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An Exclusive Special Report from
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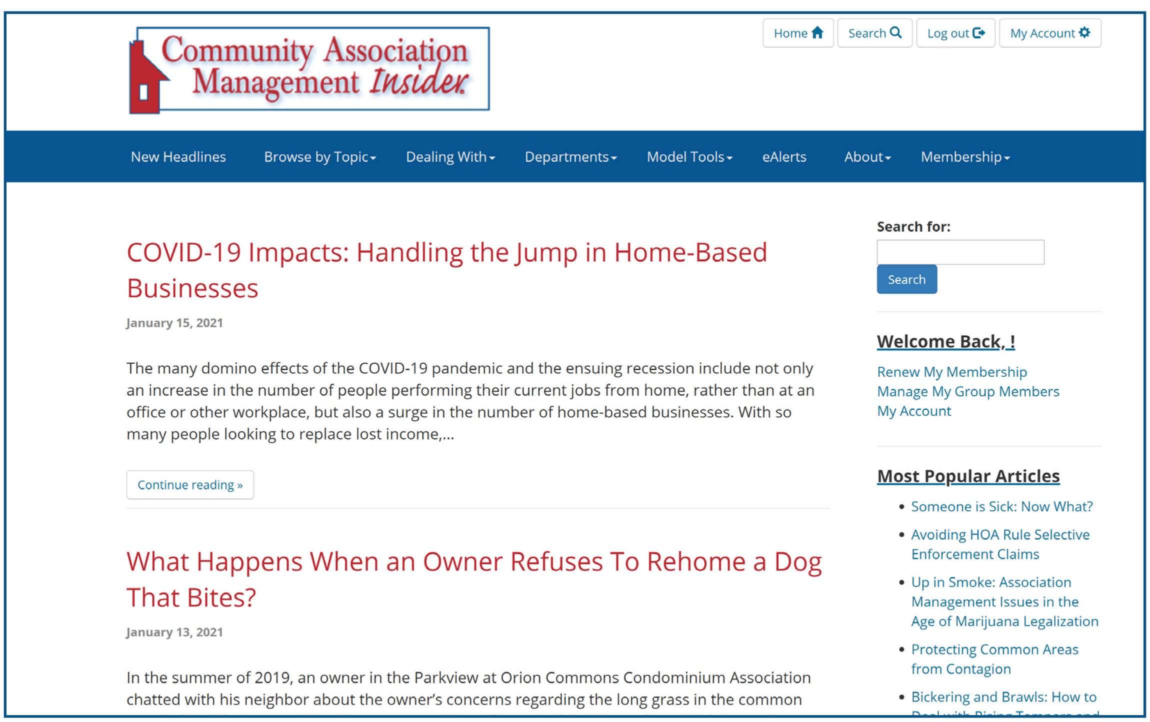

A Message from the President

Assembling and maintaining a strong team has always been an integral part of running a successful and profitable community association management company. But, with a tight labor market, that can pose a seemingly insurmountable challenge.

"There's a big shortage of managers right now," says Ken Bertolucci, president of NS Management in Skokie, Ill. "Part of it is that the business is booming; another is the lack of young people entering community association management."

Fortunately, there are steps you can take — regardless of the state of the job market — to cost-effectively recruit and retain the employees you need to keep your clients happen and expand your book of business.

In this special report, we explain how you can retool your approach to hiring and take advantage of a generous tax break to offset some of the high costs of recruiting. We'll also discuss some of the most important lessons for new managers and how management firms can help prevent burnout among their employees. And, finally, we'll explore the potential risks of relying too much on independent contractors.

We hope this report helps spark some new ideas for recruiting and retaining the best talent so your company can succeed in this challenging post-COVID environment.

Best regards,

Matt Humphrey
President
Plain-English Media
Publisher of *Community Association Management Insider*

In This Report

1. Rethink Your Approach to Hiring

For sensible reasons, community association management companies historically have looked for people with prior association management experience when adding to the team or replacing former employees. The COVID pandemic and other factors forced some companies to change their traditional hiring practices, though, and it may prove necessary — and worthwhile — to make these temporary changes permanent. Among other benefits, you'll widen your candidate pool.

Desperate Times

"The industry over the last three or four years has found itself in an increasingly difficult hiring situation, which has only been exacerbated by COVID."

Paul Grucza, director of education and client development, CWD Group, Inc.

"The industry over the last three or four years has found itself in an increasingly difficult hiring situation, which has only been exacerbated by COVID," says Paul Grucza, director of education and client development at the Seattle-based management company CWD Group, Inc. "We've had to completely pivot on how and where we hire and what we look for."

For example, CWD Group now recruits on an ongoing basis. "Our recruitment process is daily. We have ads out all the time, which we never did before," Grucza says. But continual recruitment is necessary to build a reliable pipeline of managers.

