



DC Cooperative Housing Coalition News

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

September – December | 2018

Serving the District's cooperative housing community for 34 years



WMCCAI's Conference & Expo is the largest gathering of community association professionals in the D.C. Metro Area and is the largest event across CAI chapters worldwide.

The 2019 Conference & Expo will be held at the Walter E. Washington Convention Center on Saturday, February 23, with education sessions and over five hours of exhibit time.

Look for the Coalition information table as a CAI Allied Partner. Learn more and sign up to attend:
<https://www.caidc.org/conference-expo/>

DC Council passes Short-term Rental legislation

*The following updates an article published in the May-August 2017 issue of the Coalition **News** entitled "Bill 22-92, Short-Term Rental Legislation."*

On November 13, the DC Council unanimously passed the Short-term Rental Regulation Act of 2018 (aka, "The Airbnb Bill"). The Department of Consumer and Regulatory Affairs will have responsibility for developing and implementing procedures.

The legislation requires short-term rental hosts to obtain special licenses and to have liability insurance coverage

of at least \$500,000. The legislation also imposes a number of other specific requirements and limits on short-term rentals.

The Coalition, working with the Community Associations Institute (CAI), provided to the DC City Council testimony on the proposed legislation's Committee on April 26, 2017.

We were pleased that our suggested change was incorporated into the passed legislation that will help cooperatives.: Sec. 103 (2) of the bill states, "If the short-term rental is on property within a condominium, cooperative, or homeowner association, [the owner must] provide proof that the condominium, cooperative, or homeowner association permits the operation of a short-term rental;"

That means that, if your co-op's governing legal documents or house rules do not permit short-term rentals (such as via Airbnb), the District will not issue a short-term rental license to any resident of your co-op. The new law goes into effect on October 1, 2019, assuming the mayor signs the bill and it passes a 30-day Congressional review period.

INSIDE! Service Providers and Supporters of the District's Cooperative Housing Community

Handy pull-out with vendors who support DC's cooperative housing community! Support those who support us! For the latest list, go to <https://coopsdc.org/service-providers/>

2018 Annual Meeting

On October 23, 2018, the Cooperative Housing Coalition held its annual meeting at the Broadmoor Cooperative (3601 Connecticut Avenue). Russ Rader (The Westmoreland), the President of the Coalition recapped the group's activities in 2018.



Left to right: Leland Kiang, Iona Information & Referral Program Manager; Kris Laurenti, Citizen Advisory Group (CAG) Chair; Mary Young, ANC 3B Commissioner and CAG Member.

Leland Kiang, the evening's featured speaker, talked about Aging in DC and what support agencies such as Iona Senior Services and the DC Senior Services Network, can provide. Mr. Kiang, a licensed clinical social worker and the manager of Iona's Information & Referral Help Line, explained how Iona's Helpline answers questions about senior services throughout the DC metro area. With over a decade of experience in aging services, Mr. Kiang also has worked as a community case manager, a discharge planner, and as a group home counselor. Earlier this year, the National Association of Social Workers' DC Chapter honored Leland as its Social Worker of the Year.

(Continued p.2, Meeting)

Meeting (from page 1)

Kris Laurenti, the Citizen Advisory Group Chair and Mary Young, ANC 3B Commissioner and CAG member briefly talked about their roles in assisting seniors. An updated senior services booklet was distributed.



Russ Rader, Coalition President, speaks to Coalition members.

The meeting continued after Mr. Kiang's presentation and the assembled members of the Coalition voted and elected the CHC Directors for 2019; Loretta Elliott (Shoreham West) became the newest Board director. After the conclusion of the Annual Meeting, the new Board of Directors met briefly to elect the 2019 Officers of the Coalition. Russ Rader was reelected President. A complete list of Directors and the cooperatives they represent is on the last page of this newsletter.

Penny Wise, Pound Foolish: When Asking Too Much Of Your Community Manager Becomes Risky Business – You Need Expert Advice

By: Susan L. Truskey, Esq., Whiteford Taylor & Preston

(Originally published in the May 2018 volume of the Washington Metropolitan Chapter Community Association's Institute's *Quorum*.)

Community association managers fill many roles for the communities they manage, such as contract negotiators, on-site foremen, accounting and budgeting gurus, strategic planners,

psychologists, mediators ... the list goes on. Managers are incredibly adept at utilizing their vast array of professional experiences to assist directors with making many important decisions, but good managers also recognize their limitations. An integral—if often under-appreciated—aspect of association managers is recognizing when an expert opinion is warranted.

All too often, directors make well-intended decisions that save money in the short-term but wind up costing their associations more in the long-run. When professionals and experts are not consulted at the right time, it can be risky for boards and potentially costly for associations. Consulting with a subject matter expert at the outset of a project, although potentially expensive, can immunize boards and associations from potential liability, limit risks, and ensure appropriate long-term solutions.

