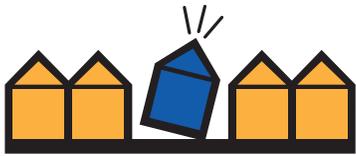


WHAT'S NEW?

a PUBLICATION to INFORM & ENTERTAIN | February 2010



NEW CONCEPTS

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FEATURED ARTICLE – “New EPA Requirements for Handling Lead Paint!”

By Mark Schoenfelder, Schoenfelder Painting & CAI Past President.

The EPA has come out with new regulations for lead based paint that take effect in April of 2010. The regulations apply to anyone who hires or is paid to renovate, repair or disturb lead based paint in a home or child occupied facility. This specifically includes property managers, painters, electricians, drywallers, and plumbers. Homeowners working on their own homes are not included. The regulations require that all renovations that involve lead need to be performed by a Certified Firm using Certified Renovators or employees who are trained and supervised by the Certified Renovator.

Lead was used as a paint additive for hundreds of years. Lead is toxic to humans and in the 1960's and 1970 it was mostly phased out and banned from being used in residential homes. After 1978, it was almost never used in housing. Currently about 35% of homes have lead in them. Even fewer homes have lead in areas that are likely to be disturbed. The best estimates are that less than 5% of townhomes have lead and 10% of condos, but at least 40% of rental housing contains lead based paint. The condos that do have lead were predominantly condos that used to be apartment buildings and underwent a conversion.

If lead is present in a home, it typically does not have to be removed unless it is being disturbed. If you have lead based paint on your walls and woodwork, but it is sealed with more recent coats of paint from the 1980's and 1990's, you probably do not have to worry about it. On the other hand, if the paint is peeling, cracking, flaking, etc, it can be health hazard and needs to be addressed. One of the primary sources of lead poisoning is caused by windows. Old wood windows were painted with lead based paint when they were constructed. When they slide up and down, the sides of the windows rub against each other and create dust. The dust can contain high concentrations of lead and can be invisible. This dust gets on the children's hands and is ingested. It can also be inhaled. Lead is harmful to adults but is particularly dangerous to children.

Lead poisoning and the new regulations are very important to property managers and home owners associations (HOA's). They are responsible for managing the property and protecting the health of the occupants. The new EPA regulations explicitly include property managers and by implication would include self managed HOA's that hire a contractor. They have liability exposure if they do not follow the new regulations. The new regulations also spell out fines up to \$32,000 per day for violations. Property managers and associations also deal with many more homes and contractors thus increasing their likelihood of encountering lead in the near future.

The new regulations will increase the cost of renovations that disturb lead, but they will also increase the safety for the occupants and renovators. Even if a home is pre-1978, there is still a strong chance that renovations can be done with only a small increase in cost.



Mark Schoenfelder, Schoenfelder Painting & CAI Past President

The first step in any renovation now must be to determine the age of the structure. If it is post 1978, lead is not a concern. If it is pre-1978, the next question is whether lead will be disturbed in the process. This likely will involve testing the surfaces that will be affected. All testing must be done by an EPA certified renovator. So in order to even do the project, a certified renovator is required. The certified renovator is able to ascertain if there is lead, and if it will be disturbed, and what precautions need to be taken. We expect that a majority of the projects on pre-1978 homes will NOT require additional work beyond testing.

If the project does contain lead, lead safe practices need to be followed. The regulations specify that the work must be done by a Certified Renovator or workers trained and supervised by a Certified Renovator. The regulations require specific notification requirements to residents, dust control, warning signs, specific clean up requirements and testing. In addition many current practices are now prohibited like sanding, grinding, planing, needle gunning, blasting and other activities that create large amounts of dust. After completion the Certified Renovator must prepare and deliver the test results to the owners and then maintain records for 3 years.

How do you know when to worry about lead? My recommendation is that you screen your properties carefully. Do not perform any construction, renovation, rehabbing, repairs, etc. on any property that is pre-1978 unless you have a certified firm do them. The fines can be as high as \$32,000 per day and the health concerns are even more important.

Mark Schoenfelder, CAI Past President
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What's in the News?