Essential Skills

While the hunt for managers can be frustrating, management companies can't afford to compromise on some of the same qualifications they've always required of candidates.

"Applicants need to be reasonably articulate and able to carry on a conversation," Grucza says. "They have to have common sense. And I look for passion — that they see the job as a stepping stone to longevity in the industry."

Technological skills are critical, too. "If they aren't tech savvy and can't do the basics, that would be a problem because everything is very technical in our industry," says Ken Bertolucci, president of NS Management in Skokie, Ill.

A lack of technical expertise isn't always a deal breaker, though. "When we hire managers now, we do a technology assessment," says Brad van Rooyen, president of HomeRiver Group-Florida, the management company for about 160 associations in the state.

"I've hired managers who haven't passed because they possess other valuable skills, but we try to pair them up with accounts that they're a better fit for." These managers might work well with a community, for example, where much is still done in more traditional ways, such as paper-based communications rather than digital.

Inexperience Preferred

In a nod to reality, management firms increasingly say experience isn't essential. In fact, some prefer candidates who are a clean slate.

"The best manager I can hire right now is one with no experience so I can train them and not have to break old habits," van Rooyen says.

The same goes for Bertolucci. "I found we did better bringing in people not currently in the industry. We hire for the three Cs — character, competence, and chemistry. The experience we think we can train."

"We hire for the three Cs — character, competence, and chemistry."

Ken Bertolucci, president, NS Management

That said, some industries offer a better foundation for new managers than others. For example, Grucza has had some success with candidates from the hospitality sector. "It was so decimated by the pandemic, and many of them have a customer service skillset," he says.

Bertolucci agrees: "We've found people with experience in the hotel industry are well suited for association management because they're used to dealing with difficult people. When we look at resumes online, we use that as a search criterion. Four of our last six hires have come from that background."

And, Grucza says, people with a teaching background can make good managers. "Ours is an education industry. We're constantly educating boards, owners, and others in the community about, for example, why we have these rules. Educators have that ability embedded in their brains."

Pay Hikes

The shortage of workers in many fields has pushed up wages across the board, and that has had a domino effect for association management firms.

"We've had to adjust our compensation upwards because of pressure from outside the industry," Grucza says. As employers in other sectors have been forced to boost their minimum wages, candidates' expectations have risen.

"Even people who need training won't even consider a position that isn't at least $23 per hour," Grucza says. "They can go somewhere else and not have to work so hard." Benefits matter more, too. "We've never had to offer flex time to get somebody into the corral, and now it's almost expected."

More generous compensation packages aren't only a matter of going on the offense when recruiting — they're also a defensive measure.

"Due to the demand for managers, we do have to pay competitively and offer a benefits package that's as good as our competitors'," Bertolucci says. "We've stepped up because we don't want one of the big companies to come in and poach our people."

Of course, higher compensation generally requires bigger fees for clients. That's a tradeoff Katie Anderson, CEO of Aperion Management Group, LLC, is willing to make. "We've had wage increases of almost 35 percent over the past two years," she says. "For us, it comes down to our talent and wanting to keep that staff happy.

"As employers in other sectors have been forced to boost their minimum wages, candidates' expectations have risen."

Ken Bertolucci, president, NS Management

"We've chosen to be really upfront with the client about that. We communicate to the client what we're trying to do to stave off the larger problem of losing the team, which impacts the service they get."

Clients seem to have gotten the message. "We send several communications over the year so, by the time we get to November and let them know about the increase in our fee, they understand," Anderson says.

"Only one client pushed back, and they ended up staying us. We just reduced our fee and, in turn, the scope of our services for them."

2. Take Advantage of the Work Opportunity Tax Credit

What if you could grow your ranks while also cutting your tax bill? The federal government has provided such an opportunity for years, in the form of the Work Opportunity Tax Credit (WOTC). But many management firms have been in the dark about it.

"The credit is very overlooked," says Jamie Dokovna, a shareholder in the Florida law firm Becker & Poliakoff who practices employment law and works in the community association arena.

"I can't think of any managers or associations that receive it. I suspect it's largely because they don't know about it. It's like free money, and they're not taking advantage of it."

The WOTC is designed to incentivize employers to hire individuals who have historically faced barriers to employment.

The Potential Payout

The WOTC is designed to incentivize employers to hire individuals who have historically faced barriers to employment, including:

- The formerly incarcerated or those previously convicted of a felony;
- Recipients of Temporary Assistance for Needy Families (TANF);
- Veterans;
- Residents in areas designated as empowerment zones or rural renewal counties;
- Individuals with disabilities who have completed a vocational rehabilitation plan or program;
- Individuals whose families are recipients of supplemental nutrition assistance (otherwise known as food stamps or SNAP) or TANF;
- Recipients of disability benefits; and
- Individuals who have been unemployed for at least 27 weeks.