The following examples highlight the risks of shortsighted decisions to bypass industry experts:

- Signing a contract (or worse, signing a proposal or estimate) without first having it reviewed by legal counsel. Anyone who has been around associations long enough has heard the following scenario: something goes wrong in the performance of a contract and when the board reaches out to counsel they are surprised to learn that the contract has an unreasonable termination provision and that litigation, if necessary, must occur in some far away state.
- Repairing a sagging unit floor without first hiring a structural engineer to determine the cause of the problem and developing a proper scope of work to address the underlying cause (surprise, it's the foundation!).
- Hiring a company to perform mold remediation without first hiring a mold inspector to determine the type and levels of mold present and developing an appropriate action plan.

Directors face tough spending decisions all the time. As fiduciaries for their associations, directors must act prudently and diligently when spending association resources. Directors have an obligation to discharge their duties in good faith and to act in the best interest of their associations. Namely, directors are duty-bound to exercise the skill, care, and diligence of a reasonable person when making decisions.

In discharging their duties, directors are not expected to become lawyers, engineers or accountants; rather, they are justified in relying on expert opinions given by legal counsel, professional engineers, public accountants, and other qualified individuals as long as they believe, in good faith, that the opinion given is within the person's professional or expert competence. Directors who exercise proper due diligence will generally not be liable for the decisions they make even if they don't always pan out the way the board had hoped.

When directors attempt to keep costs down by leaning on community association managers to provide expert advice (on matters outside their expertise), they place themselves and their associations at risk by inviting liability for unqualified determinations and failing to exercise good business judgement. Community association managers wear many hats (and can probably leap tall buildings in a single bound), but they are not professional engineers, attorneys, mold experts, public accountants, or radon mitigation experts, and directors should not ask or expect their managers to perform such professional services for the association.

Does this mean that directors need to consult with outside experts on every project? No, of course not. Boards and community managers will have to make this determination on a case-by-case basis. The factors that should be considered would include the size, scope, and complexity of a given issue or project and the potential risk to the association if the project were to go awry. For instance, should an

(Continued page 5, Penny Wise)

DC Cooperative Housing Coalition

Since 1984 ♦ CoopsDC.org

-- Service Providers --

Supporters of the District's Cooperative Housing Community

The following two pages contain the names and contact information of service providers who support the District's cooperative housing community. Please consider contacting these sponsors the next time your co-op needs their service.

Each pays for a 12-month listing on the Coalition's website that pays for the cost of maintaining the site, effectively keeping Coalition membership dues low and stable while simultaneously providing more information and support to Coalition members. Keep this list at your desk for easy reference.

The Coalition does not endorse any businesses, but these service providers have supported the District's cooperative housing community so consider supporting them. Sponsors are also listed on the Coalition web site (<https://coopsdc.org/service-providers/>) with additional information.

Many will have exhibits at the 2019 CAI Expo where you can talk with them about your co-op's particular needs and interests.

Don't forget: Should you contact a sponsor, let them know that you learned about them via the DC Cooperative Housing Coalition!



ACCOUNTANTS

DeLeon & Stang, CPAs and Advisors

301/948-9825

Contact: Josephine Laleye, Assistant Audit Manager

Goldklang Group CPAs, P.C.

703/391-9003

Contact: Laura Monahan, Firm Administrator



BANKS

National Cooperative Bank

703/302-8176

Contact: Jared Tunnell



CONSULTING / LEADERSHIP TRAINING

Association Bridge

240/372-0905

Contact: Thomas Willis, PCAM



ENERGY SUPPLIER, NATURAL GAS, HEATING OIL, ELECTRICITY

Bollinger Energy

443/248-3927

Contact: Gary Murphy, Energy Specialist



ENERGY SAVINGS

Nextility

202/561-324-8009

Contact: Julian Belilty, Business Development



FINANCIAL SERVICES

HSBC Bank, N.A.

202/640-0368

Contact: Michael Schimmel, VP Mid-Atlantic Region



INSURANCE

Sahouri Insurance

703/883-0500

Contact: Lauri Ryder, Real Estate Practice Leader



LEGAL SERVICES

Caulkins & Bruce, PC

703-558-7696

Contact: Patricia Bruce, Partner

Whiteford Taylor & Preston

202/659-6800

Contact: Joseph D. Douglass, Partner



MANAGEMENT COMPANIES

Associa CMC

703/230-8589

Contact: Jon Bach, Vice President, Developer Services

Barkan Management

703/388-1005

Contact: Michael A. Feltenberger, CMCA, AMS, PCAM – Vice President

EJF Real Estate Services

202/537-1801 ext. 212

Contact: Peter Greeves, President

Gates Hudson Community Management, LLC

703/752-8300 ext. 718

Contact: Jessica Gray, CMCA, Client Relations Manager

MANAGEMENT COMPANIES *(Continued)*

[Paul Associates, Inc.](#)

