

# On Demand: Community Association Webinars

June 21, 2022



## North Carolinians love their neighborhoods.

And it's no surprise why - with nearly 30% living in a community association, they share many goals to preserve the integrity of these special places and make sure everyone has an opportunity for success there. But as any homeowner knows: being a part of a community comes at differing levels of complexity which can sometimes create challenges we've written extensively about on our blog.

To help you better understand how your own situation might play out, Ward and Smith created this webinar series designed specifically around topics concerning condominiums or single-family homes in community associations:



### **Flooding & Architectural Control Parameters**

Speakers: Eric Remington and Amy Wang

Many communities in North Carolina experience issues with drainage, stormwater, and localized nuisance flooding after rain events. In this webinar, environmental attorney Amy Wang and litigation attorney Eric Remington discussed several issues, including drainage vs. stormwater, general coverage of drainage and stormwater in covenants and permits, updates on the State's Stormwater Program, legal doctrines or rules that pertain to surface water drainage and liability, and common causes of action asserted in lawsuits related to surface water drainage, flooding, and erosion. Watch Webinar



### **Land Use and Zoning**

Speaker: Clint Cogburn

Zoning and land use laws enacted by the state and federal governments, counties, and municipalities significantly affect the acquisition, sale, development, and use of real property. Government agencies and governing bodies increasingly have enacted more comprehensive zoning and land use rules and regulations governing development, sometimes with the intent to restrict or prohibit development. In this session, Land Use attorney Clint Cogburn discusses how zoning and land use laws can affect community associations as well as tax exemption applications. The session will conclude with a live Q&A. Watch Webinar



## **Land Use, Zoning, and Ordinance Issues**

Speakers: Adam Beaudoin and Clint Cogburn

What is the interplay between a community association and land use, zoning, and ordinance issues? Oftentimes, community managers must walk a fine line between resident concerns that can be handled by a management company and those that are out of the management company's control. In the second session of Ward and Smith's Community Association Building Blocks series, attorneys Adam Beaudoin and Clint Cogburn provide insight into common land use issues that community associations regularly face and how to competently and comprehensively address those issues when they arise. Watch webinar



## **Directors and Officers Insurance**

Speakers: Allen Trask and Amy Wooten

A community or property owner association ("Association") acts through board members and officers who are volunteers and are generally willing to serve because they care about their communities.

But in this day and age, they are often targets of member lawsuits. Accordingly, it's recommended that all Associations obtain director and officer liability insurance to cover the costs of defending their directors, officers, committee members, and volunteers against such lawsuits. Watch Webinar



## **Navigating Litigation with Directors & Officers Coverage**

**Speakers: Allen Trask and Amy Wooten**

The unfortunate reality for many community association boards of directors is that at some point in the association's existence, its board members may be sued. When that happens, the suit may trigger Directors & Officers ("D&O") insurance. Understanding the fundamentals of D&O coverage and its impact on litigation involving the association's board members can prove invaluable to navigating litigation against an association's board. This webinar provides an introduction to D&O coverage and insights into its impact on the litigation process. Watch webinar



## **How to Retain Financing for HOAs and COAs**

Speaker: Justin Lewis

Lenders are aware that the borrowing demands for community associations around the country are growing. And those demands will continue to grow as more and more American home buyers choose a home that includes some form of common interest as an integral part of homeownership. In this webinar, we discussed how HOA and COA loans work, including borrowing needs, loan structure and security, and loan documentation. Watch Webinar



## **Vendor Relationships**

Speakers: Adam Beaudoin, Madeline Lipe, and Peter McClelland

All community associations have professional relationships with contractors, service providers, and other vendors. This webinar explores issues that can arise with third-party

vendors, including the importance of vendor contract review and negotiations, how to navigate discourse with vendors, including insurance companies, and the responsibility that community associations have to take reasonable precautions to protect the interests of the association and their members' confidential information even if it is housed by a third-party. Watch Webinar



### **Annual Meetings**

Speaker: Adam Beaudoin

Annual membership meetings are an essential thread of the fabric of community associations and North Carolina law requires that all community associations hold a meeting of the association's members at least once a year. Unfortunately, large group meetings, especially in the community association context, are inherently inefficient and can be more frustrating than they are useful.

