The Community Association fact book

West Virginia

State Summary

Community Association Data and Information

FOUNDATION FOR COMMUNITY ASSOCIATION research

2017
Community Association Fact Book

for

West Virginia

FOUNDATION FOR COMMUNITY ASSOCIATION research

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The **Foundation for Community Association Research** (FCAR) is a nonprofit 501(c)(3) organization devoted to common interest community research, development, and scholarship. Incorporated in 1975, the Foundation supports and conducts research in the community association industry.

FCAR provides authoritative research and analysis on community association trends, issues and operations. Our mission is to inspire successful and sustainable communities. We sponsor needs-driven research that informs and enlightens all community association stakeholders—community association residents, homeowner volunteer leaders, community managers and other professional service providers, legislators, regulators and the media. Our work is made possible by your tax-deductible contributions. Your support is essential to our research.

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—From *A Declaration of Principles*, jointly adopted by a Committee of the American Bar Association and a Committee of Publishers

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Connecticut Judicial Branch Law Libraries
Department of Agriculture – Rural Development
Department of Veterans Affairs (VA)
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National Association of Realtors (NAR)
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Urban Land Institute
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Notes on Community Association Data: The *Fact Book* is based on information from seven data sources grouped in two categories:

- Public Data: (1) Census data, (2) American Housing Survey (AHS), (3) State data, (4) Related housing industries data such as that from the National Association of Realtors (NAR), National Association of Homebuilders (NAHB), and
- FCAR and CAI Data: (5) FCAR data accumulated over time, (6) CAI data, also accumulated over time, and (7) Data provided by CAI members.

The public data is largely from the Census and the American Community Survey (ACS). This data has a lag time to publication. Some public association data is available from individual states. This state data, also, may have a lag time from collection to publication. Usually, both the few states with association data and the ACS data lack specificity in critically identifying the three basic types of associations: condominiums, cooperatives and planned communities. Similarly, the public data may count certain association units, but not the entities (the associations) themselves. From a timing viewpoint, FCAR, CAI data and CAI member data are more readily available. Because of the timing issue, the *Fact Book* data generally may be one year ahead of public data.

Introduction

It's been said that the growth of community associations (condominiums, planned communities and cooperatives) offers the greatest single extension of homeownership opportunities since the housing reforms of the New Deal and the provision of GI Bill benefits just after World War II. The Community Associations Institute estimates that in 1970 there were 10,000 community associations nationwide. In 2017, there are approximately 344,500 associations housing approximately 70 million Americans.

The **Community Associations Institute** (CAI) is an international nonprofit 501(c)(6) organization founded in 1973 to foster competent, responsive community associations through research, training and education.

The **Foundation for Community Association Research** (FCAR) is a nonprofit 501(c)(3) organization devoted to common interest community research, development, and scholarship. Incorporated in 1975, the Foundation supports and conducts research in the community association industry.

Community Association Fact Book is published by FCAR and documents the history, current status, trends and future issues of U.S. community association housing in general. The *Fact Book*, also provides, community association information on a state-by-state basis. The *Fact Book* and each State Summary will facilitate, demonstrate and provide an understanding of four areas:

1. **Evidence-Based Decisions**: Facilitate the creation, publication and analysis of credible data such that evidence-based decisions on various community association issues and topics can be made.

2. **Contributions to the Economy and Society**: Demonstrate the role of community associations in maintaining housing as shelter, as a neighborhood benefit, as an investment and as a contributor to this country's Gross Domestic Product (GDP).

3. **Core Services:** Provide an understanding that the three core services delivered by associations (governance, community and business-like services) – are complimentary to a broad range of both local and national housing goals and to related public policy considerations.

4. **Associations as a Housing Market**: Demonstrate that all three types of community associations (condominiums, cooperatives and planned communities), in and of themselves, are an important housing market that needs to be understood and analyzed in a comprehensive manner.

   Community Association Contributions to the Economy: In the aggregate, community association housing had a market value of just over $5.880 trillion dollars at 2017 Q4 [Estimate based on the **Federal Reserve Z.1 Financial Accounts**]. According to the **National Association of Homebuilders** (NAHB), the housing industry's contribution in terms of new construction to the to the economy **averages 15%-18% annually**. This represents the combined impact of **Private Residential Fixed Investment** and **Housing Services**. Residential Fixed Investment component contribute from 3%-5% while the Housing Services component contributes 12%-13%. These percentages vary with fluctuations in the nation's economic cycles. Community association housing is an important and growing component of both Residential Fixed Investment and Housing Services. Using NAHB historical estimates, community associations contribute a 4.0% to 4.3% to GDP. Associations not only are a place to live, but they are a place to work and to create jobs. See **Fact Book 2017, Part Five: 51 State Summaries – Association Economic Contributions & Value Add Benefits**.

