nina Stanton (Clearbrook Condominium Association), 2013 CAI-NJ President.

(right) Elaine Warga-Murray, CMCA, AMS, PCAM (Regency Property Group, LLC, AAMC), inductee into the CAI-NJ Hall of Fame.



# ARE YOU DAMMED UP?

By Phil Eiseman, Owner  
Eiseman Construction Inc.



Bad winters cause many headaches for homeowners and community associations: sore backs from shoveling, empty bank accounts from high heating and plowing bills and general cabin fever. Just when the drudgery of winter should be lifting and the warm sun of spring coming, ice dams can wreak havoc inside homes. It is important to understand that ice dams and resulting leakage are a weather-related phenomenon that can occur on a structurally-sound, healthy roof.

Ice dams occur when a large amount of snow accumulates on the roof and then begins to melt. The snow melts by either the daytime sun or because too much heat is escaping through the roof. Afternoon sun may reach certain


areas of a roof, like the top, and be blocked from other areas. As a result, it may be nearly impos-

*“Ice dams occur when a large amount of snow accumulates on the roof and then begins to melt.”*

sible in some cases to prevent an ice dam from forming. The melted snow reaches the edge of the roof or the gutters and the water turns into ice. The ice forms at the roof edge because the roof over-hang does not benefit from home heat escaping higher up on the roof. Even if the attic is properly insulated, the metal of the gutters is colder than the roof so when the water reaches the gutter, it can quickly turn to ice. This ridge of ice is the ice dam.

When additional snow melts, the ice dam prevents water from running off the roof. The water backs up underneath shingles, flows into the home and causes interior water damage. Real catastrophe can happen when late winter or early spring rains start before those ice dams have time to melt. Ice dams can result in significant damage

CONTINUES ON PAGE 20.



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*DAMMED UP... from page 18.*

to home interiors, and if left unrepaired, to roofing structures.

There are simple steps homeowners can do to protect their home from ice dams.

1. Ensure that all gutters are clean prior to the first snowfall. Clean gutters give trickling water the proper avenue off the roof.
2. Make sure attics are properly vented. Correct roof ventilation ensures heat isn't trapped in the attic and facilitating snow melt. Pay special attention to bathroom fans and dryer vents which blow warm, moist air and need to be directly vented to the outside.
3. Attics need to be properly insulated. The proper amount of insulation will prevent heat from escaping the attic. High hats or recessed lights produce significant amounts of heat when they are mounted into the ceiling which serves as the floor of the attic. These fixtures must be IC rated so they can be properly installed.
4. Lower pitched roofs are more susceptible

*CONTINUES ON PAGE 22.*

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## CAI-NJ UPCOMING EVENTS

### THURSDAY, APRIL 10, 2014

2014 CAI-NJ Spring Break Party  
McLoone's Pier House  
Long Branch, New Jersey  
Registration: 5:30 p.m.  
Event: 6:00 p.m. - 9:00 p.m.

### MONDAY, JUNE 9, 2014

2014 CAI-NJ Annual Dennis Casale  
Memorial Golf Outing  
Eagle Ridge Golf Course  
Lakewood, New Jersey  
Registration: 10:30 a.m.  
Shotgun Start: 12:30 p.m.

### THURSDAY, AUGUST 14, 2014

2014 CAI-NJ Beach Party  
Martell's Tiki Bar  
Point Pleasant, New Jersey  
Registration: 4:30 p.m. - 8:00 p.m.  
Event: 5:00 p.m. - 9:00 p.m.



*Save the Date...*

### SATURDAY, NOVEMBER 8, 2014

## 2014 CAI-NJ CONFERENCE & EXPO

Garden State Exhibit Center  
Franklin Township, NJ

Event: 9:00 a.m. - 3:00 p.m.

*More details will be announced shortly!*

## CAI-NJ EDUCATION SCHEDULE

All course dates and locations are tentative. Please check  
[www.caionline.org](http://www.caionline.org) or [www.cainj.org](http://www.cainj.org) for updated information.

### APRIL 10-11, 2014

M-310: Management Company  
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### APRIL 12, 2014

Essentials of Community Association  
Volunteer Leadership  
Renaissance at Raritan Valley  
Clubhouse  
1 Renaissance Boulevard  
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### OCTOBER 21-23, 2014

M-100: The Essentials of Community  
Association Management  
Doubletree by Hilton  
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### OCTOBER 21-22, 2014

M-202: Association Communications  
Doubletree by Hilton  
Somerset, NJ

### JUST NEXT DOOR...

## CAI PENNSYLVANIA/DELAWARE VALLEY CHAPTER EDUCATIONAL EVENTS

### JUNE 5-6, 2014

M-206: Financial Management  
Valley Forge, PA

### AUGUST 7-8, 2014

M-205: Risk Management  
Philadelphia, PA

### NOVEMBER 6-8, 2014

M-100: The Essentials of  
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*DAMMED UP... from page 20.*

to leakage should an ice dam form. Be sure to pay particular attention to prevention efforts in these areas.

For those preparing for a re-roofing project, there are roofing products designed to mitigate interior damage caused by ice damming. Waterproof sheathing placed under the shingles is standard in roofing design. The waterproof sheathing products do not prevent the formation of ice dams. Rather they are a defense to help keep water that has already backed up under the shingles from penetrating the roof and entering the home's interior. The width of the sheathing may be determined by the homeowner or reroofing project manager. Generally, the sheathing is between 3 and 6 feet wide. The wider the sheathing the more protection it provides if water starts to back-up on the roof. Roofing professionals recommend 6 feet of protective sheathing. Also, if gutter cleaning is not a priority, a gutter guard system should be considered.

If despite your best efforts, ice dams have formed on your roof, roofers and insurance agents caution homeowners against trying to remove ice and snow themselves. Roof ice can make inspections and remedies dangerous. If an active leak from ice damming has formed, the immediate relief is to either remove the snow or ice dam or some of both. Removing the ice dam requires work that can damage the roof material. As a result, assessment and repair is best left to roofing professionals.

Ice dams are a winter headache. Prevention and quick remedial action are the keys to avoiding substantial property loss and repair costs. Roofing professionals are available to inspect and recommend the best prevention and repair options for your home or community association. ■



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**Spring is on the way, but...**

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## 2014 Managers-Only Program: Slip Sliding Away...

CAI-NJ hosted the exceptionally timely Managers Education Program: Slip Sliding Away on Thursday, February 6, 2014 at the Rossmoor Community Association Ballroom in Monroe Township, New Jersey. The speakers for the program were Chuck Graziano, CPM, PCAM (Halcyon Management Services), Robert Travis, CIRMS, CPIA (Community Association Underwriters of America) and Stew Willis, RS (The Falcon Group - Engineering, Architecture & Energy Consultants). The moderator was Larry Thomas, PCAM (FirstService Residential, AAMC), Chair, 2014 CAI-NJ Managers Committee.

