

# CAI - LI Chapter News

Serving Long Island, New York

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Issue No. 62 – Autumn 2023

## EMOTIONAL SUPPORT ANIMALS IN COMMUNITY ASSOCIATIONS

By ALVIN WASSERMAN, SENIOR DIRECTOR OF ASSET MANAGEMENT  
FAIRFIELD PROPERTIES



The most common kind of emotional support animals are dogs. When dealing with emotional support dogs, community association boards must be cautious to avoid violating anti-discrimination

laws. Boards often find it challenging to address emotional-support dog situations, even when the unit-owner seems to be in the wrong.

Boards must tread very carefully so they don't run afoul of anti-discrimination laws and wind up getting hit with fines and legal fees. In one example, a condominium on Long Island allows one dog per family. A unit-owner acquired a second dog, registered both as emotional-support dogs and provided documentation as to why they were needed. The board instructed its attorney to demand that the unit-owner remove one dog or face fines and legal fees.

The unit-owner filed a discrimination complaint with the U.S. Department of Housing and Urban Development (HUD).

The board lost. It had to agree to implement a reasonable accommodation policy and to participate in education and training, which is standard in these types of settlements. But in addition, the condo board had to pay a monetary award to the unit-owner, which was large enough that the board really felt it. The condo's insurance company covered its defense, but the board had to pay the fine out of its own pocket.

At another condominium, the board not only had to deal with a problematic owner, but with disgruntled unit-owners who were upset because the owner regularly brought an emotional support dog to the condo's recreational facilities — a clubhouse, tennis courts and even the swimming pool. Owners complained, and the board threatened the dog

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### Community Associations Institute — Long Island Chapter

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## Happy Holidays

Warm wishes to you  
during this holiday season



*Continued from Page 1*

-owner with fines and legal fees. The owner filed a complaint with the New York Division of Human Rights. The board lost and had to allow the dog into all the community areas.

People with emotional-support dogs are almost always the prevailing party, even if unit-owners or shareholders are allergic to dogs or, say, have children who are afraid of them — and even when they seem to be clearly in the wrong.

In another example, a condo with a no-dogs policy requires a prospective buyer to submit a signed affidavit submitted with their purchase application stating they did not own a dog, and the same affidavit is required to be signed again at closing. A buyer signed both affidavits and then moved in with a dog. The board wanted its attorney to notify the new owner that he was in violation of the condo’s restrictions and had committed fraudulent misrepresentation, but after he submitted documents that his dog was registered as an emotional-support animal, the attorney advised the board not to pursue things further and avoid litigation.

In the first two cases, the boards filed insurance claims when they were sued. When that happens, the insurance company reviews the case, and if it’s covered will assign an attorney. Attorneys take statements from everybody involved. By the time the attorneys submit their response to HUD or the Division of Human Rights, the insurance company has paid out thousands of dollars defending the board. And that is going to affect future premiums. I should add, that in our experience, incidents with dogs have become one of the leading causes of insurance claims surpassing even trip-and-fall claims.

Boards are caught between a rock and hard place when it comes to emotional-support animals. If the offering plan and house rules prohibit pets, the best you can do is to make that known to everybody who lives in the community or intends to buy. Then you’re dependent upon that buyer’s integrity and truthfulness. No matter how the board or other owners feel about it, you can’t let emotions get in the way if people with emotional-support animals don’t abide by the rules. You’ve got to comply with the law. ■

Questions? Please contact Alvin via email at [AlvinW@FairfieldProperties.com](mailto:AlvinW@FairfieldProperties.com).



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**PRESIDENT’S MESSAGE**

By ANDREW NIGRI - SANCUS INSURANCE AGENCY, LTD. AND CAI - LI CHAPTER PRESIDENT 2023

As I write this, we just made it through Daylight Savings Time, which means we are preparing for less sunshine and more cold temperatures. As winter approaches my term serving you as President will be approaching its end.