Community Association National Trends and Issues

In *Democracy in America*, Alexis de Tocqueville reflected in differing ways on the constant activity that characterized American society in the 1830s as it strived for continuous improvement at all levels of society and government. Little has changed since that time. He would be right at home at a community association board meeting, at a CAI Chapter program or at a national CAI Conference or Law Seminar. The best way to keep up with association trends and issues (and the need for continuous improvement) at either or both the national or local level is through the links that follow.

At the National Level

CAI Issues and Advocacy

- From federal affairs, to state issues, to amicus briefs and more – information is constantly updated. Topics include regulatory issues with FHA and FEMA, new mortgage rules and CAI's Public Policies

CAI Common Ground Magazine Key Issues

- Themes from the Magazine articles range from aging in place, to fostering participation, to manager licensing and more. A subscription to **Common Ground** is part of CAI Membership, but separate subscriptions are available.

Chronological History of the Federal Involvement in Community Associations (Fact Book Part Three)

From the early 1900s through today, you can track over 100 major federal and similar initiatives that have impacted community associations.

Community Next: 2020 and Beyond

- The result of this lengthy initiative are four Community Next reports that represent the best thinking of several dozen CAI leaders and nonmember community association stakeholders about future issues, trends and similar matters.

    1. **Association Governance Model**
    2. **Community Management**
    3. **External Influences**
    4. **Public Policy Paradigms**

At the Local Level

CAI Local Chapters

- See all of the **U.S. and worldwide CAI Chapters**.

CAI Grass Roots Advocacy Center

- CAI's Government & Public Affairs Department provides political information and intelligence for the association industry.

At all Levels for All Interests

CAI Press: CAI Press, the publishing division of CAI, is dedicated to publishing the very best resources for community associations. It offers the largest collection of more than 100 books on association governance, management and operations. Browse by category, view the most popular products and discover what's new. Check back frequently to see Featured Products and to take advantage of money-saving promotions.

CAI Education:

- ***Webinars*** offer specialized, professional training to managers, board members and homeowners without leaving your home or office. Conducted via internet and audio teleconference, the programs are hosted by industry experts to keep you up to date on the latest legislative activity, management trends, industry best practices and subjects of special interest to community managers and homeowners. More than 300 **on-demand webinars** are now available, and new live webinars are added every month.
- ***Board Leadership Development Workshop*** provides a comprehensive look at the roles and responsibilities of community association leaders and conveys information to help create and maintain the kind of community people want to call home. The workshop is available in two formats: live, classroom instruction through chapters and online.
- ***Professional Management Development Program*** ("PMDP") provides community association managers the most comprehensive, expert education courses to increase their skills, knowledge and job opportunities. Both the webinars and the PMDP program provide education credit toward new and renewing professional designations and credentials.
- ***Business Partner Essentials*** is a two-part, online course to help CAI-member product and service providers better understand CAI, community associations and the industry at large. Individuals who pass the course and maintain CAI membership earn the **CAI Educated Business Partner** distinction, gaining special recognition among thousands of companies and professionals who support common-interest communities—accountants, attorneys, bankers, insurance professionals, landscapers, painters, reserve specialists, software providers and many others.

If you are just interested in finding out more about community associations, the *Fact Book* and a *State Summary* are the places to start. If you live in an association or work in the association industry, this *Fact Book* will help keep you and your association current on the latest facts, trends and issues.

Community associations are big business in small increments. For more summary information on associations see **Statistical Briefs** from 2012-2017.

