



Pool Safety



On December 20, 2007, the Federal Virginia Graeme Baker Pool and Spa Safety Act was enacted, requiring all public pools and spas to have a particular type of safety drain cover and suction entrapment prevention devices installed.

The definition of public pool includes **ANY** pool (or spa) open to the public, whether for a fee or not, as well as pools in multiple family residential facilities. Clearly, pools and spas in condominium and townhome properties are covered by this law. Pools and spas in single family communities **MAY** be exempt, unless they are open to the public.

Compliance is required by December 20, 2008 or the facility cannot be opened for use. If your community has not already addressed this issue, make sure to discuss this with your pool maintenance staff or provider to ensure compliance by the deadline, and avoid your pool getting shut down. As always, check with your attorney if you have any questions concerning the applicability of this law to your community.



Energy Savings

Governor Ritter recently signed an energy bill (SB 08-1270) into law that provides the authority for property owners to utilize energy efficient initiatives with the permission of their HOA. Before you get too excited and go order the retractable awning, electric shutters and swamp cooler you've been wanting, please notice the use of the term "property owners".

If you live in a single family home, you're likely to be approved to install these types of items, once you've submitted the appropriate



architectural or design review request to your HOA. However, if you live in a condominium or townhome and only own your "air space", SB 08-1270 won't

guarantee you'll get what you want. In communities where the HOA owns the structures, the HOA still has the right to reasonably restrict these items. If you're not sure whether you or your HOA owns your structure, a quick review of your recorded Declarations (covenants) will confirm it.

Prudent managers should be advising their Boards to review and if necessary, modify their Rules & Regulations and Architectural Guidelines to address the installation and use of any of these types of devices. Any changes should also be reviewed by the association's attorney and published to the membership a minimum of thirty (30) days prior to enforcement.

Rising Rentals

We get calls regularly from property owners who are unable to sell their homes and for one reason or another, must relocate. Owners in that situation should be comforted in knowing that the market conditions that are making selling difficult, could be the best excuse for becoming a landlord. As more and more buyers find themselves unable to qualify for loans and/or lose their homes to foreclosure, they become potential renters. Before making that big decision, *Client Preference* customers are counseled to verify if their HOA has adopted any policy restricting the percentage of rental properties in the community.

With the growing number of owners being forced into renting their properties or walking away from their investments, HOA boards should seriously consider the impact these types of restrictions have on their budget. In these market conditions, HOA's might fare better with a greater number of renters in the community rather than a greater number of upside down owners with no rental income to help pay their mortgage or HOA dues.

Boards considering any action related to this subject, should always consult both their property manager and attorney to ensure compliance with their Declarations and any restrictions imposed by lenders.

Landscape Health

As the weather warms and your attention is turned to keeping cool and planning vacations, don't forget to consider your landscaping.



Part of your community's property values is the appearance of your plant life. Like ourselves and our pets, they too need regular care beyond pruning, to include nutrients and spraying against pests. When your landscape company presents you with recommendations for various services to maintain your landscaping, a great resource to verify their advice can be found at the Colorado State University Extension's website at www.ext.colostate.edu. There is a wide variety of horticulture information on this site than can help you make informed decisions about your landscaping. You may even find a gardening tip or two!