In that spirit, and being that I’m an insurance broker by profession, this is the time when claims start to tick-up industry-wide. Frozen pipes, slip and falls on ice, and of course ice damming, are all common issues that communities have to tackle with at this point in the year. By the time you’ve read this, we will have already had our seminar on Preventative Maintenance and I’m confident our speakers were able to provide value to the association. It truly is a critical stretch for boards to prepare for the challenges of the next few months.

When I first started my term, the main focus was to improve the Trade Show. As many of you who attended are aware, the show turned out to be a huge success. There were more booths this

year than ever in the history of our Long Island Chapter. This is especially important because it gives community board members many vendor options to choose from. It’s a marketplace that’s an exchange of value. It’s important to continue to show our vendors value in the form of supporting their businesses so they can give back to our organization. They in turn advertise with our association in the form of sponsorships which improve our financial position. The loop is closed when we are able to reinvest that money back into the organization in order to provide even more value to you, the lifeblood of our organization. We hope that you will consider using the business partners and exhibitors that are most loyal to our association.

I want to THANK the Trade Show Committee for stepping-up and delivering a successful show. Our committee members volunteered their time which is very limited as everyone is focused on their full-time careers. The effort was remarkable and after several months of hard work they absolutely knocked it out of the park. It was a pleasure to see the fruits of their labor in action. I hope everyone was as impressed with the show as I was.

Thank you and I look forward to seeing you at our Holiday Party! ■

Andrew

You may reach Andrew at [Andrew@thesancusgroup.com](mailto:Andrew@thesancusgroup.com).

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**CAI - LONG ISLAND NEWSLETTER**

The CAI - Long Island Newsletter is published quarterly by the Long Island Chapter of Community Associations Institute (CAI-LI) and is distributed to its members and is available on the Chapter website ([www.cai-li.org](http://www.cai-li.org)). This publication provides members of CAI with letters from the Chapter President, informative articles written by industry professionals and service providers, updates on current legislation, and business advertising. The Chapter strives to provide our members with timely information and tools needed to keep them informed on community association issues.

The Newsletter Committee is always looking for new articles to publish. Articles should be educational, non-promotional in nature, and have a suggested word count between 500 and 1,500 words. CAI-LI retains the right to edit articles to conform to content and space requirements.

If you are interested in submitting an article for possible inclusion, please contact Christine M. Majid, Chapter Executive Director, at [info@cai-li.org](mailto:info@cai-li.org).

**Quarterly Deadlines**

Winter Issue - January 31      Summer Issue - July 31  
Spring Issue - April 30      Autumn Issue - October 31

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## WHO IS RESPONSIBLE FOR DRYER VENT CLEANING IN A HOMEOWNERS ASSOCIATION (HOA)?

By DANIEL POPPLE, OWNER - DRYER VENT WIZARD



Homeowners Associations (HOAs) are responsible for maintaining common areas and enforcing rules and regulations within a community. But what about responsibilities that fall within the confines of individual homes, such as dryer vent cleaning? The question of who is responsible for dryer vent cleaning in an HOA can sometimes be a point of contention. In this article, we will explore this issue

and shed light on the various factors that come into play.

Before we delve into the specifics of HOA responsibilities, let's briefly discuss why dryer vent cleaning is essential. Over time, lint and debris can accumulate in dryer vents, which can lead to various problems, including reduced dryer efficiency, increased energy consumption, and, most alarmingly, fire hazards. To prevent these issues, dryer vent cleaning is crucial and should be performed regularly.

One of the first steps in determining responsibility is to review the HOA's governing documents, including the bylaws and covenants. These documents typically outline the scope of the HOA's authority and what areas they are responsible for maintaining. Dryer vents might be considered part of a homeowner's property, and if the bylaws do not specifically address this issue, it can create ambiguity.

The responsibility for dryer vent cleaning often depends on whether the vents are considered common property or part of an individual unit. In some HOAs, dryer vents might be designated as common property and, therefore, fall under the association's responsibility for maintenance and cleaning. In others, dryer vents may be regarded as individual homeowner responsibilities, similar to other elements of their homes.

Even if dryer vent cleaning is deemed an individual homeowner's responsibility, HOAs can enact rules and regulations that govern this aspect. For instance, an HOA may require homeowners to adhere to a specific cleaning schedule or hire a professional service to maintain their dryer vents. Non-compliance with these regulations could result in penalties or fines.