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to
1:00pm

with
Gene
&
Toni

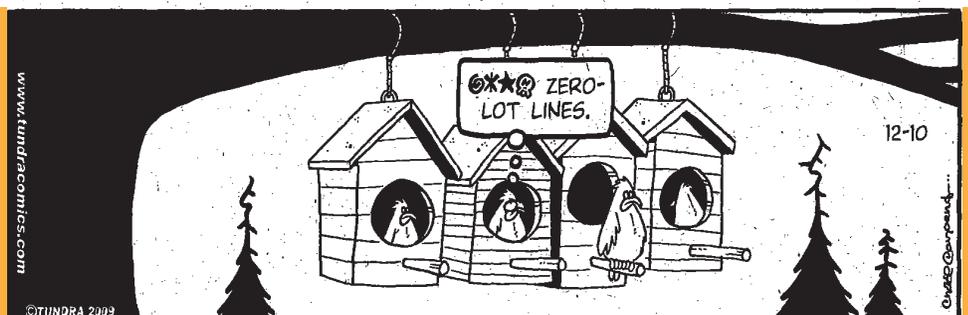
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TUNDRA CHAD CARPENTER



“Frightened & Frustrated” - DEAR TONI

By Toni Crockett, Vice President of Rental management Services for New Concepts Management.

Dear Toni,
I need your advice. I am the president of a self-managed association and I am being “terrorized” by one of the homeowners. This homeowner leaves hostile messages on my voice mail; nasty notes attached to my door; yells at me when I go out to get my mail, and spreads rumors around the community. This man focuses on me as his target even though anything that has been requested of him has come from the entire board. I am a woman, a senior citizen, and I am becoming an emotional wreck. Have you experienced this kind of thing before? What can I do?

Signed Frightened

Dear Frightened,
No I have not had to deal with such a blatant bully, in my past; my heart goes out to you in having to put up with this type of childish behavior.

Dealing with a bully can be very horrible. It's easy to feel isolated and victimized. However, you should not have to deal with this alone. May I first suggest that others on the board, preferably two large men, talk to this guy about his behavior? It can be a friendly chat over coffee; i.e. “you may not realize how intimidating you are... please come to the board meeting to address the entire board with your issues...the president cannot take action alone so notes and voice messages to her will not be acknowledged... however we will deal with issues and concerns collectively as a board.” So I think you need others to initially step up and deal with this guy. The message to this individual should be clear, “the entire board is in agreement in enforcing the rules and that the entire community will not tolerate this type of behavior.”

If a polite chat does not work the next step I think would be to offer mediation. You cannot force someone to be involved but you can give someone the opportunity. Try Community Mediation Services, Inc. 763-561-0033

If he still does not change his behavior it is time to get the association's attorney involved. The attorney can write a letter telling him to cease and desist. I would not hesitate to file an order of protection to keep someone away from you if it persists. It would not be out of line to call the police every time this person exhibits behavior that is threatening or hostile. Who knows, this may be a mental health issue, like Alzheimer's or Schizophrenia. I know folks become very hesitant to call the police, but it is everyone's job to help keep the community safe.

Last, I hate to say this, but you may need to step down from the board. Your safety and sanity is more important than service to the community; especially when it makes you a continual target for someone who is so anti-social and hostile.

Dear Toni,
Board meetings get long as it is, and more so with everyone else in the association giving their two cents worth. Do we really need to invite all homeowners to a regular meeting of the board? It seems to me we could be a lot more efficient if just those of us on the board could get down to business without everyone else.

Signed Frustrated.

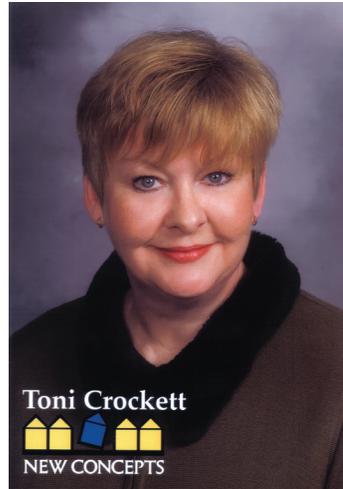
Dear Frustrated,
MCIOA 515B.3-103 (g) PARAPHRASED STATES: Board meetings must be open but may be closed to discuss: personnel matters; pending or potential litigation; a potentially adversarial issue among owners and/or the board, anytime the board deems it necessary to discuss strategy or protect their position or protect privacy.....