1. West Virginia Population and Housing Characteristics

1.1 General Housing Characteristics

DP04: SELECTED HOUSING CHARACTERISTICS	2012-2016 American Community (ACS)	Survey 5-Year Estimates		
Subject		West Virginia		U.S.
		Estimate	Percent	Data
HOUSING OCCUPANCY				
Total housing units		886,710	886,710	134,054,899
Occupied housing units		722,125	81.4%	87.8%
Vacant housing units		164,585	18.6%	12.2%
Homeowner vacancy rate		2.1	(X)	(X)
Rental vacancy rate		7.9	(X)	(X)
UNITS IN STRUCTURE				
Total housing units		886,710	886,710	134,054,899
1-unit, detached		622,524	70.2%	61.6%
1-unit, attached		20,336	2.3%	5.8%
2 units		17,682	2.0%	3.7%
3 or 4 units		23,209	2.6%	4.4%
5 to 9 units		26,139	2.9%	4.8%
10 to 19 units		16,570	1.9%	4.5%
20 or more units		23,790	2.7%	8.7%
Mobile home		136,141	15.4%	6.3%
Boat, RV, van, etc.		319	0.0%	0.1%
YEAR STRUCTURE BUILT				
Total housing units		886,710	886,710	134,054,899
Built 2014 or later		6,976	0.8%	0.4%
Built 2010 to 2013		19,786	2.2%	1.9%
Built 2000 to 2009		113,384	12.8%	14.7%
Built 1990 to 1999		110,239	12.4%	14.0%
Built 1980 to 1989		110,827	12.5%	13.7%
Built 1970 to 1979		141,192	15.9%	15.6%
Built 1960 to 1969		80,640	9.1%	10.9%
Built 1950 to 1959		93,908	10.6%	10.6%
Built 1940 to 1949		65,700	7.4%	5.2%
Built 1939 or earlier		144,058	16.2%	13.0%
HOUSING TENURE				
Occupied housing units		722,125	722,125	117,716,237
Owner-occupied		523,078	72.4%	63.6%
Renter-occupied		199,047	27.6%	36.4%
Average household size of owner-occupied unit		2.51	(X)	(X)
Average household size of renter-occupied unit		2.36	(X)	(X)

[Review the General Housing Characteristics for All U.S. States]

1.2 Population – Age, Household Type, Disability and Place of Birth

S0201, ACS, 1 Year, 2016	West Virginia	
	Total population	
	Estimate	U.S. Only
SEX AND AGE		
Total population	1,831,102	323,127,515
Male	49.2%	49.2%
Female	50.8%	50.8%
Median age (years)	42.3	37.9
HOUSEHOLDS BY TYPE		
Households	722,125	118,860,065
Family households	64.7%	65.4%
With own children of the householder under 18 years	23.7%	27.6%
Married-couple family	48.1%	47.9%
With own children of the householder under 18 years	15.4%	18.7%
Female householder, no husband present, family	12.1%	12.6%
With own children of the householder under 18 years	6.1%	6.7%
Nonfamily households	35.3%	34.6%
Male householder	16.4%	16.2%
Living alone	13.5%	12.5%
Not living alone	2.9%	3.7%
Female householder	18.8%	18.4%
Living alone	16.2%	15.5%
Not living alone	2.7%	2.9%
Average household size	2.47	2.65
Average family size	3.03	3.27
DISABILITY STATUS		
Total civilian noninstitutionalized population	1,802,572	318,175,867
With a disability	20.1%	12.8%
PLACE OF BIRTH, CITIZENSHIP STATUS AND YEAR OF ENTRY		
Native	1,799,332	279,388,170
Male	49.2%	49.3%
Female	50.8%	50.7%
Foreign born	31,770	43,739,345
Male	47.0%	48.5%
Female	53.0%	51.5%

Review the Selected Population Profile for All U.S. States

1.3 Housing – With and Without a Mortgage by Age Group & Compared to U.S.

B25027: MORTGAGE STATUS BY AGE OF HOUSEHOLDER - Universe: Owner-occupied housing units	2012-2016 American Community Survey 5-Year Estimates		
	West Virginia		U.S.
	Estimate	Percent	Percent
Total:	535,940		
Housing units with a mortgage:	255,046	47.6%	64.1%
Householder 15 to 34 years	36,193	14.2%	12.9%
Householder 35 to 44 years	56,928	22.3%	21.2%
Householder 45 to 54 years	61,558	24.1%	26.4%
Householder 55 to 59 years	28,936	11.3%	12.5%
Householder 60 to 64 years	27,261	10.7%	10.3%
Householder 65 to 74 years	33,012	12.9%	12.2%
Householder 75 years and over	11,158	4.4%	4.6%
Housing units without a mortgage:	280,894	52.4%	35.9%
Householder 15 to 34 years	14,001	5.0%	4.3%
Householder 35 to 44 years	21,200	7.5%	6.6%
Householder 45 to 54 years	40,457	14.4%	13.5%
Householder 55 to 59 years	32,607	11.6%	10.6%
Householder 60 to 64 years	37,122	13.2%	12.6%
Householder 65 to 74 years	68,608	24.4%	25.5%
Householder 75 years and over	66,899	23.8%	26.9%

Review All Housing With and Without a Mortgage for All U.S. States

1.4 Real Estate Taxes (RET) in 2016

State	Average Annual Property Taxes Paid	Average Effective Property Tax Rate	Average Property Taxes Paid per $1,000 of Home Value
West Virginia	$792	0.51%	$5.12

See most recently available National Association of Home Builders (NAHB) data:

