

July 2022

This is your monthly update from the Communications Committee, to provide news on the latest happenings at MiraVista. All issues are also posted on our website: www.miravistanaples.com

Tons of action as the Board of Directors (BOD) and Committee volunteers continue with the efforts to help MiraVista be the best it can be. Please be sure to tap into the resources available to all owners on the community website—and consider joining the BOD meetings to stay informed or even consider being an active part of the solution by volunteering your time and talents to give back to the community and help shape the future.

TOPIC 1: Quick updates and reminders

TOPIC 2: Building Restoration and Painting Project update and upcoming owners' vote on paint color

TOPIC 3: New FL Legislation and what it means for MiraVista and Condo Owners, BODs and Managers

TOPIC 4: Special Assessment Payment FAQs and Collections Policy

TOPIC 1: Quick updates and reminders

- **Pool Fence and Gate enclosure** is expected for installation at the end of summer.
- **Elevator project** is getting underway. Our elevators are due for restoration, and FL has introduced legislation recently with requirements to upgrade and modernize the safety equipment for elevators like ours.
- **Sandcastle Community Management** is our new Condo Association Manager (CAM). Please refer to the attached guidelines for **"Who to Contact and Where to Get Answers"** for common owner needs. This contact information guide is also posted on the community website.
- **Building A (441) Fire-horn replacement project** will resume very soon (it was unexpectedly delayed due to Covid illness), notices will be posted onsite and emailed to owners as the date approaches

AUGUST MEETING DATE CHANGE!!! IMPORTANT: AUGUST 16th—the THIRD TUESDAY this month only.

Note that usually the **BOD meets monthly, on the second Tuesday of each month, via Zoom and in the clubhouse at 7pm EST.** Mark your Calendars and please join! Our community is better when we have many voices and constructive input from many. Please get involved, ALL ARE WELCOME!!

Remember to bookmark and set-up your access to our website--this news and all past issues, meeting minutes and many more documents are available 24/7 at: www.MiraVistaNaples.com

Join us on Facebook also! "Mira Vista Naples Residents"

TOPIC 2: Building Restoration and Painting Project update and upcoming owner's vote on paint color

After many months of planning, consultation with building engineers, concrete experts, and reserve study planning, the long-awaited building restoration is going to be underway starting in September. If you walk the building perimeters, it is easy to see the many unfortunate consequences of neglect due to our building not having been painted or maintained properly for 17 years. The stucco cracks, exposed rebar, shrunk and deteriorated caulking and waterproofing are finally getting repaired to restore the integrity of our building.

Some owners have not been staying informed or taking advantage of the many means available to understand the building needs and rationale behind this large-scale project. While MiraVista is not a single-family home, we all own a portion of these buildings and ground that compose our shared homes—which means we all have to pay attention and invest in the needs to upkeep and maintain the concrete, waterproofing, stucco repairs and paint. Prior to asking questions or voicing your concerns for the assessment expense, read the many documents that lay out these needs from outside, objective expert sources. This has been a conversation with owners for almost a year, since the recall given that our prior BOD was not serving in the fiduciary capacity (representing all owners' best interests, without bias) or abiding by FL laws that protect us.

If you are among the owners who are not current on the reasons and needs behind the upcoming assessment, please consider this reading plan below:

- 1) Review the "Reserve Study"—this was commissioned by our BOD, to gain expert counsel for how to plan for the building needs, and specifically how to address the funding of our reserves. Did you know that most condo associations have a reserve study done every 3-5 years? For MiraVista, this was the very first reserve study done in the history of the building. As a best practice, reserve studies should be done routinely given that BODs are composed of lay people, not necessarily skilled engineers or financial planners with specific skills on determining community needs and financial practices for large communities. An engineering firm produced the reserve study, which guides the BOD on proper planning and reserve funding for the future, based on the specific needs of our property.
- 2) Read the "Financial Review"—this independent study examined the association financial processes. It was learned that the way our former CAM and BOD were directing funds was not in keeping with best practices, and in some cases, aligned to legal guidelines for Condo Associations. The BOD has taken great steps forward to address many, many failures of the past and put this community on a track for a solvent, safe future.
- 3) Review the numerous Newsletters and BOD Meeting Minutes from the past year. None of the issues are new or unexpected, and all owners have many opportunities to be informed and involved.
- 4) Review the BOD statement included with the Special Assessment Meeting. This BOD has operated with the community's best interests in mind and on the foundation of integrity and abiding by the laws that govern Condo Associations. If you have ideas for the future, please consider getting involved.

Please remember that this BOD is investing their personal time, their professional skills and strengths, in service to you. Take the time to first do your part to be informed and think about your role as a property owner—we are all enjoying record property values, and beyond that, we are very fortunate to have a prime location, private and beautiful community to call home. We encourage you to join the team and help continue the changes. There will be other projects on the horizon, such as the elevators, parking lot paving and the BOD is working as quickly as possible to define the scope and requirements of those needs as well.

TOPIC 3: New FL Laws as of May 2022 and what it means for Condo Owners, BODs and Managers

New laws ensure that Associations do not neglect building integrity and ensure structural maintenance

Under the new Florida law, condominiums located within 3 miles of a coastline, such as MiraVista, are required to have a **Milestone Structural Inspection**. A Milestone Structural Inspection is a structural inspection to determine a building's safety and the integrity of the structural components. The inspection must occur when the building turns 25 years old and must continue every 10 years thereafter.

