

CAI-Wisconsin Chapter

# COMMUNITY LEADER

*News for the New American Neighborhood*

## PREVENTATIVE ROOF MAINTENANCE

*Tips to follow to aid in maximizing the life span of a roof*

## COLLECTING CERTIFICATES OF INSURANCE

*One tedious, yet critical, job of a property manager*

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*Learn about Wisconsin Loans*

## 2023 CAI-WI TRADE SHOW HIGHLIGHTS

*A special thank you to everyone who attended!*



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# PRESIDENT'S MESSAGE



CAI-WI Members,

What a show!! Thank you to everyone who made themselves a part of this years CAI-WI Chapter Tradeshow! It was a great event full of positive energy, great education pieces and fun.

I would like to congratulate Erica Joyce in her new position of President Elect. We are excited to see her continue her future with CAI-WI. In addition, congratulations to all our nominees and winners of this years awards. Each award is well deserved and our Chapter is very proud to have the involvement we have.

As we move into the summer we know that life will get busy and projects will be underway. We hope that our members will watch for the upcoming programs and events we have planned and join us.

Thank you again to our membership for all that you do and for such a great tradeshow this year! We really appreciate you!

Sincerely,

*Sara Moker*

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# THE IMPORTANCE OF PREVENTATIVE ROOF MAINTENANCE FOR CONDO ASSOCIATIONS.

by *AJ Stoffels, Badgerland Exteriors*

Preventative roof maintenance is key in helping ensure the longevity of a roof. Regular inspections are important. Make sure any inspection takes place on the roof. A roof shouldn't be inspected from the ground unless a drone is being used. A roofing professional needs to either physically get on the roof to look for damage/potential problems or use a drone to inspect the roof remotely. Utilizing a drone is effective but there is no better way to inspect a roof than to physically get on it. Below are tips to follow to aid in maximizing the life span of a roof:

- Fix minor damage before it spreads. Routine roof inspections for specific problems will help an association avoid problems and damage before they become more serious or widespread. Watch for rusted or loose flashing and moss or mold growths. Also look for missing or loose shingles as well as broken, dented, or warped shingles.
- Take extra care after a weather event. If a property is in an area that's prone to hail/windstorms, visually check the roof for hail damage after the storm. In an area that gets high winds, check for loose material after the winds have died down. An inspection by a licensed professional is recommended.
- Time is of the essence after a storm-related event. Hailstorms and damaging wind events can create many issues. If they are caught early, they might be able to be repaired or tarps placed before further damage can occur.
- Don't power wash your roof. Power washing is forcing water under the roof where it shouldn't go. A roofing system has several layers of material and they are all designed to shed water. Using a pressure washer may damage the integrity of the system and ultimately void any warranty that may still exist on the current materials.
- Consider restricting access to your roof. The less foot traffic on a roof the better. Limiting the amount of times a roof is accessed will ensure a longer lasting system and also limit the liability to the association in case of an accident.

---

***AJ STOFFELS** has been in the construction/roofing industry for 15+ years. He started Badgerland Exteriors in 2010 and set his company slogan as "Contracting Made Easy". Over the years, he has continued to build long-lasting relationships on the residential and commercial fronts that has allowed for constant yearly growth. He can be reached at (608) 643-0400*



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## COLLECTING CERTIFICATES OF INSURANCE



One tedious, yet critical, job of a property manager is ensuring that all vendors and contractors working on their building are equipped with the proper insurance coverage. Specifically, property managers must check that the policies of these individuals cover any relevant risks and include the appropriate limits.

The best way to confirm that the vendors you work with have adequate coverage is by collecting and maintaining certificates of insurance (COIs). A COI is a valuable—yet misunderstood—tool in the insurance industry. COIs are used across a variety of commercial business relationships and essentially serve as proof that a particular party has an insurance policy in effect. Often only a few pages long, COIs are summary documents that indicate the insured party, essential terms and conditions of the insurance policy, policy limits and the policy period.

Property managers must keep diligent records of COIs and request them on an annual basis or at the beginning of every job or contract. Whenever possible, it's best to keep COIs in a single, digital location for easy tracking, making note of any expiration dates. COIs can easily be faked or altered, so it's important to ask yourself the following questions when reviewing and managing COIs to avoid common issues:

- Is the COI provided on a proper form?
- Is the company named on the COI the same as the one named in the contract?
- Is the policy issued by a reputable insurer? Is the COI signed by an insurance company or agency representative?
- Are the types and limits of insurance listed on the form the same or greater than those required by you under the contract?
- Are specific policy numbers listed on the COI?
- Are the dates of coverage adequate for the specified work?
- Does the COI indicate any special insurance requirements you have specified?
- Has the provider made any unapproved modifications to the COI?
- Do you require written contracts with every third party you work with, either by annual agreement for all work or by separate agreement for each project?
- Do you have a system in place (e.g., a certificate management system) for tracking expiration dates?