- **Property Tax Rates and Real Estate Values 2016**
- **Property Tax Rates In and Within Counties (April 2016)**
- **Effective County Tax Rates & Average Home Values (April 2016 Excel)**

2. West Virginia Community Associations and Condominium Unit Owners 55+

2.1 Condominiums in 1980 & 1990

Condominium Units – Year	Number of Condo Units	Rank in Terms of All Condo Units	As a Percent All Housing Units	Rank in Terms of All Housing Units
1980	4,446	41	0.60%	45
1990	4,551	49	0.60%	50

U.S. Census Condominiums – Statistical Brief, 1994

2.2 West Virginia Community Associations – 2017 Selected Economic Metrics

State	Association Rank	Estimated Number of Associations	Estimated Associations in the State as Percentage of All Associations	Estimated Number Living in Associations
West Virginia	45	Less than 1,000	0.3%	190,000

Estimated Board & Committee Volunteers	Estimated Value of Board & Committee Time	Estimated Value of Homes in Associations	Estimated Association Housing Services: Operations, Physical Asset Management, Major Repairs & Replacements, Capital Improvements, Conservation & Sustainability, Contingencies
6,000	$5,300,000	$15,700,000,000	$261,000,000

For more summary information, see the **Statistical Briefs** from 2012-2017.

Community associations are one component of other primary entities in the U.S.

Entity	Number	Percent of Total Entities
Tax Exempts & Other Nonprofits	1,571,056	4.12%
Governmental Units	89,055	0.23%
Businesses	36,122,625	94.74%
Community Associations	344,500	0.90%
Total Entities	38,575,854	100.00%

For more details, see Appendix **Community Association Data Compared to Other Entities**.

2.3 Comparison of Condominium Unit Owners and Non-Condominium Owners 55 and Over*

Like the rest of the U.S. population, owners in Rhode Island community associations are getting older. Some association owners are aging-in-place while others live in age-restricted communities. The following data is specific to condominium unit owners and non-condominium owners that are 55 and over in the U.S., but the link below will take you similar data for all states including Rhode Island and the U.S. itself.

Table 1.

Condominium Status of Persons Age 55 and Over and Their Households: United States 2011 - 2015

		Persons		Households	
		Count	Percent	Count	Percent
Condominium Status	Condominium	3,912,810	5.1%	2,627,160	5.6%
	Not Condominium	73,237,419	94.9%	43,934,104	94.4%
	Total	77,150,229	100.0%	46,561,264	100.0%

5.1% of persons age 55+ lived in a condominium.

5.6% of households of persons 55+ were in a condominium.

Table 2.

Persons Age 55 and Over by Sex and Condominium Status: United States 2011 - 2015

			Sex		
			Male	Female	Total
Condominium Status	Condominium	Count	1,580,994	2,331,816	3,912,810
		Percent	40.4%	59.6%	100.0%
	Not Condominium	Count	33,772,752	39,464,667	73,237,419
		Percent	46.1%	53.9%	100.0%
Total		Count	35,353,746	41,796,483	77,150,229
		Percent	45.8%	54.2%	100.0%

59.6% of condominium residents age 55+ were female compared to 53.9% of non-condominium residents age 55+ who were female.

See **Community Association Fact Book 2017, Part Six** for additional information and data:

- Preface – Fostering Evidence Based Decisions in Community Associations
- Introduction – Aging and Community Association Data
- 13 detailed 55+ and non-55+Data Tables (including the two above) for the United States and for the 51 States plus the District of Columbia, 52 Reports in Total
- Glossary
- Technical Appendix – Data Sources
- Technical Appendix – Margins of Error
- U.S Map – 55+ Condominium Unit Owners

This information and data is provided for the U.S. and each State in **Part Six**.

*Part Six was created by Lynn Boergerhoff, MPH, Community Association Atlas.

2.4 Large-Scale Community Associations – Part Seven, Fact Book 2017

The **Large-Scale Community Association Survey** provides a broad over-view of associations that (1) provide municipal type services, (2) contain at least 1,000 lots, units, or acres and (3) have an operating budget of $2,000,000+.

