



# DC Cooperative Housing Coalition News

Representing the interests of the cooperative community in the District of Columbia since 1984

January – April | 2015

Serving the District's cooperative housing community for 31 years

## Mark Your Calendar!

### Rental policies in the age of Airbnb

The DC Cooperative Housing Coalition invites you to a panel discussion about co-op rental policies. Speakers will share their buildings' policies, legal issues to consider and how cooperatives are dealing with the rise of apartment sharing such as Airbnb.

**Saturday, May 16, 2015**

**9:00 – Noon**

**Hosted by**

**Harbour Square Cooperative  
500 N St., SW, 2 blocks  
south of the Waterfront  
Metro Green Line stop**

**Respond by May 12:**

[cooperativesdc@aol.com](mailto:cooperativesdc@aol.com)

More details about the program and panelists were mailed to Coalition members.

## Coalition Members Valued at \$1.7 Billion \$200 Million increase over 2015

The Coalition's 73 market-rate cooperatives have a cumulative value of \$1,731,483,700 according to the DC Office of Tax Revenue's (OTR) proposed valuation for 2016, an 11.6 percent increase over the 2015 valuation. Individual valuations ranged from a low of \$1,189,860 in Ward 3 to a high of \$141,576,840 in Ward 2.

The median valuation was \$8,418,620; the average was \$23,718,954.

### 2016 Proposed Valuation by Ward

Ward	# of Coalition Member Co-ops	2016 Proposed Assessed Valuation
1	17	\$278,808,440
2	20	\$658,168,330
3	25	\$382,288,680
4	3	\$14,992,400
5	1	\$1,902,350
6	6	\$362,026,380
7	1	\$33,297,120
8	0	NA
Total	73	\$1,731,483,700

Based on OTR's assessment database

([https://www.taxpayerservicecenter.com/RP\\_Search.jsp?search\\_type=Assessment](https://www.taxpayerservicecenter.com/RP_Search.jsp?search_type=Assessment)), the Coalition's 73 member cooperatives represent 76 percent of the \$2.2 billion total value of all housing cooperatives in the District.

## Another Successful CAI Expo

*By Steve McKeivitt, Beverly Court*

The Washington Metropolitan Chapter of the Community Associations Institute (CAI) is a regional organization that serves homeowner associations, cooperatives and condominiums, along with the managers of those associations in the DC Area. CAI is a national organization, with chapters across the U.S. The Washington chapter is one of the biggest in the nation.

This year's DC area CAI Conference and Expo, the largest community association trade event in the region,

was held on Saturday, March 7, at the Washington Convention Center. The all-day 2015 Expo was well-attended, and offered a large array of exhibitors showcasing goods and services of interest to community associations.

The event featured 15 educational sessions on topics relevant to those who live in and work with these communities. There were more than 190 companies and organizations on the exhibit hall floor presenting their businesses, their wares, and their services which they offer to homeowner associations with many entertaining and attractive displays with information for homeowners and property managers.



*Photo by Stephen McKeivitt  
Carl Gerber (Cathedral Avenue), Dottie Moskowitz (Tiber Island), and Russ Rader (The Westmoreland)*

For this year's Expo, the Coalition was once again pleased to participate in the event as an Allied Partner, with a display providing information about DC Cooperatives and our association. Several Coalition members stopped by our table, and got free copies of our booklet, **Co-ops 101**. So, remember to be on the lookout for next year's Expo in March of 2016.!



## Carl Gerber Steps Down

By Art Leabman, 1870 Wyoming and  
Coalition Secretary

It is with a mixture of appreciation, fondness, and regret that we say farewell to Carl Gerber, who has served on the Coalition's Board of Directors since 2006, and as President since April 2010. Carl is leaving Washington and moving to Oberlin, Ohio.

A native of Cleveland, Carl received a Bachelor's degree in chemistry from Oberlin College and went on to earn a Master's degree in inorganic chemistry from the University of Wisconsin, at Madison. He moved to Washington, D.C. in June 1960 and before retiring in 1996 pursued a professional career with the Federal government in the management of research and development programs, and developing scientific and technical policy, in the areas of energy and environment.

Carl purchased his cooperative apartment at the Cathedral Avenue Cooperative in 1978. He served on the cooperative's Board for about 20 years, 12 as President. His scientific and technical knowledge served the cooperative well in completing an extensive capital renovation program that included replacing or updating the cooperative's elevators, windows,

HVAC system, electrical system, and balconies.

Carl is already actively involved in the Oberlin community, where he is a member and chair of Oberlin College's Allen Memorial Art Museum's Visiting Committee.

Carl's professional expertise and leadership skills, along with his never failing thoughtfulness and good nature, have served the Coalition well. He will be missed. We wish him all the best.