The program, attended by nearly 50 CAI-NJ members, focused specifically on how community managers can properly prepare for and avoid hazards almost invisible to the untrained eye, ranging from black ice formed from freeze/thaw cycles to offsets in paver or concrete walkways, by as little as a quarter of an inch (determined to be a hazard under the standards of the ADA). The program also focused on the full range of general liability hazards and discussed the thresholds at which community association managers should take action to limit the exposure to liability and more importantly, to keep people safe in our communities.

CAI-NJ would like to extend its sincere appreciation to the Rossmoor staff for hosting this important program. A special thank you also goes out to the speakers and moderators for their hard work and dedication in sharing their expertise with the CAI-NJ members in attendance. ■



Photos this page courtesy CAI-NJ.

(above) Marie D. Mirra, CPA (Mirra & Associates, CPAs, LLC), 2014 CAI-NJ President made the opening remarks and welcomed the attendees to the program.



(above) Robert Travis, CIRMS, CPIA (Community Association Underwriters of America) spoke from the insurance company's perspective regarding claims, negligence, manager vs. homeowner responsibility and code enforcement.

(below) Stew Willis, RS (The Falcon Group - Engineering, Architecture & Energy Consultants) spoke about the best ways to prevent dangerous conditions through design, monitoring, treating and removing hazardous surfaces.



(below) Larry Thomas, PCAM (FirstService Residential, AAMC), Chair, 2014 CAI-NJ Managers Committee moderated the program and introduced the speakers.



(above) The speakers hosted a brief question and answer session at the conclusion of the program which allowed the attendees to receive answers to their specific questions.

(right) Chuck Graziano, CPM, PCAM (Halcyon Management Services) spoke about the community managers role and responsibility in keeping their residents safe from possible icy/slippery/dangerous conditions.



(above) Nearly 50 CAI-NJ members attended the Managers-Only program conveniently sandwiched between snow and ice storms at Rossmoor on Thursday, February 6, 2014.

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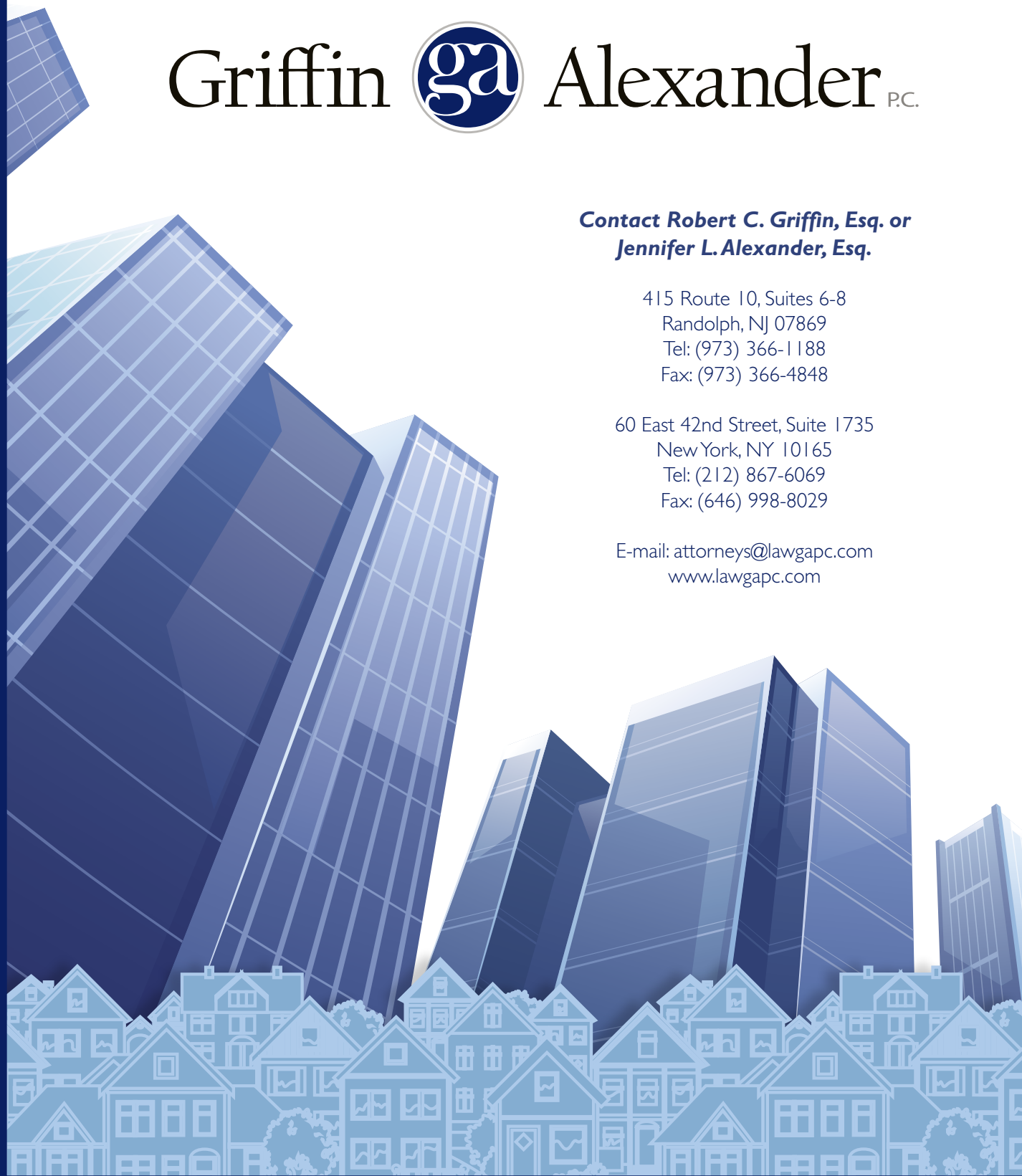
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## **Private Residential Communities Have the Right to Ban Leasing Under the Right Circumstances**

By Brian J. McIntyre, Esq.  
Hueston McNulty, P.C. — Attorneys

Suppose you purchased your home several years ago under the belief you would permanently reside therein, but due to financial problems you change your mind and seek to lease the home to a third party. Further, you advise your community association of your intent only to find out that the association is going to ban leasing. What are your rights and can you still lease your home to stave off financial ruin. Well, these are the exact issues which were recently addressed by the New Jersey Courts in a matter captioned *Cape May Harbor Village and Yacht Club Association, Inc. v. Sbraga*.

Cape May Harbor Village and Yacht Club was established in 1995 and consists of twenty-four single family homes, as well as common areas and a marina. A homeowner (Sbraga) purchased a home in the community in 2000 with the intent to reside therein on a permanent basis. Because of a divorce and financial problems, the homeowner sought to lease the home. At the time, the Declaration for the community permitted the leasing of homes. However,

in an attempt to clarify her ability to lease her home, she approached the President of the Cape May Harbor Village and Yacht Club Association. The President, as well as other homeowners, were not aware of the ability to lease homes. At that point, no home had ever been leased to a third party. At the Association's next annual meeting, a vote to amend the Declaration was conducted to eliminate the ability to lease homes. The meeting minutes indicated that the members were concerned about living in a community where leasing was permitted; negative impact on home values; the use of the common elements; and a lack of following the rules and regulations. The amendment passed by a vote of 24 in favor and three opposed. Despite the amendment, the homeowner leased her home and litigation ensued.