Employers that hire from the so-called "target groups" can claim a tax credit that ranges from $2,400 up to a whopping $9,600 per eligible employee, depending on the targeted group and the qualified wages paid to the new hire.

Generally, the credit is 40 percent of qualified wages for individuals who work at least 400 hours in their first year of employment. There's no cap on the number of new employees who can earn credits for an employer.

"The financial aspect is very compelling," Dokovna says. "In conjunction with other potential tax credits, there's a big savings to hiring people you might not otherwise hire or think would be a good fit. If you give them an opportunity, they can rise to the occasion."

Manager firms may be hesitant about hiring ex-felons, of course. “If there’s a concern, an employer can get a fidelity bond,” Dokovna says.

The Federal Bonding Program gives employers free access to $5,000 to $25,000 in fidelity bond coverage for certain “at-risk” employees’ first six months on the job. The bonds protect the employer against losses caused by the fraudulent or dishonest acts of the bonded employee.

Although management firms may understandably decide it’s too risky to hire ex-felons (because, for example, it’s unlikely to go over well with clients), Dokovna says employers across industries are now considering other candidates they’ve automatically rejected in the past. For example, many employers are moving away from requiring college degrees.

“They know the jobs they’re looking to fill don’t really require it, and that requirement has kept people out of these better-paying jobs,” she says.

“Businesses are trying to differentiate themselves by doing good things.”

Jamie Dokovna, shareholder, Becker & Poliakoff

Hiring from disadvantaged groups could provide a competitive edge, too. “Businesses are trying to differentiate themselves by doing good things,” Dokovna says. “I know companies that use the WOTC as a selling point from a marketing perspective.” Associations with socially conscious boards may be impressed by management companies that promote their participation in the WOTC program.

Where the WOTC Workers Are

You’ll need to exercise caution when it comes to determining if a candidate falls in a targeted group.

“I wouldn’t recommend asking in interviews if someone receives SNAP benefits, for example,” Dokovna says. “But you can partner with local job centers or state workforce agencies that place qualified candidates from the targeted groups. My advice to employer clients is that this is a resource they should look into.”

American Job Centers can help employers recruit employees, host job fairs, conduct skills assessments, and provide support to workers transitioning to new positions. Some applicants may be pre-certified as part of a targeted group. While helpful, pre-certification isn’t necessary for an employer to hire or claim the WOTC.

Important Deadlines

Bear in mind that the IRS has some strict requirements for employers claiming the WOTC. If the new employee isn’t pre-certified, you’ll need to obtain certification from the state workforce agency that he or she is a member of a targeted group on or before the first day or work.

Alternatively, you can complete a pre-screening notice (IRS Form 8850, “Pre-Screening Notice and Certification Request for Work Opportunity Credit”) on or before the day employment is offered. Submit the notice to the state workforce agency to request certification within 28 days after the employee begins work. New hires must work at least 120 hours before you can claim the WOTC.

3. Train New Managers for Success

Many community association management firms are hiring managers who have never worked in the industry. This approach can pay off — but only with proper and ongoing support.

"Letting people new to the industry just hit the ground running is where we're seeing companies have trouble," says Katie Anderson, CEO of Aperion Management Group, LLC, which manages around 65 associations in Central Oregon.

Continuous training over their first year on the job is essential, but here are some of the areas you should address ASAP to help set your new team members on the path to success.

How to Communicate

"Often there's a lack of communication with the board, owners, vendors," says Aaron Goodlock, a partner with the full-service community association law firm Orten Cavanagh Holmes & Hunt, LLC, in Denver, Colo.

"Many issues could be avoided if there were better communication. A lot of the time, managers are very overwhelmed, and they either don't respond, or don't respond in a timely manner, and it leads to disputes."

It's not enough to emphasize the importance of communication — some managers need to learn the nuts and bolts of just* how *to communicate in various mediums.

Effective communication skills are among the topics addressed at the "university" Paul Grucza, director of education and client development at the Seattle-based management company CWD Group, Inc., holds for new managers. He's found that it's not enough to emphasize the importance of communication — some managers need to learn the nuts and bolts of just *how* to communicate in various mediums.

"Some of these folks coming in can sit and talk with you, but, if you ask them to compose an email or letter of response, they can't do that. I do a specific 'how to write emails' class."

Grucza has also found listening skills to be lacking, in new and veteran managers alike. "Many of our managers, they hear, but they don't listen, and, if they listened, they could solve some of their problems faster."

