

GUIDELINES FOR SUCCESSFUL LAC MANAGER CREDENTIALING ACTIVITY

Due to the importance of manager credentialing to CAI and NBC-CAM and the significance of any one state's involvement with the issue to all other states, as well as the impact of any such involvement on the ability of CAI and NBC-CAM to protect and advance their overall manager credentialing objectives, any CAI Legislative Action Committee (LAC) wishing to consider initiating manager credentialing legislative or regulatory activity must first obtain the permission of CAI's Government & Public Affairs Committee.

In making such a request, a LAC must present a comprehensive plan detailing its ability, capacity and strategy to successfully advance CAI's manager credentialing objectives. Like the thorough planning necessary for any legislative or regulatory campaign, a LAC's proposal to address manager credentialing should address and demonstrate effectiveness and preparation in the following areas:

General Capability & Capacity

- LAC delegates' participation in LAC meetings and events.
- Existence of operational grassroots and communications network through which the LAC can alert and involve all CAI Chapters and members in the state in a timely manner.
- Regularity of LAC communications with Chapters and members in the state, including distribution of information through Chapter meeting and programs, newsletters, special issue seminars, etc.
- Regularity of LAC communications with CAI's Government & Public Affairs Department.
- LAC delegates' legislative and regulatory knowledge and ability, including delegates' experience reviewing and evaluating legislative and regulatory proposals.
- Active legislative and regulatory tracking system.
- Breakdown of CAI members in the state by legislative district.
- Relationships of LAC delegates and CAI members in the state with their legislative representatives.
- Relationships of LAC lobbyist or delegates with relevant regulators.
- LAC history of successfully initiating and advancing legislative or regulatory proposals.
- LAC history of coalition organization and participation.
- Availability and preparation of professional lobbyist(s).
- LAC's compliance with CAI's LAC Operational Guidelines.

Specific Manager Credentialing Capability, Capacity & Preparation

- Reason for desiring to initiate manager credentialing legislation or regulation.

- Reason to anticipate that such an effort will be successful.
- Factors that may prevent the success of such an effort.
- Anticipated repercussions of success or failure.
- LAC delegates' and Chapter members' knowledge and understanding of CAI's manager credentialing objectives and the CMCA program.
- Degree of support for and opposition to manager credentialing legislation among LAC delegates and CAI members in the state.
- Manager credentialing advocacy strategy including anticipated meetings, hearings, grassroots efforts, special events, media involvement, timeline for effort and specific assignments for delegates, members, other organizations, etc.
- Identification and commitment of legislative sponsor and awareness of his or her party affiliation, seniority or other information that will be relevant to a proposal's success or failure
- Materials that will be used or prepared to support effort with legislators, regulators, members, media, other organizations, etc.
- Organizations that will/may support effort and plan for coordinating with them.
- Organizations that will/may oppose effort and plan for neutralizing their impact.
- Existing relationships with organizations that may support or oppose effort.
- CAI members in the state who are members of organizations that may support or oppose effort (especially knowledge of CAI members that are members of the Institute of Real Estate Management which has a policy supporting the licensure of community association managers as real estate brokers) and a plan for working with such members.
- Relationship with state agency or department with authority or potential authority over any manager credentialing regulatory program.
- Knowledge of committees and legislators that would consider manager credentialing and relationships of LAC delegates or other CAI members with such individuals.
- Knowledge of legislators that may be opposed to manager credentialing (for example, legislators who are realtors or who are supported by realtors).
- Detailed budget for manager credentialing advocacy efforts.
- Fundraising programs to support effort, if needed.
- Other matters that should be considered.

MANAGER CERTIFICATION MODEL LEGISLATION

1. The Legislature finds and declares:

a. It is in the best interest of the citizens of this State to provide for the regulation of managers of community associations, to insure that persons who hold themselves out as possessing professional qualifications as managers of community associations are, in fact, qualified to render management services of a professional nature, and to provide for the maintenance of high standards of professional conduct by those certified as managers of community associations.

b. It is further declared to be in the best interest of such citizens to limit and restrict the issuance of certificates to community association managers who have been certified to possess the necessary knowledge in the relevant financial, managerial and supervisory services and to require compliance with the relevant state requirements.

2. The (Department of Professional Regulation or other equivalent department*) shall, by regulation, establish standards, procedures and fees for the certification of persons engaged in the business of management for common interest communities as those communities are defined by state law. The certification requirement shall apply to any person engaged in the business of management for common interest communities, regardless of whether the person holds a license to practice another profession.

The standards established by the commissioner shall be consistent with those standards adopted by the National Board of Certification for Community Association Managers (NBC-CAM).

3. a. There is hereby established the Community Association Manager Certification Standards Board ("Board"). The Board shall be located within (Department of Professional Regulation or other equivalent department*), but shall be independent from the department. The Board shall consist of nine members to be appointed by the Governor as follows:

(1) Five members who shall be managers of community associations;

(2) One member who shall be an attorney-at-law in good standing with the state bar with significant experience in the representation of community associations;

(3) One member who shall be an accountant with significant experience in financial accounting for community associations;

(4) One member who shall be a member of an executive board of a community associations; and;

(5) One member who shall be a unit owner residing in a community association and shall not be a member of an executive board of any community association.

The initial terms of appointment to the Community Association Manager Certification Standards Board shall be staggered as follows: three members shall be appointed to a term of one year; three members shall be appointed to a term of two years; and three members shall be appointed to a term of three years. If there is a vacancy for any cause, the Governor shall make an appointment, in the same manner as the original appointment, to become immediately effective for the unexpired term. Successive appointments shall be for a term of three years.

b. The Board shall select one of its members as chairperson and another as vice chairperson and shall meet as necessary at the call of the chairperson or the (Secretary of the Department of Professional Regulation or other equivalent department*). Members of the Board may be reimbursed for actual and necessary travel and other expenses as provided by law and subject to the availability of funds thereof. Personnel employed by the (Department of Professional Regulation or other equivalent department*) shall provide such administrative support as may be requested by the Board.

c. The Board shall provide suggested standards and modifications to the standards to be adopted by the (Secretary of the Department of Professional Regulation or other equivalent department*) pursuant to state law. The Board may also provide guidelines for the revocation of a certification of a community association manager.

4. This act shall take effect on (date).

** CAI's Public Policy on Community Association Manager Credentialing states: "Unless a separate regulation and separate governing board are created, the Real Estate Commission of a particular state should not govern the community association manager regulatory program."*