202/652-9444

Contact: [Patty Floyd](#), Office Manager

[Roost DC](#)

202-986-3088

Contact: [Chelsey Kelly](#), Director – Association Management

MORTGAGE LENDERS SHARE LOANS

[Caliber Home Loans](#)

202/302-9692

Contact: [Matthew Palmer](#), Area Manager

[Caliber Home Loans](#)

240/297-3820

Contact: [Chris Washburn](#), Area Manager

[Clark Financial Services](#)

301/434-2008

Contact: [Daniel M. Caplan](#), Senior Vice President

[M&T Bank, Mortgage Division](#)

301-370-7528

Contact: [Pankaj Malhotra](#), Bank Officer/Sr. Mortgage Consultant

[National Cooperative Bank](#)

202/349-7455

Contact: [Ryan Bretting](#), Mortgage Loan Officer

[PNC Mortgage](#)

703/577-8175

Contact: [Cam Carson-Wagnon](#), Mortgage Loan Officer

[Wells Fargo Home Mortgage](#)

202/895-5161

Contact: [Steve Palladino](#), Branch Manager

MORTGAGES LENDERS - UNDERLYING LOANS

[National Cooperative Bank](#)

703/302-8176

Contact: [Jared Tunnell](#)

[Pillar Finance, A Division of SunTrust Bank](#)

240-800-2250

Contact: [Cullen O'Grady](#), Vice President

REAL ESTATE BROKERAGE

[EJF Real Estate Services](#)

202/365-2526

Contact: [Thomas Zorc](#), Sales Manager

TELECOMMUNICATION PROVIDER

[RCN](#)

301/531-2992 (Residential)

877/726-7000 (Business)

Contact: [Arwen Bain Cosby](#)

TRANSFER AGENTS/SETTLEMENTS

[Edmund J. Flynn Company](#)

202/537-1800

Contacts: [Joyce Rhodes](#), President

[Facts LLC](#)

202-537-1804

Contact: [Brandon Aefsky](#), VP

SOFTWARE - WEB SITES

[ASAA Multimedia](#)

301/365-5793

Contact: [Andrew Aurbach](#)

[Buildinglink.com](#)

703/295-0853

Contact: [Robert Garcia](#)

STEAM HEATING PRODUCTS AND SERVICES

[G.S. Dunham, LLC](#)

25-70 Ulmer Street

College Point, NY 11354

718-886-4232

Contact: [Mark Bloom](#), Sales Engineer

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 was incorporated as DC/CHC, Inc., a nonprofit, IRS Code Section 501(c)(6) organization in the District of Columbia, May 24, 1993.

Penny Wise (from page 2)

association have legal counsel review a small landscape contract for new pansies in the spring? Most likely not. On the other hand, a multi-year landscaping contract may warrant the minimal expense associated with a legal review.

No one wants to spend more for something than is necessary—but it can be risky to place too much emphasis on cost.

The additional cost for an expert's opinion is often justified, just as the decision to select a higher bid can be. Directors should make an effort to understand both the risks involved as well as the benefit of the bargain before selecting a bid. Of course, the price is an important factor to consider, but there may be value in other aspects of a proposal such as stronger warranty terms, better construction methods, higher quality materials, or a contractor's proven reputation. Directors should not feel compelled to forego an expert opinion and select the lowest bidder strictly because of the price. Higher priced proposals are often justified for a multitude of reasons, as is the additional expenses of consulting an expert.

In short, know when to call on experts. Directors should always put forth the effort to gather information they feel is necessary to make an informed decision and discharge their duties as directors in good faith. I recommend evaluating the complexity, cost, and scope of an issue or project and, when in doubt, seek expert advice.

**NEW SPONSOR!**

The Coalition is pleased to announce a new service provider and supporter of the District's market-rate cooperative housing community—**GS Dunham**—providing steam heating products and services. Additional contact information can be found on our website under the listing, "Steam Heating Products and Services" (<https://coopsdc.org/service-providers/>). Welcome, GS Dunham!

Solar Legislation Update

*The following is an update to an article published in the May-August 2018 issue of the Coalition **News** entitled, "Coalition Acts Against Council 'Solar Expansion' Bill."*

The District of Columbia has adopted a new law providing that housing cooperatives, condominiums and homeowner associations may not prohibit an owner or member from installing or using a solar energy collection device on the owner's or member's property or residential unit, or on a roof that covers only one owner's or member's property or residential unit, without regard to whether the roof is considered part of the common elements. The new law, entitled the "Solar Cooperative Association Expansion Amendment Act of 2017," was signed by the Mayor on May 21, 2018 and, after the required period for Congressional review, became effective on July 17, 2018.