In this webinar, Adam Beaudoin reviewed annual meeting basics, rules, and regulations, as well as explain the critical role the association's professional managers, attorneys, and accountants play in the annual membership meeting to ensure that proper procedures are followed, adequate language is used to describe proposed actions, procedures are understood, and votes are properly tabulated. Watch Webinar



### **The Fair Housing Act and Emotional Support Animals**

Speakers: Adam Beaudoin and Kristin Mitcham

The Federal Fair Housing Act (FHA) prohibits housing providers and their agents and governing bodies, such as Associations, from discriminating against a resident or potential resident, regardless of whether the resident or potential resident will be the owner or listed tenant of the housing unit because of the resident's or potential resident's disability. The FHA makes it unlawful for Associations to refuse to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford a person with a disability with an equal opportunity to use and enjoy a housing unit. In fact, the Department of Housing and Urban Development has explicitly stated that an exception to a "no pets" policy qualifies as a reasonable accommodation. In this webinar, Adam Beaudoin and Kristin Mitcham discussed the FHA, assistance animals, and what an Association should do if an owner, tenant, guest, or other resident requests a reasonable accommodation for an assistance animal. Watch Webinar



### **Privacy and Data Security**

Speakers: Angela Doughty, CIPP/US and Peter McClelland, CIPP/US

You may not know that Community Associations and the companies that manage them have a responsibility to take reasonable precautions to protect their members' confidential information. Associations, and particularly their board members, are regularly entrusted with homeowners' sensitive, confidential materials, often including personally identifiable information like social security numbers and financial information like credit card and bank account numbers. In this webinar, Angela and Peter discussed the growing number of laws that relate to holding members' confidential information, the legal penalties associated with falling short of the requirements, and what Associations must do to be considered "reasonable" under law. Watch Webinar



### **Collections Session**

Speaker: Thomas Wolff

Nearly all community associations must cope with owners who fail or refuse to pay their periodic assessments, which are commonly referred to as monthly, quarterly, or annual "dues." Regardless of your Association's current delinquency rate, delinquencies will increase or decrease depending on your Association's vigilance in enforcing its right to collect.

In the third session of Ward and Smith's Community Association Building Blocks series, attorney Thomas Wolff provided insight into the various options for Associations to consider, and the common pitfalls to avoid when pursuing delinquent accounts. Watch webinar



### **Association Manager Town Hall**

Speakers: Adam Beaudoin and Madeline Lipe

From supervising property maintenance and upkeep of facilities and amenities to overseeing financial management and budget tracking to overseeing homeowner communications, the role of a Community Association manager is a constantly evolving and challenging position. In this Community Association Building Blocks webinar, Community Associations attorneys Adam Beaudoin and Madeline Lipe held a town hall to answer questions from community associations managers. Watch the webinar



### **ARC as Easy as 1, 2, 3?**

Speakers: Eric Remington and Allen Trask

The Architectural Review Committee is one of the most important, and often times challenged, committees within a community association. How can this committee ensure that its fellow board and members understand the difference between ARC guidelines and restrictive covenants? In this webinar, Community Associations attorneys Eric Remington and Allen Trask take a closer look at ARC's enforceability and how to distinguish between ARC guidelines and restrictive covenants in community documents. Watch webinar



### **Insight into Named Storm Insurance Issues**

Speakers: Allen Trask and Amy Wooten of Ward and Smith and Jade Bentz and Jeff Major of Skyline Adjusters

The National Oceanic and Atmospheric Administration said the 2020 Atlantic hurricane season set multiple records while producing a record of 30 named storms, and a recent extended-range forecast for the 2021 season predicts activity that is above normal. In this webinar, our professionals discussed key named storm insurance issues for Community Associations, including common coverage pitfalls and unknowns, deductibles, and emergency services and contractor issues. Watch webinar