He remedies this by having new managers sit in on calls and meetings. "They listen to me with an owner on the phone or a board member at a meeting, and I have them listen for cues, key words and phases, and intonation. We'll do role playing, as well."

How to Handle the Emotional Element

"We really try to talk about the worst sides of the industry on the front side," Anderson says. "We want new managers to understand they're going to get yelled at."

Even with explicit warnings, some managers might not truly understand the extent of the anger and emotions until they experience it first-hand.

"Historically, we'd tell new managers that some of the people they deal with are very angry, and they'd say they were used to that from their previous jobs," says Ken Bertolucci, president of NS Management in Skokie, Ill. "Then they'd come back a few months later kind of surprised at the level of it. They have to understand that we're dealing with people's homes, so it's personal."

But it shouldn't be for the managers. "I see managers taking things personally, and that's a mistake," says Jeffrey Beaumont, a partner with Beaumont Tashjian in Woodland Hills, Calif.

"For example, if you really think an owner is a fraud and taking advantage to try to get an accommodation they're not entitled to, you might pit yourself against them while trying to stop them. But you need to correspond professionally and create a clear record that doesn't show any emotion or personal feelings."

How to Respond to Legal Questions

New managers likely have no idea of the web of compliance issues they're entering.

"Where managers can get tripped up, especially if they're coming from a different industry, is all of the intricacies in association requirements, which vary a lot by state," Goodlock says. "In states like Colorado, it's highly regulated, and managers need a basic understanding of the regulations and statutes within which associations must operate."

That said, new managers must resist the temptation to overstep their qualifications when it comes to legal matters. "Don't try to be a lawyer," Bertolucci says.

"We constantly get legal questions. I know the answers to a lot of them now, but we have to be very careful to tell owners we can't give legal advice. If a question involves a legal matter, and it's a procedural issue like how many days notice is required for a meeting, we can answer.

"But if they're asking us to interpret the law — would X be legal? — we can't do that. Know when to refer them to an attorney."

"You have to be flexible and have the ability to pivot. No two days are going to be alike, no two situations are going to be alike."

Paul Grucza, director of education and client development, CWD Group, Inc.

How to Be Flexible While Setting Boundaries

"You have to be flexible and have the ability to pivot," Grucza says. "No two days are going to be alike, no two situations are going to be alike. You have to understand the different dynamics involved."

The flipside is that managers shouldn't twist themselves in knots trying to satisfy impossibly high expectations.

"The most common mistake is trying to meet everyone's demands, not having the proper boundaries, and then getting burned out," Bertolucci says. "These managers really want to do a good job, and the board senses that and puts a lot of unreasonable demands on them."

"So much is cyclical and seasonal that training really takes one solid year to experience everything that's going to go on in an association."

Katie Anderson, CEO, Aperion Management Group, LLC

Managers can't set boundaries, though, if their firms don't support them. "Bad habits are starting to catch up with the firms that overburden managers with too many clients," Anderson says.

An Ongoing Process

While the lessons above can help your new managers ramp up, it's important to remember that much more training is required.

"It's not just one and done for the training department," Anderson says. "It's not a scenario where I can put you through a six-week training course, and you'll be functional on your own. So much is cyclical and seasonal that training really takes one solid year to experience everything that's going to go on in an association.

"The companies having the most success right now have made intentional decisions to develop training programs and mentorships to help guide new employees."

4. Help Your Employees Combat Burnout

Community association management has never been for the faint of heart, and the tales from the trenches have only intensified in recent years. The stress can and does take a toll, potentially costing you valuable team members. According to polling giant Gallup, employees who frequently experience burnout are 2.6 times as likely to be actively seeking a new job.

Association management firms aren't immune. "We've had managers quit because they were burned out," says Paul Grucza, director of education and client development at the Seattle-based management company CWD Group, Inc. Firms need to be proactive if they want to preempt such unwanted fallout from the job.

COVID Just Made It Worse

Ken Bertolucci, president of NS Management in Skokie, Ill., thinks the burnout problem pre-dates the pandemic for association managers: "Dealing with burnout and owner anger is the biggest challenge in this industry. I've thought that for a while, and COVID has made it worse.

"Dealing with burnout and owner anger is the biggest challenge in this industry."

Ken Bertolucci, president, NS Management

"Our people felt stress because owners were more on edge and angrier. People who are normally rational were more upset about things that weren't crucial. That pressure rolls over onto our managers."

This atmosphere took its toll, and it continues to, as evidenced by the expedited burnout rates for managers.

"Previously, burnout in the industry generally happened around seven years in" Grucza says. "If you made it past that point, you were a seasoned veteran. Based on polls, surveys, and statistical analysis I've been involved in, the average burnout time is now 18 months."