The key to resolving issues surrounding dryer vent cleaning in an HOA is clear communication. HOAs should proactively address this matter in their governing documents, and homeowners should be made aware of their responsibilities. It's important for both parties to understand the potential risks

associated with neglecting dryer vent cleaning and the consequences for non-compliance with HOA rules.

To maintain a harmonious community, some HOAs might opt to take the lead on dryer vent cleaning by hiring professional services and including these costs in the HOA fees. This approach ensures uniformity in maintenance and minimizes the potential for disputes among homeowners.

In summary, the responsibility for dryer vent cleaning in an HOA largely depends on the HOA's governing documents, including the bylaws and covenants, as well as any specific rules and regulations enacted by the association. Clear communication and collaboration between homeowners and the HOA are essential to avoid disputes and ensure the safety and efficiency of dryer vent systems within the community. Ultimately, promoting a proactive approach to dryer vent cleaning benefits everyone in the HOA, enhancing the overall quality of living in the community. ■

To learn more, please contact Daniel by phone at #516.497.0106 or via email at [DPopple@DryerVentWizard.com](mailto:DPopple@DryerVentWizard.com).

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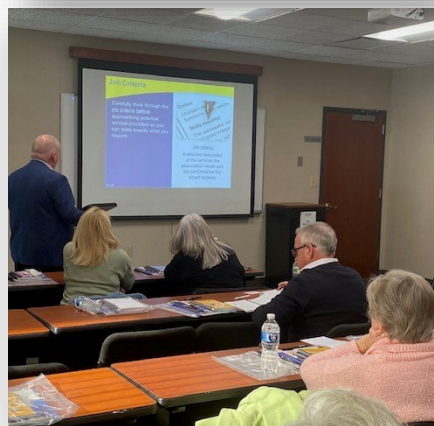
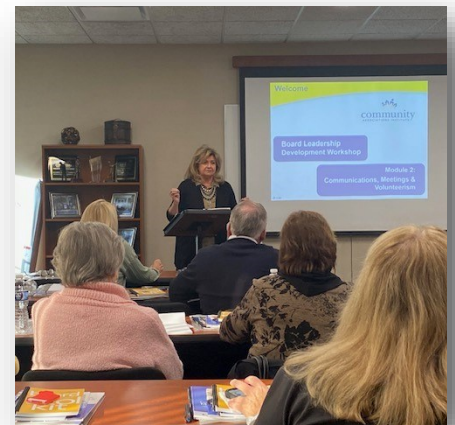
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## RESERVE STUDIES - DOES YOUR HOA NEED ONE?

By Reserve Advisors

As awareness regarding reserve studies continues to grow, many associations that have not yet commissioned one are asking themselves, “do we need one?” While this question is easy to answer in states such as Florida and Maryland which recently put into place legislation requiring reserve studies, in states without a legal requirement, the question remains.

While reserve studies may not be legally required in most states, the fact of the matter is that commissioning a reserve study is best practice for any HOA or condominium association. Because of the complicated nature of maintaining a community both physically and financially, and the consequences that stem from deferring maintenance or reserve funding, the benefits of reserve studies are indisputable.

One of the primary responsibilities of the board of directors is to protect, maintain, and enhance the assets of the community association they serve. To accomplish this objective, associations must develop multi-year plans that help them understand their long-term budget needs and, at the same time, anticipate and responsibly prepare for the timely repair and replacement of common area components such as roofs, roads, mechanical equipment, and other portions of the community’s common elements.

In most cases, these tasks are not able to be accurately achieved without professional guidance. Reserve studies lay out a comprehensive, 30-year plan that does just that. By inspecting each common element and determining useful lives and remaining useful lives, your reserve study consultant is able to determine when components will need repair or replacement, and in which order these projects should take place.

Of course, these projects are often a significant financial undertaking. Acting primarily as a capital planning tool, reserve studies allow associations to gain an understanding of both their current and ideal future reserve fund needs. Along with the physical inspection, reserve study professionals dive into the current financial status of your association’s reserve funds, and using the data collected during the physical inspection, determine how the association should go about funding reserves and projects in the future.