## New Members!



### The Netherlands

The Coalition is pleased to welcome another new member, The Netherlands Cooperative, a 30 unit building located at 1852 Columbia Road, NW.



### 1869 Mintwood

The Coalition is pleased to welcome another new member, 1869 Mintwood Place, NW, Cooperative, a 14-unit building.

## New Service Provider



### Weaver Bros. Insurance

The Coalition is pleased to welcome a new service provide, Weaver Brothers Insurance. Should you have insurance needs, please consider including Weaver Brothers among any others you contact. Their listing can be found on our web site at: <http://coopsdc.org/service-providers/>.

**Remember:** If you contact a Coalition web sponsor, please let them know that you learned about them from the Coalition web site!

Welcome **Weaver Bros. Insurance.**  
Thank you for supporting the District's cooperative housing community!

## PACE- A new Energy Funding Source

By Ray Olson, River Park Mutual Homes

In June 2013, the District of Columbia made a historic announcement of its first-ever financing of a Property-Assessed Clean Energy (PACE) commercial energy upgrade project. The DC Department of Environment (DDOE) announced a multifamily building at 400 M Street, SE, where \$340,000 financed various energy-related improvements. This financing approach does not increase the building owner's debt. It was "the nation's first PACE-financed affordable housing endeavor," and also the first completed PACE financing for the DC PACE program.

Under the DC PACE program, a housing cooperative could get up-front use of money – a loan – to finance energy-related retrofits and pays the loan back through a special tax assessment.

DC enacted the Energy Efficiency Financing Act in 2010, which provides DC PACE Commercial with authority to operate the DC program. DC officially launched its commercial PACE program in April of 2012.

Capital improvement projects can include a suite of energy efficient and clean energy improvements, such as new heating and cooling systems, LED lighting, water conservation, insulation, and solar panels. PACE allows investments in efficient and renewables to be paid back through a special tax levied on the cooperative. PACE attaches the fixed-interest debt to pay for the building improvements to the title of the property, not the credit of the borrower.

PACE relies on city involvement to help businesses obtain money, from bonds and private lenders selected by the PACE program under differing approaches. The PACE repayment obligation can extend up to 20 years and attaches to the property by a

special surcharge added to the real estate tax bill.

In DC, Urban Ingenuity serves as the private sector program administrator for PACE, working on behalf of the DC Department of the Environment (DDOE). UI was involved in the 400 M Street, SE housing project and the Walter Reed Army Medical Center (WRAMC) micro-grid development project which includes development of multiple co-generation facilities to supply heating, cooling, and electrical energy through a closed-loop district-energy system.

NOTE: Because the program is new, and the treatment of PACE for co-ops when resale buyers take out mortgages is still uncertain as Fannie Mae has not ruled on it. Co-ops should proceed carefully, check their ByLaws, check with their legal counsel, and check competition (i.e., mortgage broker, et al) before proposing PACE or voting on any type of financing. The Coalition is providing this information to its members to let them know of an additional possible funding source. The Coalition has not taken an official stance on PACE.

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For more information about PACE:  
<http://www.pacenow.org/wp-content/uploads/2012/08/PACE-Program-Overview-Brochure.pdf>  
<http://urbaningenuity.com/dc-pace>

## e-Mail surveys

The following surveys were conducted between January 1 and April 30:

- Board Responsibilities Handbook (April)
- Mortgages (April)
- Proxies (February)

Member-only e-mail surveys are conducted at members' requests to enable Coalition members to share their experiences and knowledge with one another. Results for each survey are shared directly with Coalition members via e-mail.

## Check Your Community Association's Policies- They Maybe Unlawful

*By Jennifer Jackman  
 Whiteford Taylor & Preston  
 Community Associations Update  
 April 2, 2015*

On March 18, 2015, the National Labor Relations Board's ("NLRB") General Counsel issued a Memorandum with the intention of providing guidance to employers as to employment policies the NLRB considers unlawful. This Memo is extensive and covers many policies your Association likely has in its employee handbook. Many associations incorrectly believe that the National Labor Relations Act ("the Act") does not apply to their association if they are not unionized. To be clear, unless your association falls within a few very limited exceptions, you should assume that it is covered by the Act which covers most organizations, including community associations.

The NLRB Memo addresses policies most associations have in their employment manuals including provisions covering confidentiality, social media, employee conduct toward management, employee conduct toward fellow employees, and use of company logos. Like me, you may be surprised by policies that the NLRB contends are unlawful. While the NLRB Memo provides more questions than answers, what is clear is that the NLRB's determination as to lawful vs. unlawful policies is largely determined by the context of the policy and the conduct that is intended to be addressed. From the NLRB's perspective, any employee policies which employees might think covers conduct protected under the Act are unlawful.