The new law does allow cooperatives and other associations to prohibit such installations on other common areas and to adopt reasonable (non-aesthetic) guidelines for the installation and use of a solar energy collection device to prevent nuisances to other owners or members. ***Those guidelines may require the person who installs a solar device to pay for its maintenance and repair, and to pay for the repair of any damage caused by the installation or use of the device.***

As a practical matter, the new law is likely to have only a limited effect on multi-level, multi-family housing, since these solar devices can be prohibited on roofs that cover more than one unit. However, if a roof covers only one unit (such as a townhouse roof), a solar installation on the roof cannot be prohibited.

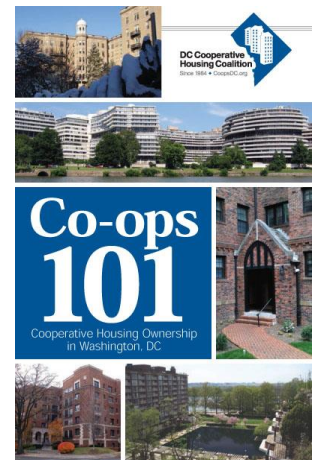
The Coalition attempted to limit the legislation before it passed and we thank our many members who wrote to their Councilmembers expressing their concerns. Please let us know if you or

your cooperative encounter any issues related to the law. We will continue to monitor its implementation.

**Recent Coalition e-Surveys**

The following surveys were conducted at the request of Coalition members. Thanks to the Coalition members for sharing your knowledge and experiences with other co-ops. The questions are broad and interesting and our members always come through!

- General Contractors (Sept)
- Reserve Studies (Sept)
- Board Meetings & Committees (Oct)
- Electronic Messages Displays (Oct)
- Electronic Voting Companies (Oct)
- Vendor Employees Gift Policies (Oct)
- Front Desk (Dec)
- Airbnb (Dec)
- Assessments for Co-ops 200+ (Dec)

**Co-ops 101 Free download:**

<http://coopsdc.org/wp-content/uploads/2014/07/Co-ops101-PDF.pdf>

Board of Directors

President

Russ Rader
The Westmoreland, 60 units

Vice President

Katie Wilson
Cathedral Avenue, 145 units

Secretary

Art Leabman
1870 Wyoming Avenue, 28 units

Treasurer

Dottie Moskowitz
Tiber Island, 389 units

Directors

Fred Dyda
Tilden Gardens, 170 units

Loretta Glaze Elliott
Shoreham West, 60 units

Stephen McKeivitt
Beverly Court, 39 units

Michael O'Dell
Harbour Square, 447 units

Ray Olson
River Park Mutual Homes, 518 units

Nancy Skinkle
The Broadmoor, 194 units

Janet Sten
3020 Tilden Street, 20 units

Spring Worth
Madison Terrace, 44 units

Counsel

Joseph Douglass
Whiteford, Taylor & Preston, LLP
1800 M Street NW Suite 450N
Washington, DC 20036
202- 659-6779
jdouglass@wtplaw.com

Administrative Assistant

Jim Smith
700 7th Street, SW #633
Washington, DC 20024
200-488-3670
DCCHC@aol.com

Contact us:

CooperativesDC@aol.com
<https://coopsdc.org/>

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About DC/CHC, the Coalition

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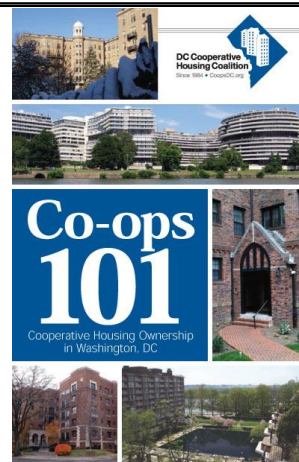
The Coalition grew out of an ad-hoc group of District cooperatives that formed in response to a judicial ruling that had cast a cloud over many cooperatives by banning proportionate voting. By marshaling the forces of more than 3,000 housing cooperative units, the ad-hoc group persuaded the District's 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 501(c)(6) organization in the District of Columbia, May 24, 1993.

www.CoopsDC.org

The first place to look for a service provider



Co-ops 101 Free download:
<http://coopsdc.org/wp-content/uploads/2014/07/Co-ops101-PDF.pdf>

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Member Profile Page

Does your cooperative have its own dedicated page on the Coalition's website? It's free and it is one of the Coalition membership benefits. See what your co-op is missing at <https://coopsdc.org/members/> and click on members with names in bold. **Don't let your co-op miss out on this members-only benefit**