Associations are responsible for all costs associated with the Milestone Structural Inspection. Any owner or new buyer has a right to view the structural report.

It is considered a violation of the BOD's fiduciary responsibility if the BOD fails to have a Milestone Structural Inspection performed. The **good news** is that the recent inspections in early 2021 that your MiraVista BOD commissioned have fulfilled this requirement.

New laws around requiring Reserve Studies and Prescribed Management of Reserve Budgets

An **Integrity Reserve Study** is a study of an association's reserve funds. The Integrity Reserve Study must consist of a visual inspection of the common areas, such as roofs, parking lots, pools, walkways, etc. by a licensed engineer or architect. Reserve funds are then evaluated to ensure there are adequate funds for future major repairs and replacements of these condo common elements.

Condos must have a Structural Integrity Reserve Study done every 10 years, with the first study completed by December 31, 2024.

Associations can no longer refuse to fund reserves, or knowingly underfund the reserves for items required in the Integrity Reserve Study as was done in the past at MiraVista. Additionally, starting in 2025, an association may only use itemized reserve funds for their designated purposes of the specific line item in the Integrity Reserve Study. Owners and new buyers are entitled to inspect an association's most recent Integrity Reserve Study—done in early 2021, the first ever of its kind for MiraVista. ***Under the new law, it is considered a violation of the BOD's fiduciary duty if the association fails to complete an Integrity Reserve Study.***

What this means for MIRA VISTA OWNERS regarding these new laws:

Associations like MiraVista that were not in the best financial situations are planning for how they are going to pay for inspections, and work that needs to be done after inspections are complete. As owners, we should not be surprised by higher monthly fees or special assessments to correct past deficiencies. It is strongly recommended that all MiraVista owners become knowledgeable regarding the new Florida condo laws and the impact they have had and will have on the decisions the MiraVista BOD must make to fulfill the fiduciary responsibility to protect our property and ensure financial needs are better addressed for the future.

Want to learn more about the FL laws that our BOD must base their decisions on or more about the "Surfside Bill"? More details can also be found here: <https://www.socotec.us/blog/legislative-update-the-surfside-bill>

TOPIC 4: Special Assessment Payment FAQs and Collections Policy

Q: Has the Special Assessment been approved?

A: The special assessment was approved, all in favor at the June 28th special assessment meeting.

Q: Why is this the special assessment due in August?

A: Due to the severity of the deteriorating condition of our buildings, and the guidance of our Structural Engineers, and Association Attorney, the BOD voted to begin this project ASAP. We understand that this is a financial burden to every owner, however we have to assure the community is safe for all residents, tenants and their guests. Due to the urgency of the work, the special assessment is due to be paid in full by all owners on August 15. We begin paying the contractors on September 1st therefore funding needs to be in place to pay them in full as the project is anticipated to be complete by Christmas.

Q: Can the Association allow payment terms and accommodate household budgets that do not have a lump sum on hand?

A: During previous BOD meetings, it was suggested that due to the amount of increased equity the Miravista condo owners have received with their investments over the last few years, a home equity line of credit would be a very good and economical option. Credit card rewards programs, personal loans, 401k funds as well as reverse mortgages are options to consider. Our association attorney advised during BOD meetings that all owners were invited to attend that the Association should not perform the functions of a bank; nor can BOD decisions on the property needs and related budget planning be made or influenced based on personal household budgets; the BOD is accountable to ensuring the necessary measures to protect the integrity of the property and abiding by the governing laws to safeguard the community.

Collections Policy is posted on the owner website—summary of policy below:

Payments for assessments are due on the 1st of every quarter: January, April, July, and October. Special Assessments are due by their specifically scheduled due date. Any payment not received 10 days after the due date will incur a one-time late fee of \$25.00 and late interest of 18% annum (1.5% monthly) applied monthly.

The frequency of notices and fees are as follows:

- Payment is due on the 1st (or special assessment scheduled due date, as applicable).
- After 10 days, a delinquency notice will be mailed to the address on the account which shows the amount due including late fee and interest. The cost of \$10 for the delinquency letter will be added to the account to be paid by the owner.
- If balance is unpaid after 40 days past due date, additional late interest will be applied and a Notice of Late Assessment will be mailed and emailed. The cost of \$15 for the Notice will be added to the account to be paid by the owner.
- If balance is still unpaid after 70 days past due date, the account will be turned over to the association's attorney to continue collections. An Attorney Turnover fee of \$75 will be applied.
- The attorney will prepare a Pre-lien letter. A Fee of \$275.00 plus postage and administrative cost will be added to the account to be paid by the owner.
- If balance is still unpaid after 115 days after the due date, a Claim of Lien will be filed and a fee of \$595.00 plus postage, administrative costs and recording fees will be assessed

Obviously, the BOD wishes to avoid seeing any owner going through collections procedures, and hopes that this information helps owners identify the best solution for their needs. We are all in this together. The work is costly, but the results will deliver a property that is beautifully restored and well-maintained. Thank you for your understanding and taking the time to become informed on the needs and planned solutions.