3. CAI in West Virginia

3.1 CAI West Virginia Chapter

3.2 West Virginia – CAI Professional Designations, Business Services & Manager Licensing

Community Associations Institute (CAI) and **Community Association Managers International Certification Board** (CAMICB) are pleased to provide this **database of credentialed professionals**. This database allows you to locate community managers and professionals who have earned the following credentials:

Management Credentials	Other
Certified Manager of Community Associations (CMCA)	Reserve Specialist (RS)
Association Management Specialist (AMS)	Community Insurance and Risk Management Specialist (CIRMS)
Professional Community Association Manager (PCAM)	College of Community Association Lawyers (CCAL)
Large-Scale Manager (LSM)	Educated Business Partner – Distinction
Accredited Association Management Company (AAMC)	

- **Learn more** about what these CAI professional designations mean to you and your community.
- **West Virginia Manager Licensing** [Only states with licensing are listed]

3.3 West Virginia – Legislative Action Committee (LAC), Roster & Tracking Report

- **West Virginia Legislative Action Committees** (LACs)

  LACs exist to represent the interests of and provide regular communications to, CAI members and chapters located within their boundaries with respect to state legislative, regulatory and amicus curiae activities of relevance to the creation and operation of community associations. LAC delegates are nominated by CAI chapters and each LAC, itself. Delegates volunteer their time and energy to benefit all CAI members. View the LAC **Operational Guidelines** to learn how a LAC functions.

  Each state has a legislative tracking report.

3.4 West Virginia – Approved Condominiums: Fannie Mae, FHA & Department of Veterans Affairs

- **FHA Approved Condominium List – West Virginia**

  [Search by state and zip code]

- **Fannie Mae PERS Approved Project List – West Virginia**

- **Department of Veterans Affairs Approved List – West Virginia**

  [Search by checking box #2 for approved condo and search by state in number #5]

4. West Virginia Associations – Community Services as an Association Core Function

4.1 An Introduction to Community Association Living

Introduction: The purpose of *An Introduction to Community Association Living* is to introduce community volunteer leaders and members to community associations, provide a greater understanding of exactly how a community association works from both an organizational and people standpoint, and to offer members the information necessary for fully enjoying and benefiting from community association living.

4.2 From Good to Great Communities

Every community has its own history, personality, attributes and challenges, but all associations share common characteristics and core principles. Good associations preserve the character of their communities, protect property values and meet the established expectations of homeowners. Great associations also cultivate a true sense of community, promote active homeowner involvement and create a culture of informed consensus. The ideas and guidance conveyed in this brochure speak to these core values and can, with commitment, inspire effective, enlightened leadership and responsible, engaged citizenship

4.3 Community Matters – What You Should Know Before You Buy

Whether you are considering buying a home in a community that is newly developed (either new construction or a conversion), a resale in an existing community, or you are renting with the possibility of buying—you need to consider certain key points.

4.4 Community Harmony & Spirit [FCAR Best Practices]

How do managers and boards increase resident involvement within community associations? By treating all residents as stakeholders, developing and conducting community harmony and spirit-enhancing programs, and including residents in the initial stages of program development. Building community spirit is more than informing residents about board action and improvements. It's asking their opinions and developing programming that they will enjoy that will spur further community involvement.