Securing and managing COIs can be complicated, and it's critical to enlist the help of an experienced insurance broker. Contact Mid-State Insurance today to learn more about collecting and maintaining COIs.

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# RECENT CHANGES IN THE WISCONSIN CONDOMINIUM ACT THAT AFFECT YOUR ASSOCIATION: Record Keeping, Financial Records, Audits, and Website Requirements

In 2022, the legislature has adopted some additional provisions that affect all Wisconsin condominium associations. Because the new statutes require condo associations to take affirmative action, your association needs to be aware and get prepared.

The changes are found in Wis. Stat. Section 703.20, primarily. The language regarding the financial and operational records condominium associations were required to keep per Section 703.20 used to be very general in nature, so much so that for our condo association clients who were nonstock corporations, we would look to provisions in the Nonstock Corporations Act (specifically, Sections 181.1601-.1603) for greater detail and guidance on the records that associations should keep. With the recent changes to Section 703.20, this is no longer the case; in fact, Section 703.20(5) now states that those nonstock corporate records statutes (Sections 181.1601-.1603) no longer apply to condominium associations.

## What Every Condo Association Needs to Know

The statutes are now much more specific about the records condominium association are required to keep on hand and at the ready. **Going back 6 years**, for all of the following items, you need to have on hand:

- Minutes of owners' meetings and board meetings
- Records of any actions taken without a meeting (by written ballot of the owners, or by informal action of the board)
- Detailed bookkeeping records showing an itemization of all receipts and expenditures affecting common elements
- Annual budgets, which include (1) anticipated common expenses and amounts to be allocated to reserve account(s); (2) the amount and purpose of any other association expenditure; (3) the amount in the reserve account(s); (4) any common surpluses; (5) the amount/source of any income other than assessments; and (6) the amount of any assessments to be levied against the owners and the purpose of the assessment(s).
- Financial statements
- Bank statements and account statements, including reserve accounts
- Income and expense statements

- Insurance policies
- Audit of the association's records (if one has been done)
- Contracts entered into in the last 6 years (and bids obtained going back 3 years)
- Invoices and expense-related records

Part of the reason that condominium associations need to keep the above records at the ready is that Section 703.20 now includes a provision that describes the unit owners' rights to inspect and copy all of the above-described records going back 6 years. The new language states that a unit owner, on 10 days' written notice to the association, is entitled to inspect all of these records and make copies if they wish. The statute provides a few exceptions to what unit owners are allowed to see, however. Unit owners are not entitled to inspect (1) records protected by attorney-client privilege or the association attorney's work product; (2) personnel records; (3) records of another owner's violation(s); (4) records of another owner's assessment payment/nonpayment; or (5) financial records related to the initial construction of the condominium project (because the association is not required to maintain those, period). Subject to those few exceptions, every other record listed above, however, going back 6 years, is fair game for unit owner inspection. The association can redact the excepted/protected information before allowing the unit owner to inspect the records, and the association can charge the owner (a) a reasonable cost of the copies; or (b) the cost of labor and materials to provide the copies but no more than the actual cost or \$150, whichever is less.

## What Every LARGE (100+ units) Condo Association Needs to Know

In addition to the above, condominium associations with 100 or more units have another requirement: beginning on April 1, 2023, they will need to maintain an internet website that houses all of the association records listed above and provides password-protected access to the unit owners and employees/managers of the association. The website can either be owned/maintained directly by the association or can be operated by a 3rd party provider (like the association's property management company). So if you are a large condo association with 100 or more units, and you don't have a website, now is the time to get one set up so you can comply with this new law.

*Continued on page 13*



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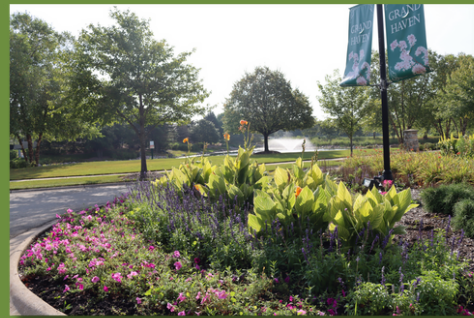
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# RECENT CHANGES IN THE WISCONSIN CONDOMINIUM ACT THAT AFFECT YOUR ASSOCIATION: Record Keeping, Financial Records, Audits, and Website Requirements

*Continued...*

## Finally, the Thing about Audits...

It used to be that the statutes were silent as to an association's requirement to conduct financial audits of its records, and we only had to worry about audit requirements if the association's governing documents required it. Not anymore. Section 703.20 now specifies that if the association receives a written request of a majority of the owners, the association must hire an independent audit done at the association's expense. The statute also states that during the period of Declarant control and one year

after, just 3 unit owners or 10% of the non-declarant owned units (whichever is less) can make the written request for an audit at the association's expense. In both cases (before and after Declarant control), the cost shifts to the requesting owners if an audit was done within 36 months of the request.