When reviewing the validity of an association action, a court may utilize either the reasonableness standard or the business judgment rule. The decision as to which to apply is fact specific and depends on several factors. In this case, the Court, upheld

on appeal, applied the more stringent reasonableness standard due to the restriction: being a new amendment; occurring after the homeowner purchased her home; there being no prior restrictions on leasing; and that it affects a property right. Under the reasonableness standard a court will determine if the restriction has a reasonable basis. Factors supporting a determination that a restriction is reasonable include: 1) the person imposing the restriction has an interest in the land he or she is attempting to protect; 2) the restriction is limited in duration; 3) the restriction is imposed to accomplish a worthwhile purpose; and 4) the restriction applies to a limited number of people. In contrast, factors supporting a finding of unreasonableness include: 1) the restriction is capricious; 2) the restriction is imposed for spite or malice; 3) the person imposing the restriction has no interest in the land being restricted; 4) the restraint is unlimited in duration; and 5) a large number of persons are affected by the restriction.

Here, both the Trial and Appellate Courts upheld the amendment indicating that this

CONTINUES ON PAGE 28.

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was a small exclusive community which had no history of rentals. It was reasonable to believe that tenants could affect the community. The members of the Association had an interest in the land and the restriction had a worthwhile goal of preserving the character of the community. No homeowner had ever leased a home. Note that the Trial Court admitted that it may have come to a different conclusion had this been an instance where there was a history of rentals or a larger non-exclusive community. Further, the Court recognized that when one purchases in a community association, he or she may face

restrictions on his or her ability to use the property, i.e. they take subject to a Master Deed or Declaration.

Thus under the right circumstances, an association may restrict the ability of homeowners to lease. In particular, if leasing was not common place and homeowners did no purchase with the intent to lease, a restriction on leasing may well be upheld by a court. On the other hand, if a community has permitted leasing for an extended period of time or owners have purchased with the intent to lease, a prohibition on leasing will likely be stricken. ■



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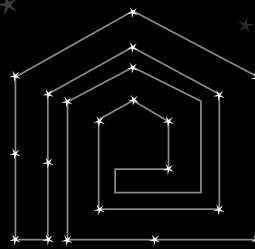
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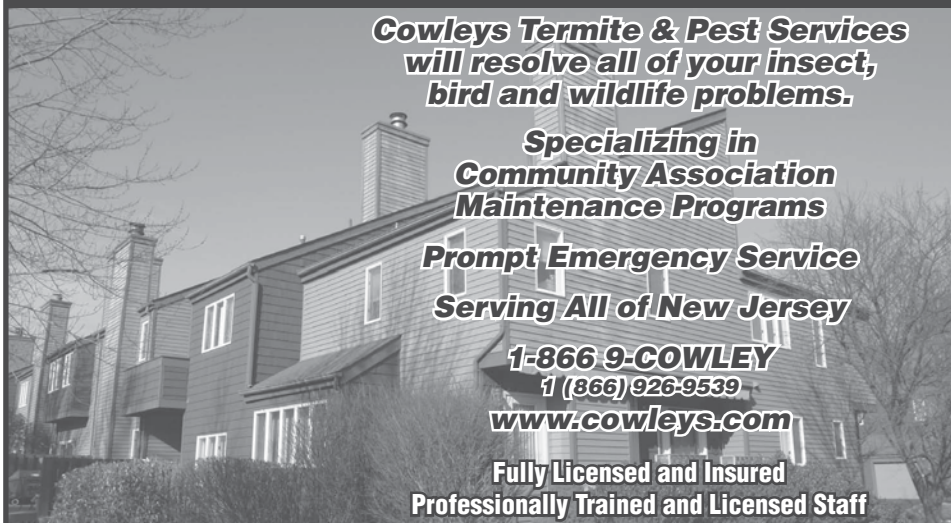
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# NJ SANDY PANEL: AID APPLICANTS YET TO FEEL “reNEWed”

## *Difficult to get information from reNew Jersey Stronger program*

*From Monmouth University Poll, West Long Branch, NJ 07764 • [www.monmouth.edu/polling](http://www.monmouth.edu/polling)*

**A**pplicants for New Jersey’s federally-funded Superstorm Sandy assistance program, reNew Jersey Stronger, are generally dissatisfied with the pace of the state’s recovery efforts. A Monmouth University Poll tracking survey of hard hit Sandy victims finds that those who have applied for state assistance are particularly unhappy with their ability to get information about where they stand in the process.

Among hard hit Garden State residents who have applied for reNew Jersey Stronger assistance, just 36% are satisfied with the state’s recovery effort so far while 64% are dissatisfied. Among those who say they are still displaced from their homes, just 21% are satisfied. This compares to just under half of those who have been able to move back into their homes (49%) or were displaced for less than a month (47%) who say they are satisfied with New Jersey’s efforts.

Nearly 3-in-4 (74%) state aid applicants feel that people like them have largely been forgotten in the recovery effort. Just 26% say that New Jersey’s efforts are focused on helping people like them.

Those still displaced from their homes (84%) are the most likely to feel they have been forgotten.

Applicants for reNew Jersey Stronger aid are evenly divided over how good a job the state has done in helping them recovery from Sandy – half (49%) say that the state has been at least somewhat helpful and half (50%) say it has not really been helpful. Only 15% say the state has been “very” helpful, while nearly twice as many (27%) say it has not been helpful at all. Residents who were still displaced from their homes at the time they were surveyed (38%) are less likely than applicants who had returned to their homes (57%) or did not experience significant displacement (58%) to say that the state has been helpful to their own recovery.

It should be noted that state aid applicants are not much more likely to say that the federal government has been helpful. While 49% say that New Jersey’s programs have been helpful, 53% say the same of

FEMA and other federal programs. Unlike the state program, though, opinions of the federal program do not vary significantly by displacement status. Those who are still displaced (50%) are about as likely as those who have moved back into their homes (55%) or were not displaced for long (48%) to say the federal government has been helpful.

“Applicants for New Jersey’s recovery assistance tend to be negative about the program so far, especially those who have not been able to get back into their homes more than a year after the storm hit,” said Patrick Murray, director of the Monmouth University Polling Institute.

Among New Jerseyans in hard hit areas who applied for reNew Jersey Stronger assistance, 83% say they were approved for a \$10,000 Sandy resettlement grant if they resettled within their county of residence. Only 15%, though, report being approved for sought-after RREM assistance that provides up to \$150,000 for home rehabilitation, reconstruction, elevation and mitigation. Also, only 9% say they have been approved for up to \$30,000 in hazard mitigation aid to elevate homes in 100 year floodplains. None report being awarded homebuyer assistance of up to \$50,000 in no-payment loans if they purchase a home in a Sandy hit area and live there for five years.