4.5 Community Security [FCAR Best Practices]

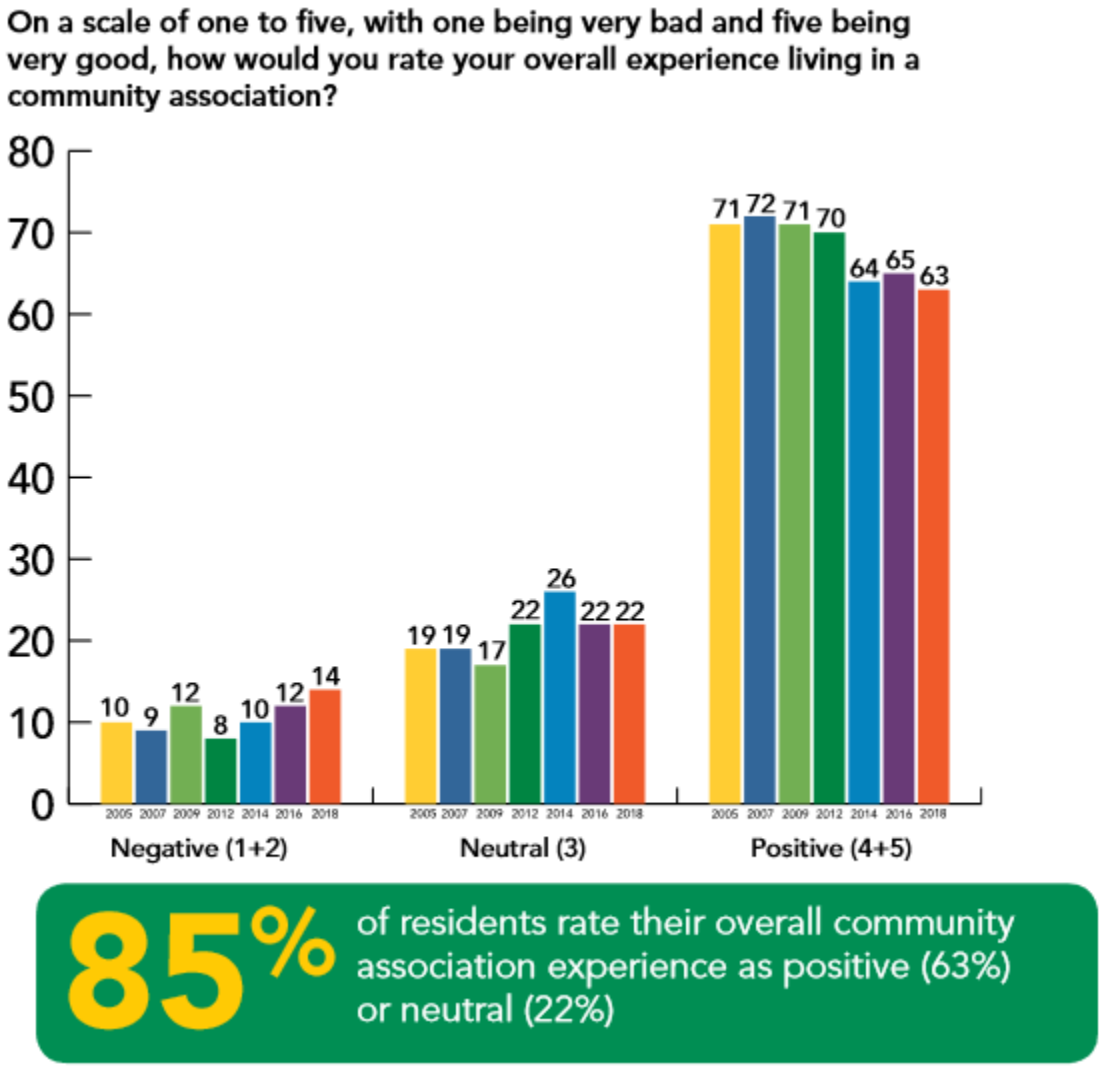
The goal of this Best Practices Report is to give you an assessment and review of many community safekeeping systems and features—including useful tips and tools—to help meet residents' crime prevention needs.

4.6 Judging Community Association Success

For the seventh time in 13 years, Americans living in homeowners associations and condominiums have told pollsters they are overwhelmingly satisfied in their communities. The March 2018 survey affirms the findings of almost identical national surveys conducted in 2005, 2007, 2009, 2012, 2014 and 2016. The 2018 survey was conducted by Zogby Analytics for the Foundation for Community Association Research. The findings from the six surveys are strikingly consistent and rarely vary by a standard margin error for national, demographically representative surveys. By large majorities, owners:

- Rate their overall community experience as positive or, at worst, neutral.
- Say their association board members serve the best interests of their communities.
- Indicate their community managers provide valuable support to residents and their associations.
- Support community association rules because they protect and enhance property values.

The findings objectively refute the unfounded and unsubstantiated myth that the community association model of governance is failing to serve the best interests of Americans who choose to live in common-interest communities.



5. West Virginia Associations – Governance Services as an Association Core Function

5.1 Governance [FCAR Best Practices]

It is CAI's purpose to foster vibrant, responsive, competent community associations that promote harmony, a sense of community and responsible leadership. Common characteristics of such community associations include good communication, trust in the management and board of directors, continuing education of board members and homeowners, and uniform, flexible and reasonable enforcement of governing documents. Inclusiveness—the involvement of as many residents of the community as possible—is a critical element in fostering a sense of community.

5.2 Strategic Planning [FCAR Best Practices]

Strategic planning is more than ensuring your association will remain financially sound and be able to maintain its reserves—it's projecting where your association expects to be in five, ten, or fifteen years—and how your association will get there. It is a systematic planning process involving a number of steps that identify the current status of the association, including its mission, vision for the future, operating values, needs (strengths, weaknesses, opportunities, and threats), goals, prioritized actions and strategies, action plans, and monitoring plans. Strategic planning is the cornerstone of every common-interest community. Without strategic planning, the community will never know where it is going—much less know if it ever got there.

5.3 Transition [FCAR Best Practices]

This report provides builders and associations with guidelines they can use to develop and turn over control of a community association project in such a way that transition becomes much easier and less confrontational. The ultimate goal of transition is for the unit owners to take over and move forward with a good reputation and word-of-mouth sales, with no litigation.