Heeding these statutory changes—being aware and being prepared—will keep your Association ahead of the game and out of trouble.

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In the meantime, please keep banking as usual – and count on us for customized banking solutions that can help your business thrive.

We'll send you updates with additional details as we transition over the next few months. We look forward to continuing to provide you industry-leading service and solutions as First Citizens Bank.

Your Community Association Banking Team

# HOW TO FUND IMPROVEMENTS

by Tom Engblom, Ph.D., CMCA, AMS, PCAM, ARM, CPM

**Treasury or Loan Committee Chairperson:** Hi Tom, I'm looking for some information on a condominium association loans can you help me out?

**Tom:** Of course! I'll do my best to assist you. What specifically are you looking to learn about?

**Treasury or Loan Committee Chairperson:** Well, I'm part of a condominium association and we're looking to take out a loan to make some improvements to the property. I'm not sure where to start or what our options are and what kind of interest rates can we expect?

**Tom:** I see. Well, there are a different type of loans that condominium associations can pursue. One (1) option is a traditional bank loan going straight to term after closing. The second (2) option is a loan with a draw period paying interest only during the phase of work. Listed below are some conceptual concepts of financing.

1. A condominium association loan program is a financing option for condominium associations.
2. The program provides funding for repair or renovation projects.
3. These projects can include but not limited to roof repairs, paving, siding exterior painting, or elevator upgrades etc.
4. The loans can be paid back over a period of several years which may or may not include a prepayment penalty.
5. Interest rates for these loans are typically lower than other financing options typically based on the U.S Treasury rate with a spread for the financial institution.
6. The loan amount and terms are based on the condominium association's financial standing and creditworthiness number of units and delinquencies.
7. This program can help condominium associations maintain and improve their properties without putting undue financial strain on unit owners whether they pay now or over time.
8. Find financial institution that specializes in this area
9. Review the association governing documents for the approval process or authority of the board to pursue a loan option
10. Don't continue to kick the can down the road it will cost more in the long run.

**Treasury or Loan Committee Chairperson:** That's helpful. How do we go about applying for a loan?

**Tom:** The process of applying for a condominium association loan will vary depending on the lender you choose, but generally, you'll need to provide some basic information about your association, including your financial statements, and any existing debt. You may also be required to provide a project plan that outlines how the funds will be used.

**Treasury or Loan Committee Chairperson:** That's good to know. Are there any downsides to taking out a condo association loan?

**Tom:** As with any type of loan, there are some potential drawbacks to consider. For one, taking on debt can put a strain on your association's finances and may affect your ability to make other necessary repairs or upgrades in the future. Additionally, if your association is unable to make its loan payments, it could result in increased assessments and make it more difficult to secure financing in the future.

**Treasury or Loan Committee Chairperson:** Those are things we'll need to keep in mind. Thanks for your help based on your knowledge and expertise.

**Tom:** It was once said a journey of a thousand miles begins with a single step the cost for pursuing financing for your association is a phone or email away.

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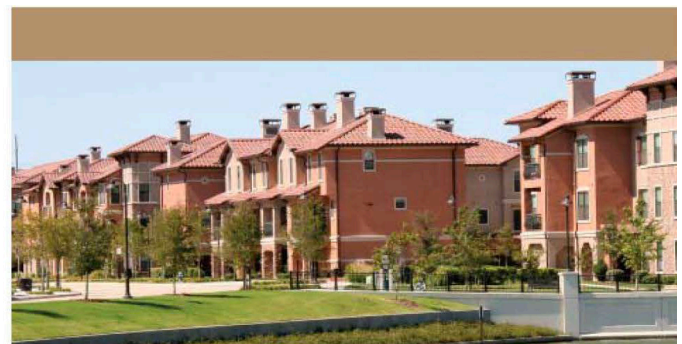
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Our responsive turnaround on loan requests guarantees a simple and understandable process. Once we receive your loan application package, we quickly and efficiently determine a payment structure that best meets the association's needs. Upon bank approval of the loan, we draft a commitment letter for your organization, detailing the loan terms and conditions.

Upon your acceptance of our commitment letter, loan documentation is provided for the association's review, signature, and approval. We're happy to meet with board members at any time during the loan process to discuss and clarify the terms of the program.

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