There are no significant income differences in approval for the resettlement grants. For RREM assistance, though, those earning less than \$50,000 (30%) are somewhat more likely to report being approved for this aid when compared to those earning from \$50,000 to just under \$100,000 (16%) or \$100,000 or more (8%).

Overall, just under half (45%) of applicants report that the state has denied them services or assistance they feel they needed. Ocean County residents (49%) are slightly more likely to feel that way than those in Monmouth County (41%) or other parts of the state (39%). Among those who have been denied, about half (54%) report being denied RREM assistance and 27% report being denied hazard mitigation grants. Also, 24% say that they were told that they were



### **In their own words...**

*(comments from Monmouth University’s Sandy tracking panel participants):*

*“The current recovery efforts seem to currently be in a black hole of information; this is distressing, I am still waiting to hear when and if grant money will be available to elevate my home.”*

**— Homeowner from Toms River**

*“The State’s lack of transparency with regard to the federal allocation is appalling. It is almost 12 months later and while the boardwalk is about to be rebuilt for a second time with Sandy dollars, not one homeowner has received a single dollar from either the RREM program or the elevation program.”*

**— Homeowner from Brick**

*“They need to offer more grants to renters. Just because we didn’t own a home doesn’t mean we didn’t lose everything. My family and I need to start life over again.”*

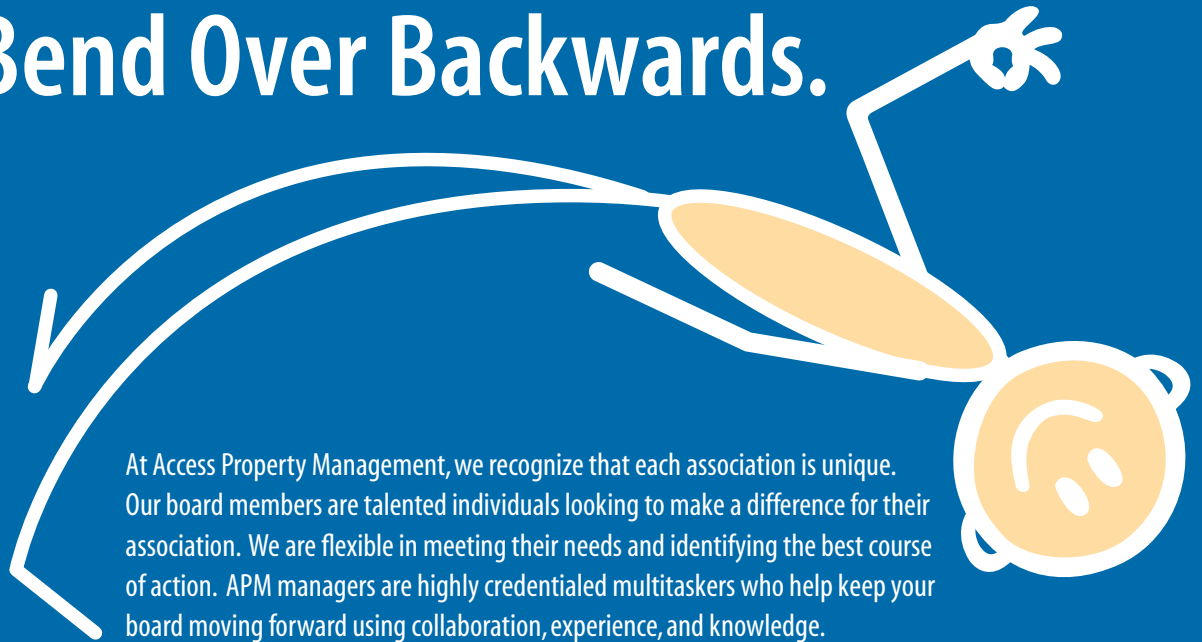
**— Renter from Little Ferry**

*“We need the grant money in an escrow account that the mortgage companies can hold (just like our insurance checks) for accountability. Then we can use local labor and have control over our lives. We do not need to be forced to spend our grant money on what the state THINKS we need.”*

**— Homeowner from Manasquan**

CONTINUES ON PAGE 35.

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wait-listed but are not sure where they are in the process and another 25% of applicants say that they were told that the program has no money.

"There appears to a great deal of confusion about the program. A review of responses from our survey panel suggests that applicants may have been provided information that has produced more confusion about the process rather than less," said Murray.

Three-in-four applicants report that the process to sign up for reNew Jersey Stronger assistance was basically easy, although only 29% said it was very easy. Another 46% said it was somewhat easy. Overall, a similar number of state applicants report that the federal process was basically easy to follow (76%). However, lower income residents

#### More from the participants...

*"The RREM and HGMP programs are too slow, contradictory and inefficient. Too much is being spent on overhead; no one I know of who needs work done has had that work started. Most are stuck on step 5 of the RREM process."*

— Homeowner from Brigantine

*"This program is very upsetting to me and all of my neighbors. I do not feel "Stronger than the Storm" at all..."*

— Homeowner from Brick

making under \$50,000 a year (65%) were somewhat less likely than those earning from \$50,000 to just under \$100,000 (76%) or \$100,000 or more (83%) to say that the New Jersey process was easy. There is no significant income difference reported for ease of the federal application experience.

While most applicants say that the process to sign up for assistance was basically easy, they are less positive about the information they have received since starting the process. Overall, just 37% say that it has been easy to get information from the state over the past few months compared to 55% who say it has been difficult. Those who report being denied reNew Jersey Stronger

CONTINUES ON PAGE 36.



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assistance (68%) are more likely than those who have not been denied (44%) to say they have had a difficult time getting information from the state. Also, those who continue to be displaced from their homes (66%) are more likely than those who have moved back home (48%) or were never displaced (45%) to say they have had a difficult time getting information from the state. There are no significant differences by income for getting recovery information from the state.

It should be noted that aid applicants are not having any more luck getting information from the federal government. Just 36% say that it has been easy to get recovery information from the federal government including FEMA and the SBA, while another 53% say it has been difficult.

Overall, 22% of reNew Jersey Stronger applicants report that they have fully recovered from the storm or expect to be fully recovered in the next few months. Another 31% say they expect to fully recover in about a year, 20% say it will take two or three years, 13% say it will take longer than three years, and 14% feel they will never fully recover. Among those who are still displaced

from their homes, fewer than half (44%) feel they will recover within the year. This compares to 61% of those who have moved back into their homes and 58% who were not displaced by Sandy.

This release marks the third installment of results from Monmouth University's tracking panel of New Jersey residents who were hardest hit by Sandy. Two prior reports were released in October 2013 and can be found at [www.monmouth.edu/polling](http://www.monmouth.edu/polling). Future reports from this project will track the ongoing recovery progress and concerns of the impacted New Jersey residents in the panel.