With a firm understanding of current supply chain and market conditions and the ability to determine how much each capital project will approximately cost, this information is used to lay out a 30-year capital plan for both expenditures and reserve



# IMPACT

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fund savings, both of which take inflation into account.

If an association is not currently adequately funded, a reserve study will act as a detailed blueprint for the association to follow which allows for funding levels to reach the point where necessary maintenance does not have to be deferred and/or additional assessments are minimized. This ensures that the community's value does not depreciate, as well as the overall safety of the community and its residents.

However, whatever the current financial or physical status of a community may be, a reserve study provides endless benefits. Without a reserve study on hand, an HOA is flying blind into its future. To set its course, the HOA has a fiduciary responsibility to hire an independent reserve study company to produce a well-documented plan that benefits current and future boards.

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change, and an existing reserve study is there to help new decision-makers understand the logic or reasoning behind earlier choices. A professional reserve study company will be

Continued on Page 16



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Continued from Page 10

available to discuss its work, the methodology used, and considerations that went into the study years after it was conducted. Additionally, reserve study specialists can support HOA boards by providing periodic updates to the original reserve study, ensuring the association remains on track.

So the answer to this question is, put simply, yes. Community associations of any type will find that a reserve study strengthens the community's current and future physical and financial health. Running a community is hard work, but you never have to go it alone. ■

Interested in learning more? Please reach out directly to Melissa Yocum, Senior Account Manager, at Reserve Advisors. Call her at her office as (844) 701-9884 x5005 or via [melissa.yocum@reserveadvisors.com](mailto:melissa.yocum@reserveadvisors.com).



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## Long Island Chapter Calendar of Events

*Thursday, December 7th - 6:00 to 9:00 p.m.*  
**Chapter Holiday Party  
 & Annual Meeting**  
*The Meadow Club*  
 1147 Route 112, Port Jefferson Station

*Thursday, January 25th - 6:00 to 8:00 p.m.*  
**Chapter Membership Meeting  
 with Educational Presentation**  
*"Updating Your Amenities"*  
**Blue Ridge Condominiums - Clubhouse**  
 899 Golf Lane, Medford

*Wednesday, February 21st - 6:00 to 8:00 p.m.*  
**Chapter Membership Meeting  
 with Educational Presentation**  
*"Writing House Rules"*  
**Half Hollow Hills Library**  
 55 Vanderbilt Parkway, Dix Hills

*Thursday, March 21st - 6:00 to 8:00 p.m.*  
**Chapter Membership Meeting  
 with Educational Presentation**  
*"Maintaining the Landscape"*  
**Meadowbrook Pointe HOA - Clubhouse**  
 1100 Corporate Drive, Westbury

*Thursday, April 25th - 6:00 to 8:00 p.m.*  
**Chapter Membership Meeting  
 with Educational Presentation**  
*"Mental Health & Hoarding"*

*Thursday, May 23rd - 6:00 to 8:00 p.m.*  
**Chapter Membership Meeting  
 with Educational Presentation**  
*"Emergencies! What to Do?"*

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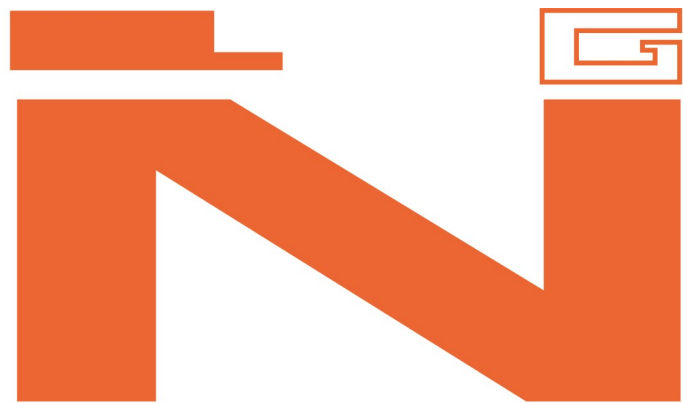


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