Problems with owners aren't the only driver behind this state of affairs. Grucza says the shift to remote work also has played a large role. While some of CWD's managers thrived working remotely, not everyone fared as well.

"Some folks have difficulty with structure when left to their own devices and don't have the at-home motivation," Grucza says. "Some employees really only thrive in a 'live' environment where you come to an office and you're with your colleagues to provide you the support you need to succeed.

"The remote environment itself drove some over the edge. We lost two managers to that during the pandemic."

Even as the pandemic subsides, the mental health problems are likely to linger. The shift to remote work, whether purely remote or a hybrid model, is probably here to stay. And increasing incivility from and between owners was a serious issue in association management before anyone had ever heard the word "coronavirus."

Going Forward

One positive development is that mental health issues are slowly but surely becoming less stigmatized, in the workplace and elsewhere.

"It's becoming a jumping-off point for more employers to take initiatives. You don't have to be a big employer to have a mental health policy that creates awareness about mental health and lets people know the employer has resources if any employee needs it."

Jamie Dokovna, shareholder, Becker & Poliakoff

"There's an awareness of mental health; people are talking about it more," says Jamie Dokovna, a shareholder in the Florida law firm Becker & Poliakoff who practices employment law.

"It's becoming a jumping-off point for more employers to take initiatives. You don't have to be a big employer to have a mental health policy that creates awareness about mental health and lets people know the employer has resources if any employee needs it."

Whether you implement a formal policy or take more informal measures, you should consider several components:

1. Flexibility. Be flexible, and be proactive about it — don't make your employees come to you if, for example, they need time off that isn't available under your standard leave policies.

For example, during the pandemic, Grucza's firm created "COVID PTO." Employees who became ill could just stay home until well enough to work. The time wasn't counted against their PTO.

CDW has also granted what Grucza terms "mental health time," essentially paid leave to re-set mentally. "We'll allow up to two months. Staff will co-manage an absent manager's communities while that manager gets themself feeling better so they can come back refreshed. Six of our managers have availed themselves of it."

Katie Anderson, CEO of Aperion Management Group, LLC, also recognizes the value of such an approach. "The flexibility we're able to offer our staff is so critical. They can pick their kids up in the afternoon and schedule meetings around that.

"But that's only happened because we've drawn boundaries with the clients."

2. Reasonable workloads. Setting boundaries with clients is the first step to ensuring your employees have manageable workloads.

"We can have a bad reputation in this industry for overservicing the client, and it sets an unsustainable relationship long-term," Anderson says. "As a service-based business that sells time, we have to look it at the way accountants and lawyers do."

For example, Anderson says, her firm doesn't have "open-ended" contracts — their contracts clearly define the scope of services to be provided. "Some firms don't do that," she says, "and those are the ones having a hard time keeping managers right now."

3. Training. Think about expanding your training agenda to cover topics that can create stress.

"We just did a training on how to deal with high-conflict people who are looking for a fight," Bertolucci says. "We've also done training on setting boundaries. We want to give good service, but we don't want our clients to think they're going to get a 15-minute response for a non-emergency on a Saturday."

Bertolucci recommends break-out sessions for such training. "We get the best feedback when we break into smaller groups, give them a topic, and let them debate and discuss how they would handle it. Being able to share with their peers and get feedback has been the most beneficial part."

Firms that are operating remotely need to provide opportunities for their staffs to interact face to face.

4. Live interaction. Firms that are operating remotely need to provide opportunities for their staffs to interact face to face — or as face to face as possible.

"We do group open-mic counseling sessions on Zoom where we just let them talk and tell us what they're dealing with," Grucza says. "We talk through the issues people are encountering and come up with suggestions.

"We've also done game nights, happy hours, and amateur night all on Zoom. It gives them an hour or two of connection time back to the mothership."

5. Availability of resources. Your employees can't take advantage of resources if they don't know about them, so make sure you inform them of what's out there, whether through the company or elsewhere. This also will help destigmatize the use of such services.

"We have a wonderful gamut of mental health services available almost for free through our health insurance," Grucza says. If you're not sure about what your health plan provides, check with your broker or the insurer directly. You might be surprised at the tools your employees can tap for minimal or no cost.

The Legal Case for Helping Out

Beyond the business motivations to try to help your employees, Dokovna says there are legal reasons.

"Depending on the number of employees, there are certain legal parameters you need to be aware of, including the Americans with Disabilities Act (ADA)," she says. While the ADA generally applies only to employers with at least 15 employees, local disabilities laws may have lower thresholds.

The reasonable accommodations mandated by disabilities laws can come in many forms.

"Someone can say they're seriously burnt out and don't know if they can come back to work," Dokovna says. "The most conservative thing you can do is engage in an interactive process. Maybe they need a few days off. I've had managers tell me they haven't taken a vacation in more than a year and a half. They haven't had the opportunity to disconnect."