#### Methodological Note:

The Monmouth University Polling Institute conducted this Sandy Recovery Survey online and by telephone with 854 New Jersey residents who suffered significant damage to their primary home and applied for state assistance through the reNew Jersey Stronger Program. The results presented in this report were based on interviews completed between September 18, 2013 and January 8, 2014. This survey

is part of a larger panel study designed to track the experiences of New Jersey residents who continue to be impacted by the storm. Because survey respondents were recruited using a variety of nonprobability methods, the survey results cannot be statistically projected to the larger population of all Sandy victims in the state. The value of these survey findings rests in the internal poll comparisons (e.g. variations between those who remain displaced and those who are now back in their homes, variations by income levels, etc.) as well as to future waves of interviews that will track recovery progress for these individuals.

This project was designed to complement Monmouth University's statewide and regional poll tracking of Sandy issues and specifically to highlight continuing issues in New Jersey's Sandy recovery and provide recommendations for improving communication channels between hardest-hit residents and public/private authorities. This project was made possible by a New Jersey Recovery Fund grant from the Community Foundation of New Jersey and the Geraldine R. Dodge Foundation. ■



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### **“You Provide the Caption” Contest**



Courtesy CAI-NJ.

**The CAI-NJ Editorial Committee is pleased to offer another Community Trends® Caption Contest.**

**WHO:** Andrew Batshaw, CMCA, AMS, FirstService Residential, AAMC & Boomer

**WHERE:** Arm & Hammer Park, Trenton, NJ

**WHAT:** ???????????

Your mission, should you choose to accept it, is to provide a clever caption for the picture above. Send your caption submission to [info@cainj.org](mailto:info@cainj.org). Just a friendly reminder — only captions with appropriate content will be eligible to win!

The deadline for caption submissions is Friday, April 18, 2014. The winner will be chosen by the CAI-NJ Editorial Committee and will be featured in the May 2014 issue of *Community Trends®* and receive a \$25.00 CAI-NJ Gift Certificate redeemable at any CAI-NJ event or program. Runners-up will also have their captions published in the May 2014 issue.

**So put your thinking caps on and submit those captions!**





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## How Far Does *Community Trends*® Travel?

What better to read by the fireside at the amazing Wintergreen Resort in Virginia, than *Community Trends*®? The SOLitude Lake Management team relaxed with their magazines during their annual holiday retreat in December, 2013 where they celebrated a great year of maintaining lakes and ponds across New Jersey.



Courtesy CALNJ



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## Foundation for Community Association Research

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Authoritative research sponsored by the Foundation for Community Association Research supports the aspirations of the more than 63 million Americans who live and work in an estimated 320,000 U.S. community associations. Our mission—with your support—is to provide research-based information for homeowners, association board members, community managers, developers and others.

Since the Foundation's inception in 1975, we've built a solid reputation for producing accurate, insightful and timely information. By including the Foundation, you enable us to:

- Sponsor needs-based research to help community association stakeholders address specific challenges and prepare for emerging issues.
- Publish best practices reports on critical topics like energy efficiency, governance, financial operations and strategic planning.
- Provide research scholarships for graduate students.
- Collect historical data on the development, operation and management of common-interest communities, including surveys analyzing homeowner satisfaction and community manager compensation.

In short, our work supports homeowner volunteer leaders and industry professionals who share a stake in the success of common-interest communities.

The number of U.S. community associations will continue to grow, as will the demand for community leaders and industry professionals who can keep these communities desirable and competitive in the housing marketplace. Our initiatives help ensure their success, but quality research requires commitment and investment.

**All of our work is made possible by generous donors like you!** By investing in our efforts to identify research gaps and address the most pressing issues facing planned communities, you are ensuring that the vital research necessary to make informed decisions is available when you need it.

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*The Foundation for Community Association Research provides authoritative research and analysis on community association trends, issues and operations. Our mission is to inspire successful and sustainable communities.*

## **Community Building: Letter from the CAVC Chair**

By Robert Rothwell, Ph.D., DCAL

With nearly 33,000 members and a retention rate exceeding 91 percent, 2013 was a spectacular year for CAI. And more than 40 percent of our members are homeowner volunteer leaders.

Behind these statistics lies the real reason for our success. Working with hundreds of member volunteers, national and chapter staff have been more active than ever working with federal and state officials to protect the best interests of associations, their residents, homeowner leaders, community managers and other professionals who serve our communities.

CAI's staff, Board of Trustees and national committees are "Goal Getters," and through their example and leadership, they have instilled that quality in all of us.

I have seen leaders in other organizations jot down a dream and then let it drift. But the CAI board and members of CAI's three Membership Representation Groups, including every member of the Community Association Volunteers Committee, have chased our dreams. We have pursued them relentlessly, even when it was a struggle. Our goal is to make life better for those who live and work in homeowners associations and condominium communities.

How do we do that? By staying clear and alert — by concentrating, keeping our heads down, our eyes on the ball and getting things done; by staying on target, staying on top, staring our challenges in the face and finding solutions. We succeed by persevering; we succeed by staying mentally sharp, even when others go fuzzy; and we succeed by pushing through to reach our dream.

My dream is that you catch the enthusiasm we experience — that we all become committed "Goal Getters." The time is now for all of us to become the "bright light" for others to see, admire and emulate.

## **U.S. House of Representatives Takes up Flood Insurance Legislation**

GOVERNMENT AFFAIRS

2/25/2014 — The U.S. House of Representatives has scheduled a vote on legislation to provide consumers relief from exorbitant spikes in National Flood Insurance Program (NFIP) insurance premiums. The House will take up an amended version of H.R. 3370, the "Homeowner Flood Insurance Affordability Act (HFIA)" under expedited procedures on Wednesday, February 26th. Expedited procedures in the House require that legislation receive a supermajority vote (two-thirds) to clear the chamber.

The House HFIA amendment (*see summary below*) ensures that homeowners are protected from unreasonable increases in flood insurance premiums by amending and repealing parts of the federal law known as the Biggert-Waters Act that set the premium increases in motion. Earlier this year, the U.S. Senate voted overwhelmingly to delay Biggert-Waters Act premium increases until a study on how premium spikes affect consumers is completed.

Under the House HFIA amendment owners whose property was built in compliance with local building and floodplain management codes in force at time of construction will be protected from flood insurance premium spikes when a new flood map for the area is released. Additionally, Biggert-Waters Act provisions requiring significant premium increases when a property has been sold are repealed.

To ensure that future premium increases are implemented in an affordable manner, the House HFIA amendment establishes a minimum and maximum premium increase structure for non-actuarially priced flood insurance policies. Under this system, premiums for non-actuarially priced policies must increase by an average of 5 percent from the previous year, but in no circumstance may

be increased by more than 15 percent of the previous year. At no time will a policy holder be charged a rate that exceeds the full risk, actuarial premium rate.