I advise that boards work hard at being open, transparent, and communicative to all members in the community. Because everyone is paying into the association for services rendered, it is their right as a homeowner. However, with that being said, you do not necessarily need to make the entire meeting open for comments from everyone. I suggest having a homeowners' forum for a set period of time to allow homeowners to share feedback and concerns. Those with special situations can also be encouraged to request a spot on the agenda, so that an individual has further

time to discuss a concern with the board. However, once the homeowner's forum is finished homeowners do not participate in further discussion. Just like any city council meeting, homeowners can attend and listen to the proceedings but only the board is authorized to make the decisions. The purpose of a board meeting is for the business of the board, just as the annual homeowners meeting is structured for all homeowners in the community. Every once in a while, though, it may be necessary for the board to have what is called a “Closed Session”. This establishes the precedent of private time for the

Board to have open discussions about adversarial issues, delinquencies and other legal action which may require discretion and privacy. The closed session should be held at the end of the meeting, so that most business is open to all attendees. If a closed session is always on the agenda the Board protects itself from accusations of bias or discrimination.

Minutes should always note the time at which the Board went into closed session and dismissed the attending homeowners. Also the minutes should reflect the topic of discussion, motions, and decisions made by the board. ■



Free On Line Seminars – Don't pass up on these in March and April!

Classes run between 30-60 minutes. You can register anytime right up to the start of any seminar by going to www.webinar.com and click on the “join webinar” button. You will be guided through the registration process. To register you will need to supply your e-mail address and identify the seminar you wish to join by typing in the 9 digit I.D. # assigned to each class below. Here are our upcoming offerings:

NEW* “Looking Ahead” – Wed. Mar. 24, 2010 from 7-8 p.m. I.D. # 774199403.**

Some huge changes have taken place recently in government regulations that will affect both the cost and procedures of doing business for homeowner associations. – Instructor Paul Roth, Vice President of New Concepts Management.

“The Roles and Responsibilities of the Board” – Tues. Mar. 30, 2010 from 7-8 p.m. I.D. # 242452091.

An orientation class perfect for those new to serving their HOA Board and wanting to know their duty as Board President, Vice President, Secretary, Treasurer, or Member at Large. – Instructor David Schultz, Senior Property Manager New Concepts Management.

NEW* “How to Run Effective Board Meetings” – Wed. April 14, 2010 from 7-8 p.m. I.D. # 322274578.**

What are the causes that keep meetings long and ineffective? Join Toni as she explains the bad habits and time “wasters” that are the root cause to long boring or divisive meetings. – Instructor Toni Crockett, Vice President of Rental Management Services New Concepts Management.

NEW* “Who is Above the Board?” – Mon. April 26, 2010 from 7-8 p.m. I.D. # 673371619.**

When you get right down to it, everyone has a boss, and everyone has the means to make a respectful appeal in order to see things changed. – Instructor Gene Sullivan, President New Concepts Management. ■

Home Savings Store

– Resources, products and services available at special pricing for our homeowners and subscribers. To take part in any of these specific offerings, please contact our Home Savings Store Coordinator **Courtney Graf at 952-224-2663** and ask her for full details.

Home Maintenance

Don't know where to turn to when you need a new water heater? Who can handle all those handyman tasks that you have been meaning to get to around your home? You can be assured that when Start To Finish is on the job, it will be done right by experienced, licensed, and insured professionals who care about your home as much as you do.

Mortgage Network

Whether you're refinancing to reduce a high rate adjustable mortgage, preparing to pay the cost of a special assessment, or getting back on your feet from near foreclosure, experience the Klein Bank difference. Mortgage Banker Greg Johnson doesn't simply put you into something in order to make a sale. He spends the time to counsel you to see what makes the best sense.

Preferred Realtor Network

Because we are involved with the resale disclosures on every sale at your association, we know who does the best in getting the job done quickly and at top dollar. If you do not have a relationship with an experienced agent, we can help. Discounts are also available on the cost of a re-sale disclosure by going through this program.

Rental Management Services

Your preference was to sell, but your home isn't moving. That new job is calling, and you don't want to walk away from your equity. What do you do? Call New Concepts. We can give you peace of mind knowing your property is being watched closely, and the renters aren't getting you in hot water with the Board or your neighbors. ■