Gallup found that 34 percent of women reported always or very often feeling burned out at work in 2021, versus 26% of men.

Gender discrimination is another legal risk. Gallup found that 34 percent of women reported always or very often feeling burned out at work in 2021, versus 26% of men.

"If you have a universal policy — even it's not intended to discriminate — you could have disparate impact claims if it affects women differently," Dokovna says.

"For example, if you're not flexible with employees who have to care for sick family members, that might impact your female employees more than your male. You have to be mindful of what it looks like."

One law that you don't need to be concerned about? The oft cited and widely misunderstood Health Insurance Portability and Accountability Act (HIPAA). "HIPAA rarely impacts employers because they're not covered entities," Dokovna says.

5. Avoid the Independent Contractor Trap

A successful management company needs more than just strong managers. It also requires people to fill administrative roles, such as accounting and HR. Some firms also have landscapers, pool cleaners, and other service providers they work with regularly.

While independent contractor status provides employers with certain advantages, it also presents a potentially costly risk that could easily erase the short-term benefits — misclassification

Management firms may treat these workers, and even some of their managers, as independent contractors. While independent contractor status provides employers with certain advantages, it also presents a potentially costly risk that could easily erase the short-term benefits — misclassification.

“The misclassification of employees as independent contractors happens all the time,” says Jamie Dokovna, a shareholder in the Florida law firm Becker & Poliakoff who practices employment law and works in the community association arena. “I see it with landscaping and maintenance, bookkeepers, really all kinds of staff.”

Contractor Advantages

Independent contractors are appealing to employers of all kinds for several reasons, including availability. The primary attraction generally is their lower price tag compared to employees, though.

“Employers ultimately save money with independent contractors because they’re not paying payroll taxes; the contractor is responsible for making sure the taxes get paid,” Dokovna says.

“They also don’t have to provide the tools to do the work or oversee it, and they don’t have to provide health insurance, a 401(k), or any of those things an employee would traditionally get.”

Contractor … or Employee?

Although the Trump administration made moves to loosen up the test for whether a worker is an employee, that employer-friendly test never took effect. So, Dokovna says, the relevant test continues to focus on how dependent the worker is on the person paying for the services factors such as control.

“Employers will say ‘well, I don’t tell the person what to do,’” Dokovna says. “But you have to look at the totality of the circumstances. If the person is there five days a week, is economically dependent on you, doesn’t really have their own business, and you’re providing the tools, that’s probably an employee.”

For example, you might hire a landscaper and consider him to be an independent contractor. “But if he’s there every day, working a full schedule and not for anyone else, he could be considered an employee,” Dokovna says. “I’ve seen it with maintenance, too.”

Dan Artaev, managing partner with Artaev at Law PLLC and former assistant attorney general for the Labor Division of the Michigan Attorney General’s Office, agrees: “If you have a full-time person on staff, dictate their hours and their appearance (such as a uniform), and expect them to be on call during certain periods, they’re likely to be an employee.

"You can't have your cake and eat it, too. That means you can't exert substantial control over a worker, have them work 40 hours per week, and then give them a 1099 form as if they're a contractor rather than an employee."

Dan Artaev, managing partner, Artaev at Law PLLC

"You can't have your cake and eat it, too. That means you can't exert substantial control over a worker, have them work 40 hours per week, and then give them a 1099 form as if they're a contractor rather than an employee."

Critically, you shouldn't take false comfort from the terms of your written agreement with a worker. "Sometimes a client feels like they have a contract that says the person is a contractor, so it must be so," Dokovna says.

"But that's not necessarily a shield from a potential claim for misclassification." In fact, courts and governmental agencies have repeatedly ruled that the language in a contract is not decisive on the issue of whether an individual is an employee.

It's true that every jurisdiction has its own case law and analysis. "But, in general, the nature and degree of control by the employer tends to be the most important," Artaev says. "Also important is whether the person has other jobs or gigs."

Remember, too, that states can have even more tougher, more worker-friendly tests. "A handful of states are more restrictive than the federal test, and, in my opinion, California has the most stringent test," Dokovna says.

Potential Consequences of Misclassification

"Government agencies generally analyze each situation in favor of an employment relationship, and independent contractor relationships are disfavored," Artaev says. And, if you 're found to have misclassified an employee as a contractor, a flood of financial repercussions could follow.

Dokovna says the most significant consequences come on the tax front: "Most likely, you're going to have an issue with the IRS. You'll be liable for the withholding taxes you should have paid and your share of payroll taxes. Fines and penalties are possible."

Wage and hour violations could trigger a cascade of financial costs, too. "If you've improperly classified someone, they could sue you for wage violations, and they'll also claim they were denied benefits," Dokovna says.