To ensure the NFIP builds sufficient cash reserves to protect American taxpayers, the House HFIA amendment establishes an annual surcharge for all non-actuarially priced flood insurance policies. The annual surcharge for non-actuarially priced residential flood insurance policies will be \$25 while the annual surcharge on similar policies for non-residential property or non-primary residences will be \$250. Surcharges will be suspended once a policy's premium equals the full risk, actuarially sound premium rate. All surcharge proceeds are dedicated to the NFIP's reserve fund, which was created through the Biggert-Waters Act.

If you have any questions or comments regarding the House amendment to H.R. 3370 or changes to federal flood insurance, please contact CAI Government Affairs at [government@caionline.org](mailto:government@caionline.org) or (888) 224-4321.

CAI Government Affairs represents the interests of the 62.5 million people living and working in America's community associations on legislative and regulatory issues at the local, state, and federal level of government.

### **Homeowner Flood Insurance Affordability Act (as amended) U.S. House of Representatives**

*Section 1. Short title and table of contents.*

*Section 2. Definitions. Defines "Administrator" and "National Flood Insurance Program."*

*Section 3. Repeal of certain rate increases.*

Repeals 5-year phase-in of actuarial flood insurance premiums for insured structures in areas subject to a revised flood insurance rate map.

Permits grandfathered flood insurance premiums for previously insured structures if flood insurance coverage was dropped due to a determination the property was no longer in a special flood hazard area.

CONTINUES ON PAGE 44.



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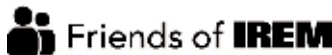


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*NATIONAL TRENDS... from page 42.*

Requires the NFIP to prepare and implement new flood insurance rate tables as if the Biggert-Waters Act 5-year phase-in of actuarial rates did not become law. Regulations and new rate tables required by this section shall be published in the Federal Register with a public comment period of no less than 45 days.

Requires the NFIP to refund any excess premiums collected from insureds if, after implementation of a revised flood insurance rate table, there is a difference between the amount of the initial premium paid and the revised premium.

Directs the NFIP to permit the assumption of a flood insurance policy by the purchaser of a property if, at the time of purchase, the property is covered under an existing NFIP flood insurance policy.

Section 4. Restoration of grandfathered rates.

Amends Section 1308 of the National Flood Insurance Act to restore grandfathering of flood insurance rates by removing the requirement that NFIP charge full actuarial flood insurance rates for policies where it is determined that current premiums do not reflect the full risk, actuarial rate.

Section 5. Requirements regarding annual rate increases.

Directs that NFIP increase flood insurance premiums annually by at least 5 percent from the previous year, while limiting the maximum annual premium increase to no more than 15 percent of the previous year's premium. Provides that at no point may a policy's premium exceed the full-risk, actuarial premium rate.

Section 6. Annual premium surcharge.

Establishes an annual premium surcharge of \$25 for non-actuarially priced residential policies and a \$250 annual surcharge for non-residential or non-primary residence policies. Premium surcharges are suspended when policy premiums equal the estimated full-risk, actuarial premium rate. Premium surcharges are to be deposited in the NFIP's reserve fund.

Section 7. Draft Affordability Framework.

Requires FEMA to prepare a draft affordability framework to address affordability issues delineated in the affordability study required under the Biggert-Waters Act.

Section 8. Risk transfer.

Permits FEMA to obtain reinsurance from private reinsurers or the capital markets to ensure the NFIP has sufficient resources to pay claims.

Section 9. Monthly installment payment for premiums.

CONTINUES ON PAGE 46.



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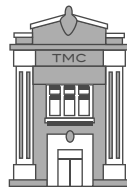
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Permits payment of flood insurance premiums on monthly or other installment plans.

Section 10. Optional high-deductible policies for residential properties.

Directs the NFIP to establish and offer a high deductible flood insurance policy with a maximum annual deductible of \$10,000. Establishes consumer disclosure requirements for high deductible policies that clearly state the responsibility of the consumer to assume all out-of-pocket expenses short of the policy deductible.

Section 11. Exclusion of detached structures from mandatory purchase requirement.

Provides that detached, non-residential structures shall not be the basis for enforcing a mandatory flood insurance purchase requirement.

Section 12. Accounting for flood mitigation activities in estimates of premium rates.

Directs that NFIP take into account flood mitigation measures taken by property owners or lessees to reduce flood risk when estimating flood insurance premiums.

Section 13. Home improvement fairness.

Increases the home improvement thresh-

old from 30 percent of value to 50 percent of value for the purposes of enforcing actuarial premium requirements.

Section 14. Affordability study and report.

Amends the Biggert-Waters Act affordability study to include additional study items while establishing a 2-year study completion deadline and increasing study funding from \$750,000 to \$2 million.

Section 15. Flood insurance rate map certification.

Directs FEMA to implement a revised flood mapping system that will produce credible flood hazard data.

Section 16. Funds to reimburse homeowners for successful map appeals.

Permits FEMA to use funds from the NFIP to reimburse homeowners who successfully appeal a flood insurance rate map determination.

Section 17. Flood protection systems.

Requires FEMA to certify flood protection systems meet the adequate progress standard if, based on the existing value of the flood protection system—

- 100 percent of the system's cost has been authorized

- At least 60 percent of the system's cost has been appropriated
- At least 50 percent of the system's cost has been expended, and
- The system is at least 50 percent completed

Requires that FEMA take into account all sources of flood control protection system funding, including federal, state, and local funds when making an adequate progress determination.

Provides that the amended adequate progress standard applies to levee systems being reconstructed/restored to a level that once completed will again offer 100-year flood protection.

Section 18. Monthly reports regarding Reserve Fund ratio.

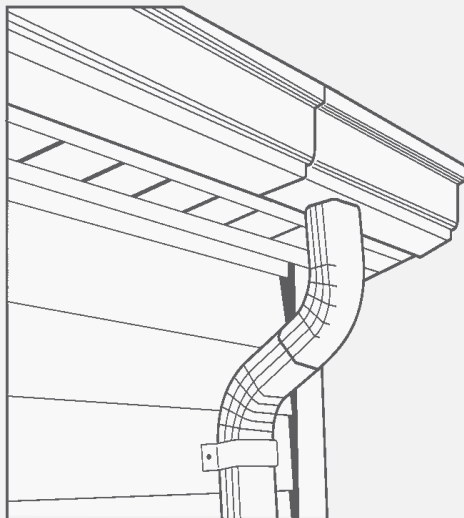
Directs the NFIP to report monthly on the status of the Reserve Fund.

Section 19. Treatment of floodproofed residential basements.

Directs FEMA to continue to insure certain residential basements that meet specified federal regulations in effect as of April 3, 2009.

Section 20. Exemption from fees for certain map change requests.

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Exempts parties requesting a change in a flood insurance rate map if the change is the result of a federally or state funded habitat restoration activity that may include dam removal, culvert redesign or the installation of a fish passage.

*Section 21. Study of voluntary community-based flood insurance options.*

Directs FEMA to study voluntary community-based flood insurance policies and to determine how such policies would affect communities based on a variety of criteria.