For example, the Act prohibits policies that forbid employees from discussing the terms and conditions of their employment such as wages, hours and complaints. Accordingly,

confidentiality and non-disparagement provisions may be overbroad, at least in the NLRB's view, depending on the context, what conduct is intended to be addressed, and where the policy is found in the manual since the analysis includes "what conduct the employee might think is covered."

Another surprising example includes policies addressing employee conduct toward supervisors. As an association, you may assume that you have the right to prohibit employees from making false or defamatory statements about the General Manager or the Board of Directors or engaging in insubordinate behavior. Not so, says the NLRB, unless it is clear that the policy does not prohibit "protected concerted criticism of the employer". What about policies providing for termination if an employee does not appear for work without prior authorization? The NLRB says these policies are unlawful if they could be read to include protected strikes and walkouts.

The NLRB rulings are wide-ranging and sometimes are inconsistent with positions taken by other governmental agencies and interpretations, including the E.E.O.C. The NLRB Memo is expansive and encompasses numerous policies routinely adopted by employers including:

- Confidentiality Provisions
- Employee Conduct Provisions
- Social Media Policies
- Anti-Harassment Policies
- Third Party Communication Policies
- Restrictions on use of employer logos, copyrights and trademarks
- Restrictions on Use of Photography and Recording in the workplace
- Attendance policies
- Conflict of Interest policies

Associations should review the NLRB Memo and compare it to their own policies and when in doubt, consult legal counsel to ensure that their provisions comply with this new guidance.

501(c)(6) organization in the District of Columbia, May 24, 1993.

## Board of Directors

### President

Russ Rader  
The Westmoreland, 60 units

### Vice President

Janet Sten  
3020 Tilden Street, 20 units

### Secretary

Art Leabman  
1870 Wyoming Avenue, 28 units

### Treasurer

Dottie Moskowitz  
Tiber Island, 389 units

### Directors

Jacob Adams  
Winchester-Underwood, 81 units

Fred Dyda  
Tilden Gardens, 170 units

Jessee Lyons  
Potomac Plaza Apartments, 249 units

Stephen McKeivitt  
Beverly Court, 39 units

Lynn Ohman  
Shoreham West, 60 units

Michael O'Dell  
Harbour Square, 447 units

Ray Olson  
River Park Mutual Homes, 518 units

Nancy Skinkle  
The Broadmoor, 194 units

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## About DC/CHC, the Coalition

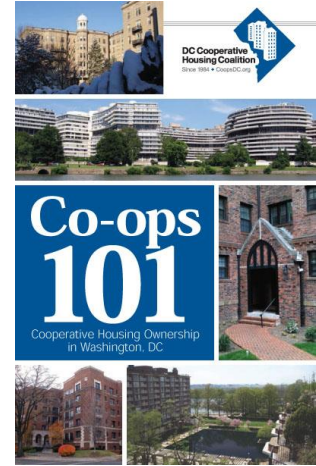
Established in 1984, the DC Cooperative Housing Coalition exists to advance the common interests of cooperative housing associations in the District of Columbia and to promote cooperative housing as a desirable form of home ownership. It is therefore both an advocacy organization that articulates the interests of members before government officials and regulatory agencies and a service organization that provides information and education to members.

Membership is open to all District housing cooperatives, regardless of size. A volunteer board of directors, elected by member co-ops, governs the Coalition. Activities are financed through annual dues, \$1.50 per unit per year (12.5 cents per month)

The Coalition grew out of an ad-hoc group of District cooperatives that formed in response to a judicial ruling that had cast a cloud over many cooperatives by banning proportionate voting. By marshaling the forces of more than 3,000 housing cooperative units, the ad-hoc group persuaded the District's City Council to resolve the matter.

Recognizing the importance to the cooperative housing community of speaking in a single voice and maintaining the ability to respond quickly and knowledgeably to matters affecting cooperative housing, the ad-hoc group decided to form a permanent organization.

The Coalition was established in 1984 and was incorporated as DC/CHC, Inc., a nonprofit, IRS Code Section



**Co-ops 101 Free download:**  
<http://www.coopscdc.org/Co-ops101%20PDF.pdf>

## Reproducing DC|CHC News Articles

Special permission is not required to reproduce articles. However, each reproduced item should contain proper acknowledgement of the DC Cooperative Housing Coalition and note the **DC|CHC News** as the source.

## Member Profile Page

Does your cooperative have its own dedicated page on the Coalition's web site? It's free and it is one of the Coalition membership benefits. See what your co-op is missing at [www.CoopsDC.org/Membership.htm](http://www.CoopsDC.org/Membership.htm) and click on members with a photo to the left of their names. **Don't let your co-op miss out on this members-only benefit**

[www.CoopsDC.org](http://www.CoopsDC.org)

*The first place to look for a  
service provider*