Artaev warns of other governmental agencies getting involved, as well. "There are also potential adverse actions from the state unemployment insurance agency, workers' compensation agency, and occupational health and safety agency," he says.

Act Now

Dokovna suggests management firms conduct internal audits to determine whether they've misclassified workers. "If they have, they should fix it, and fix it fast. It's so much better to stop the bleeding and move forward. Put measures in place to make sure it doesn't happen again, such as bringing landscapers on as employees from day one."

The line between an employee and an independent contractor can be blurry, though. "If you have any doubt, reach out to an attorney to fix the situation before it becomes a bigger problem," she says. "It doesn't make any sense to continue to ignore it because you're just increasing the potential liability.

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A Virginia court has issued a ruling that's welcome news to community associations struggling with how to keep owners happy while reducing the risk of COVID-19. The court found an association's requirement that users of the common area pool first sign an assumption of risk form reasonable (Norman v. Foxchase Owners Ass'n, Albemarle Cty. Oct.…

Up in Smoke: Association Management Issues in the Age of Marijuana Legalization

This Special Report takes an in-depth look at some of the most pressing marijuana-related issues for community association managers and their clients and provides expert guidance on how to mitigate the associated risks.

What's New in Rules and Restrictions?

Community associations across the country are weighing amendments to their governing documents. While the initial impetus may have been some problematic gaps that handcuffed boards of directors as they tried to respond to COVID-19, these associations realize this also may be an opportune time to act on other issues that have been percolating for a…

Help Your Clients Avoid Stumbling into Fair Housing Problems, Part 2

We recently shared some ways that community associations can unexpectedly find themselves liable under federal and state fair housing laws. Here are few more missteps our experts have identified as potentially risky. Inadvertent Familial Discrimination JoAnn Burnett, an attorney in the Fort Lauderdale, Fla., office of Becker & Poliakoff who focuses her practice on fair…

Sweeping New Association Law Takes Effect in Florida

A far-reaching new piece of legislation targeting community associations took effect in Florida on July 1, 2021. "It's a mixed bag," says Donna DiMaggio Berger, a shareholder in the Ft. Lauderdale, Fla., office of Becker & Poliakoff. "There's some good stuff and some not so good stuff." Good or bad, though, Berger says "there are…

When Can an Association Require Removal of a 'Dangerous' Dog?

Disputes over pet restrictions in community associations often are among the most contentious — perhaps never more so than when the association goes to court to get an animal removed after a biting incident. A recent case in Michigan illustrates how courts might tackle such disputes and how you can help your clients prepare to…

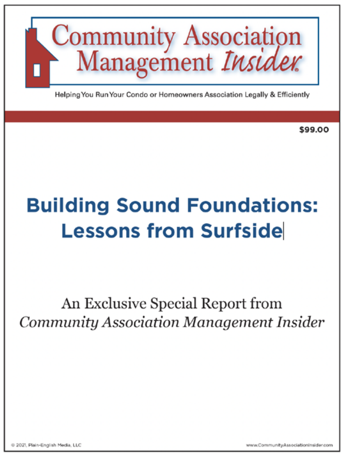
Avoiding HOA Rule Selective Enforcement Claims

Q: Do the courts hold an association responsible for enforcing every community rule? A: How strictly HOA rules are enforced varies from community to community. Some rules and regulations are necessary for a board to enforce, especially when a member creates a problem that could affect the health and safety of other members. In such...

Court Finds Short-Term Rentals Violate Deed Restriction

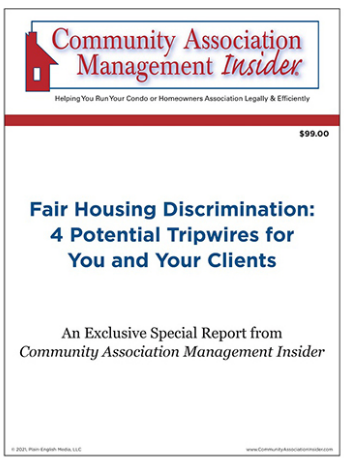
The Kentucky Court of Appeals has rejected a community association owner's arguments in yet another battle over owners' right to use their homes as short-term rentals. The court's ruling, based on a recent decision by the state's Supreme Court, could provide some useful guidance for your clients that would like to implement enforceable restrictions on...