*Section 22. Designation of flood insurance advocate.*

Establishes the office of Flood Insurance Advocate, whose primary responsibilities include educating policy holders and property owners on flood risks, flood mitigation, and flood insurance rate map update and challenge processes; educating local community leaders impacted by proposed revisions to flood insurance rate maps; and helping policy holders obtain accurate flood insurance rate information.

*Section 23. Exceptions to escrow for flood insurance payments.*

Provides that lenders and mortgage servicers do not need to escrow flood insurance premiums in cases where a community association pays flood insurance premiums as a common expense. Repeals the mandatory 2-year delay in escrow of flood insurance premiums.

*Section 24. Flood mitigation methods for buildings.*

Directs FEMA to develop flood mitigation guidelines for properties that are not candidates for elevation due to structural characteristics of the properties. FEMA is directed to inform owners of such properties how implementing non-elevation mitigation solutions will affect NFIP premiums.

*Section 25. Mapping of non-structural flood mitigation features.*

Requires that flood insurance rate maps take into account non-structural flood mitigation features and directs that FEMA coordinate with state and local units of government to identify such features.

*Section 26. Authority of States to regulate private flood insurance.*

Preserves the authority of states to regulate flood insurance policies issued by private insurance companies. ■

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Email: membership@cainj.org

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Title: \_\_\_\_\_

Association/  
Company: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

City/State/Zip: \_\_\_\_\_

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Recruiter Name/Co. Name: \_\_\_\_\_

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Ms. Deana M. Luchs

Mr. Jerry Lutin  
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Mr. Paul Saltin  
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#### Contest Rules:

1. Contestants must recruit at least five new members between January and November 2014 to be eligible.
2. The member with the most new member recruits between January 1, 2014 through November 30, 2014, will win.
3. Recruiters can only win one prize per year.
4. CAI-NJ may allow substitutions of prizes in certain circumstances.
5. Prize winners will be announced at the CAI-NJ Chapter Retreat in December 2014.
6. Winner(s) need not be present to win.
7. \*The Grand Prize is a trip to the 2015 CAI National Conference in Las Vegas, NV, and includes airfare to Las Vegas, NV, from Newark, New Jersey, or Philadelphia, Pennsylvania; two nights at the conference hotel; and conference registration.

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## Fiscal Fitness for the Community Manager

By Chuck Graziano, CPM, PCAM  
Halcyon Management Services

Some community association managers might say that managing the financial affairs of their client community associations is “what the accounting department does” or what the community’s auditor does. To some degree, that’s true; however, the fiscal fitness of a community association has a direct impact on the operations of that community and so its manager should play an active role in monitoring and understanding the trends.

The budget is a key roadmap which the manager should prepare. He or she will know which contracts are being renewed, or which ones might be bid along with any changes to the scope of work that is projected. Additionally, any projects that the board has in mind should be included in the draft budget so that the board can see the financial impact of those projects and make an informed decision on prioritizing.

Once adopted, monitor the budget against actual performance. Bearing in mind that a budget is only a plan, based upon a set of assumptions it is understood that many items are not going to come in at exactly the budgeted number. Avoid any surprises by checking each budgeted line item against performance and understand any significant variance that exists. Share the reasons for those variances with the board so that all can be prepared for the outcome by year-end. Some items, for example, might have been projected for the third quarter, but were actually accomplished earlier. A budget

variance is easily explained inasmuch as the year-end result might still be projected to be on target.

A few key items on the balance sheet are also important to watch. These include cash balances in all accounts, accounts receivable and accounts payable. Cash balances are important for obvious reasons, but beyond the obvious, watching them to ensure that transfers are actually made between operating accounts and the various reserve accounts can avoid issues at year end. Sometimes, when operating cash is short, a transfer might not be made to the reserve (in order to pay critical bills like insurance and contractors and management fees!). If the transfers are not made for cash flow reasons, ensure that a “catch up” plan is carried out and that the board is fully cognizant of the situation.

Accounts receivable over recent years has been an issue for many associations. Members who lost their jobs during the recession may have fallen behind on their association fees and the overall accounts receivables balance may have increased dramatically. Where is it headed now? From the accounts receivable line on the balance sheet, you can go to the detail behind it (the aged accounts receivables detail) and see how many members have fallen behind, by how much and for how long. This will provide you with a key area of focus.

Accounts payable and accrued expenses should also be closely monitored. Bills that have been received by the association, but



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*“...the fiscal fitness of a community association has a direct impact on the operations of that community...”*

not yet paid or expenses which have been obligated but not yet billed are responsibilities that the association should be watching. These numbers on the balance sheet should not be rising unless there are cash flow issues or other special circumstances of which the community association manager and board are aware.

These are relatively simple financial metrics by which you can monitor the fiscal fitness of an association. With a very nominal amount of time, invested regularly; and with good communications with your board, the association can maintain good fiscal health, or at the very minimum, be aware of the directions it’s heading. Managing fiscal fitness is not just for accountants! ■

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lation and service that they provide for our fountains and aerators,” said Rudi Huber, National Sales Manager at AquaMaster Fountains and Aerators. He also noted the importance of both companies striving to be good stewards of the environment by deploying sustainable and environmentally friendly water quality solutions.

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In the 2014 AquaMaster Calendar Contest, SOLitude swept the competition with photos of beautiful, dazzling waterscapes, winning

first, second, and third place, along with four other photos represented in the calendar.

Kyle Finerfrock, Environmental Scientist, won first and second place for his breathtaking photos of an AquaMaster Masters Series Lakewood fountain in a private lake in Weems, VA and an AquaMaster Classic Series SHVF fountain in a residential community stormwater pond in Yorktown, VA. Brent Weber, Environmental Scientist, won third place for his photo of an AquaMaster Masters Series Lakewood fountain in a residential community’s pond in Richmond, VA. Kyle was also recognized for three additional photos and Brent for one other photo that were all featured in the 2014 calendar.

Since 1998, SOLitude Lake Management has been providing full service lake and pond management services that improve water quality, preserve natural resources, and reduce the environmental footprint. ■

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*Community Trends®*,

Michael Flippin, CMCA, AMS, PCAM,  
Editorial Chair

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Matthew Grobert, RS  
Senior Project Manager  
Becht Engineering BT, Inc.