5.4 Ethics [FCAR Best Practices]

The concept has come to mean various things to various people, but, generally, it's coming to know what is right or wrong in the workplace and doing what's right—usually in regard to products and services and to relationships with stakeholders. In times of fundamental change, values that were once followed inherently are now strongly questioned or no longer followed. Consequently, there is no clear moral compass to guide leaders through complex workplace dilemmas. Attention to ethics in the workplace sensitizes leaders and staff to how they should act. Perhaps most important, in times of crises and confusion, attention to business ethics helps ensure that when leaders and managers are struggling, they can retain a strong moral compass.

5.5 West Virginia Community Association & Related Statutes

West Virginia Condominiums and Unit Property
West Virginia Uniform Common Interest Ownership Act
West Virginia Nonprofit Corporation Act
West Virginia Land Use Planning

Note: While state statutes and the association's governing documents are critically important to governing the association, there are many other local, state and federal laws and regulations that impact all types of community associations.

Community Association Ombudsman Programs by State [Not all states have an Ombudsman]

See #5.5 and #5.6 next and see **Census 2012 of All State Governments**

Also, see **Part Three: Chronological History of Federal Involvement in Community Associations**.

5.6 West Virginia Community Association Volunteer Immunity

W. VA. CODE § 55-7C-3

For more detailed information on volunteer immunity for association leaders and volunteers, see this comprehensive publication entitled **Voluntary Immunity in Community Associations**
Volunteer directors and officers who serve on their boards face the potential for personal liability in serving the association. Although all states provide some form of immunity from liability for volunteers, the number of suits being filed each year against both community associations and their boards is increasing. The protections offered by states vary widely, and prudent board members need to consider them when formulating policy and participating in a community association. Volunteer Immunity offers a summary of volunteer immunity according to the federal Volunteer Protection Act and each state's volunteer immunity statutes and explanations of how the statutes apply to community associations and their volunteer officers and directors. This section includes a chart of volunteer immunity by state.

5.7 West Virginia Standard of Care for Community Association Directors & Officers

W. VA. CODE § 31E-8-830
W. VA. CODE § 31E-8-831
W. VA. CODE § 31E-8-842
W. VA. CODE § 36B-3-103

Community association directors and officers need to understand the duties they owe to their association and fellow owners, the nature of those duties, and the liability performing those duties may incur. How much a volunteer leader knows about his or her state's standard of care can be the difference between liability and immunity. *Standards of Care* provides a survey of each state's standard of care for community association directors and officers, a brief description of the standards by which they must perform their duties and recommendations for complying with their state's standard of care. *Standards of Care* also includes a discussion of notable trends in state legislation, how the standard of care may evolve and a chart of the standard of care by state. For more detailed information on standards of care for association directors and officers, see this comprehensive publication entitled **Standards of Care in Community Associations**

5.8 West Virginia – Community Association Deed Based Transfer Bans

5.9 West Virginia – Community Association Clothesline Ban

5.10 West Virginia – Community Association Ombudsman Programs

5.11 West Virginia – Community Association Solar Rights and Easements

5.12 College of Community Association Lawyers (CCAL) State Pages [See selected states]

6. West Virginia Associations – Business Services as an Association Core Function

6.1 Condominium Insurance Requirements: West Virginia (2016)

CODE SECTION	PROPERTY INSURANCE (Minimum Coverage Required)	PROPERTY COVERED	PERILS
W. VA. Code § 36B-3-113	80 ACV after application of deductible	Common elements and if horizontal boundaries, units, excluding betterments and improvements	All Risk

DEDUCTIBLE	LIABILITY (Minimum Coverage Required)	FIDELITY / CRIME INSURANCE	DIRECTORS & OFFICERS (D&O) INSURANCE
N/A	As provided in Declaration	N/A	N/A

See the list of *Fact Book* Contributors for more source information.

Note:
1. ACV means Actual Cash Value which typically is defined as insurable replacement cost less accumulated depreciation. In nearly all cases, a condominium will obtain RCV or Replacement Cost Value property insurance.
2. Fannie Mae, Freddie Mac and FHA have their own insurance requirements for condominiums, cooperatives and planned communities. Since many residential mortgage lenders underwrite to their guidelines, the requirements of any given state may not meet those requirements.
3. **See 50 State Condominium Insurance Survey**
4. While all states have Workers Compensation legislation, some states have Workers Compensation requirements that directly apply to community associations whether the association has employees or not.