Special Reports from *Community Association Management Insider*



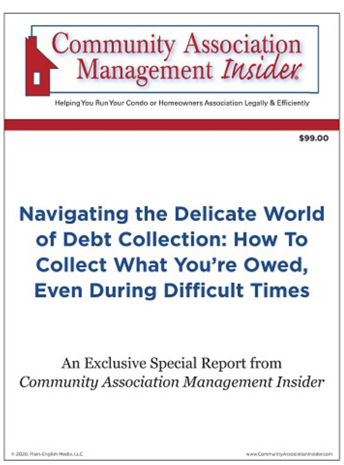
Building Sound Foundations: Lessons from Surfside

In this special report, we explore five issues that your clients may have a new, or renewed, interest in and identify some of the particular areas where they may need to take immediate action to protect themselves and others. We also provide best practices to help them get on track. Fearful boards are looking to their managers for their expertise and insights in the wake of Surfside. We hope this report helps you beat their expectations. **Download now »**



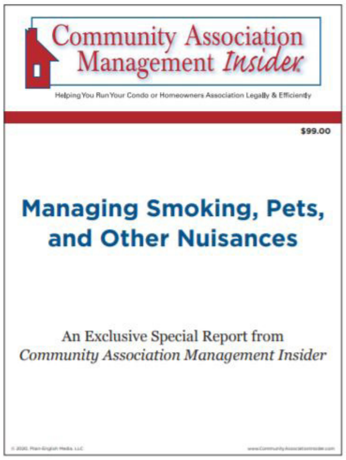
Fair Housing Discrimination: 4 Potential Tripwires for You and Your Clients

In this Special Report, we explore the latest developments in this and three other particularly high-risk areas. In addition to liability for neighbor-to-neighbor harassment, we dig into liability issues that can arise related to the handling of requests for reasonable accommodations, familial discrimination, and the lack of sensitivity to shifting norms. And we provide fresh advice for heading off liability in a time when discrimination of all kinds is at the forefront of discussion. **Download now »**



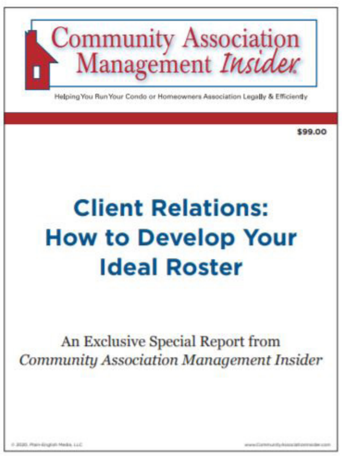
Navigating the Delicate World of Debt Collection: How To Collect What You're Owed, Even During Difficult Times

This Special Report provides expert advice on how you can increase the odds of collecting from every kind of debtor you and our clients may encounter. It includes insights on how to improve collections during both regular times and those periods when developments such as COVID-19 threaten the finances of wide swaths of owners. **Download now »**



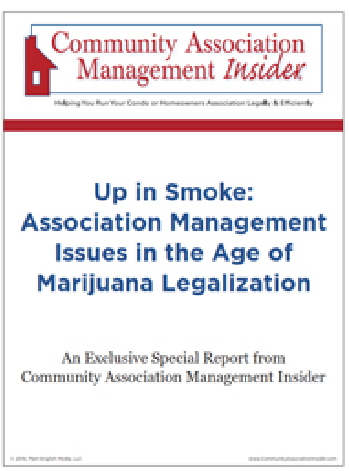
Managing Smoking, Pets, and Other Nuisances

Regardless of where you're located, or how long you've been in the business, the same types of problems tend to crop up over and over, don't they? It's not the big emergencies that make you pull your hair out, but the everyday hassles that start to grate when you get lots of people living together in the same community. Things like pet issues. And smoking. And the other chronic niggling nuisances that, over time, become a real pain in the neck. Which is why we've pulled together this Special Report specifically about managing these sorts of challenges. **Download now »**



Client Relations: How to Develop Your Ideal Roster

Strong relationships with your community association clients are always important — but not always easy — to maintain. As a manager, you don't have to settle for rocky treatment from clients that are overly demanding, unappreciative, or even abusive. Concessions can be made for exceptionally trying times, of course, but wouldn't you rather develop solid, productive, and mutually satisfying relationships with your clients? This exclusive Special Report aims to help you do just that. It provides valuable guidance on how to identify and land the right clients, establish and enforce boundaries, manage poor conduct, and leverage happy clients. **Download now »**



Up in Smoke: Association Management Issues in the Age of Marijuana Legalization

Those states with legal marijuana have seen it rapidly commoditized, with new businesses such as delivery services cropping up and becoming a part of homeowners' daily lives. Not surprisingly, the proliferation of pot has begun to have repercussions for community association managers, both as property managers and employers. Whether you live in a state where marijuana is fully legal, partially legal, or on the cusp of some degree of legalization, you need to know what that means on the ground.

This Special Report takes an in-depth look at some of the most pressing marijuana-related issues for community association managers and their clients and provides expert guidance on how to mitigate the associated risks. **Download now »**

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