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*"Diapers, baby food and 529 plan contribution. Oh how your priorities change..."*

Kyle Hammerschmidt  
Associate Director,  
Communications & Marketing  
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*"Invest it in my new salt mining operation business, which includes the distribution. I will ensure my ship is flying an American Flag. LOL"*

Al Spinney,  
Property Manager  
RCP Management Company, AAMC, AMO

*"Basketball sleep-away camp for two boys at Rider University. Three days in a cabin at Knoebel's Amusement Park. Put toward a Sweet Sixteen Party for triplets this November!"*

Terry Viggiano  
Community Manager  
RCP Management Company, AAMC, AMO

*"Pay off bills."*

Gary Gleitman  
C&L Sweeper and Pavement Maintenance

*"Put it into my savings account which I depleted to go to Israel this April."*

Sandy Estrada  
Administrative Assistant  
Whispering Woods Condominium Association

*"I am spending my tax refund on a beautiful new front door for my home"*

Mary Ann Calogera, CMCA, AMS, ARM  
Community Manager  
RCP Management Company, AAMC, AMO

*"a snowblower..."*

Ray Barnes, CMCA, AMS, Portfolio Manager  
RCP Management Company, AAMC, AMO

Courtesy CAI-NJ



*"My initial thoughts would be on a warm, sunny vacation at an island location but then reality sets in and it'll have to go towards my youngest son's wedding in June of this year."*

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National Board of Certification  
for Community Association Managers

Please Note: CAI-NJ only reviews CAI designations, certifications, and accreditations in this advertisement for validity and current status. Readers are advised that each individual company is solely responsible for the content of its listing in this advertisement, including all designations, certifications, accreditations and licenses by the company or the individual employee. Concerns about the validity of non-CAI designations, certifications, accreditations and licenses should be directed to the specific company or individual in question. Removal of designations, certifications, accreditations and licenses by CAI-NJ will only take place upon the submission of a letter written by the official credentialing and/or licensing body to CAI-NJ.

#### **Access Property Management, LLC, AAMC, AMO**

Wayde F. Scheffer, CMCA, AMS, PCAM, MBA – President  
Scott T. Dalley, CPM, PCAM, AMS, CMCA – Senior V.P.  
4 Walter E. Foran Blvd., Suite 311  
Flemington, NJ 08822  
Phone: (908) 237-9900  
Fax: (908) 806-7383  
Email: [sdalley@accesspm.com](mailto:sdalley@accesspm.com)  
Website: [www.accesspm.com](http://www.accesspm.com)

#### **Comet Management, AAMC**

Craig Thompson, CMCA, AMS  
106 Quarry Road  
Suite F  
Hamburg, NJ 07419  
Phone: (973) 823-8240  
Fax: (973) 823-8251  
Email: [manager@cometmanagement.com](mailto:manager@cometmanagement.com)  
Website: [www.cometmanagement.com](http://www.cometmanagement.com)

#### **Executive Property Management, AAMC**

Leonard Barber, CPA, CMCA, PCAM – President  
Janice Barber, CMCA, PCAM – Vice President  
4-08 Towne Center Drive  
North Brunswick, NJ 08902  
Phone: (732) 821-3224  
Fax: (732) 821-6565  
Email: [info@execproperty.com](mailto:info@execproperty.com)  
Website: [www.epmweb.net](http://www.epmweb.net)

#### **FirstService Residential, AAMC**

Arthur L. Bartikofsky – President  
21 Christopher Way  
Eatontown, NJ 07724  
Phone: (800) 310-0326  
Email: [abartikofsky@fsresidential.com](mailto:abartikofsky@fsresidential.com)  
Website: [www.wentworthmgt.com](http://www.wentworthmgt.com)

#### **Homestead Management Services, Inc., AAMC**

Louis J. Curtis, CMCA, AMS, PCAM  
856 Route 206 South  
Hillsborough, NJ 08844  
Phone: (908) 874-6991  
Fax: (908) 874-6951  
Email: [lcurtis@homesteadmanagement.org](mailto:lcurtis@homesteadmanagement.org)  
Website: [www.homesteadmanagement.org](http://www.homesteadmanagement.org)

#### **Integra Management Corporation, AAMC**

Edward San George, MPA, PCAM  
Mary Caporaso, MBA, CMCA  
200 Valley Road, Suite 203  
Mount Arlington, NJ 07856-1320  
Phone: (973) 770-1500  
Fax: (973) 770-3669  
Email: [esangeorge@integramgtcorp.com](mailto:esangeorge@integramgtcorp.com)  
Website: [www.integramgtcorp.com](http://www.integramgtcorp.com)

#### **JCR Management Services, Inc., AAMC**

John C. Roberts, CMCA, AMS, PCAM – President  
PO Box A  
Point Pleasant Boro, NJ 08742  
Phone: (732) 899-5524  
Fax: (732) 899-5552  
Email: [jcr@mycondo.com](mailto:jcr@mycondo.com)

#### **K.A. Diehl Community Management, AAMC**

John J. Boselli – CEO  
125 Sixth Avenue, Suite 201  
Mount Laurel, NJ 08054  
Phone: (856) 316-4550 x225  
Fax: (856) 316-7240  
Email: [jack.boselli@KADiehl.com](mailto:jack.boselli@KADiehl.com)  
Website: [www.KADiehl.com](http://www.KADiehl.com)

#### **MAMCO Property Management, AAMC**

Nancy Hastings, CMCA, AMS, PCAM – CEO  
14000 Horizon Way, Suite 200  
Mount Laurel, NJ 08054  
Phone: (856) 996-1640  
Fax: (856) 234-5479  
Email: [nhastings@mamcomgmt.com](mailto:nhastings@mamcomgmt.com)  
Website: [www.mamcomgmt.com](http://www.mamcomgmt.com)

#### **Prime Management, Inc., AAMC**

Barbara Drummond, CMCA, PCAM – President  
684 East Bay Avenue  
Barnegat, NJ 08005  
Phone: (609) 693-0090  
Fax: (609) 698-2517  
Email: [bdrummond1@comcast.net](mailto:bdrummond1@comcast.net)  
Website: [www.primemanagementinc.com](http://www.primemanagementinc.com)

#### **RCP Management Company, AAMC, AMO**

Mary Faith Nugiel, CPM, AMS, PCAM  
10 Centre Drive  
Monroe, NJ 08831  
Phone: (609) 683-7980  
Fax: (609) 683-5495  
Email: [mnugiel@rcpmanagement.com](mailto:mnugiel@rcpmanagement.com)  
Website: [www.rcpmanagement.com](http://www.rcpmanagement.com)

#### **Regency Management Group, LLC, AAMC**

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Howell, NJ 07731  
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Email: [ewm@regencymanagementgroup.biz](mailto:ewm@regencymanagementgroup.biz)  
Website: [www.regencymanagementgroup.biz](http://www.regencymanagementgroup.biz)

#### **Signature Property Group, AAMC**

Lori Kenyon, CMCA, PCAM – Vice President,  
Management Services  
850-870 US Route 1 North  
North Brunswick, NJ 08902  
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Fax: (609) 395-0110  
Email: [lkenyon@spgroup.biz](mailto:lkenyon@spgroup.biz)  
Website: [www.spgroup.biz](http://www.spgroup.biz)

#### **Taylor Management Company, AAMC, AMO**

Paul A. Santoriello, PCAM - President  
80 South Jefferson Road  
Whippany, NJ 07981  
Phone: (973) 267-9000  
Fax: (973) 267-0943  
Email: [paul@taylormgt.com](mailto:paul@taylormgt.com)  
Website: [www.taylormgt.com](http://www.taylormgt.com)

Suite 206  
1675 Whitehorse-Mercerville Road  
Mercerville, NJ 08619  
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