6.2 NFIP Flood Insurance – Condominiums: West Virginia

(1) FEMA - National Flood Insurance Program (NFIP) Claims: Residential Condominium Building Association Policies (RCBAPs) 2016 as of 02-28-2017

State	RCBAP Number of Claims	RCBAP Percent of All Claims	RCBAP Total Paid All Claims	RCBAP Percent of All Paid Claims
West Virginia	35	0.21%	$676,120.45	0.04%

Non-RCBAP Flood Claims: Condo Type	Non-RCBAP Number of Claims	Non-RCBAP Percent of All Claims	Non-RCBAP Total Paid All Claims	Non-RCBAP Percent of All Paid Claims
Condominium Association	2	0.00%	$294,608.42	0.00%
Individual Condo Unit Insured by Unit Owner Or by Assn	7	0.00%	$96,805.90	0.00%
Not a Condominium	22,524	1.33%	$339,425,045.02	0.62%

Preferred Risk Flood Claims: Condo Type	Preferred Risk Number of Claims	Preferred Risk Percent of All Claims	Preferred Risk Total Paid All Claims	Preferred Risk Percent of All Paid Claims
Individual Condo Unit Insured By Unit Owner Or By Assn	1	0.00%	$4,638.73	0.00%
Not A Condominium	1,093	0.58%	$19,918,524.24	0.27%

(2) FEMA- RCBAP and Other Flood Insurance Policies & Premiums as of 01-31-2015 – Next Page

RCBAP: Residential Condominium Building Association Policy

Note: The RCBAP is written on a building by building basis only for buildings in a Special Flood Hazard Area (SFHA). If a condominium association has five buildings, but only one is in a SFHA, then the association only needs to obtain one RCBAP. The one building might have six units that would be insured in the RCBAP.

Note: Flood insurance offered by FEMA through the National Flood Insurance Program (NFIP) was subject to substantial changes in the **Flood Insurance Reform - The Law**. Not all of the changes have been enacted. See also the **Homeowner Flood Insurance Affordability Act of 2014**. For assistance regarding FEMA flood insurance see the newly created **Flood Insurance Advocate**. **See this cautionary reminder from FEMA** (bold added): "In moderate- to low-risk areas, the risk of flooding is reduced but not completely removed. These areas submit **more than 20 percent** of National Flood Insurance Program claims and receive one-third of Federal disaster assistance for flooding. Flood insurance isn't federally required in moderate- to low-risk areas, but it is recommended for all property owners and renters. They are shown on **Flood Maps** as zones beginning with the letters 'B', 'C' or 'X' (or a shaded X)."

National Flood Insurance Program (NFIP): West Virginia
FEMA: RCBAP and Other Flood Insurance Policies and Premiums as of 12-31-2016

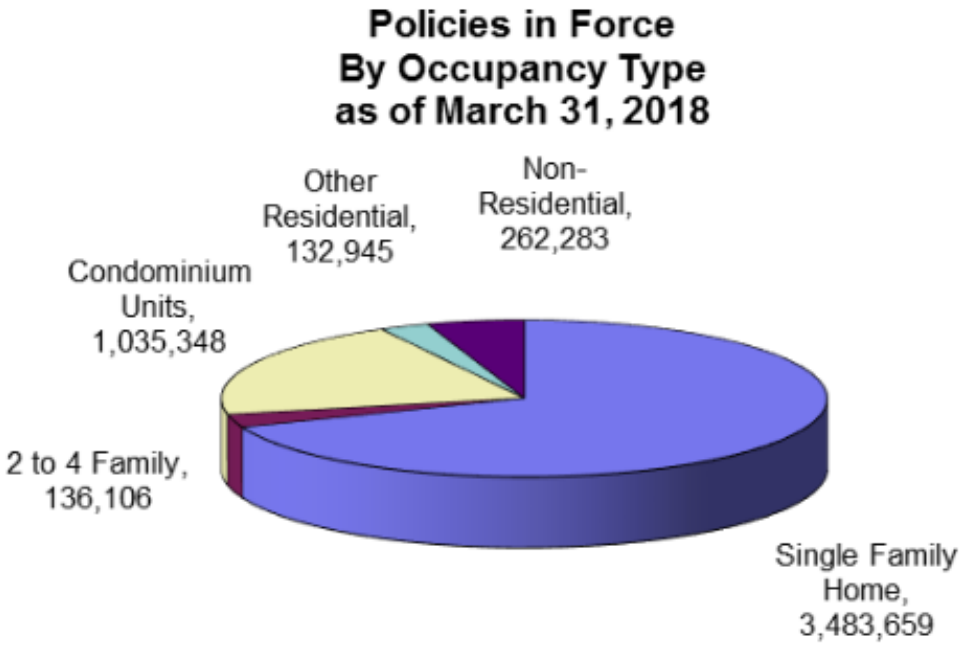
CIF: "Contracts in Force" this represents a "property" which may have multiple NFIP policies.
PIF: "Policies in Force" this represents the actual policies for all of the contracts.

					Percent	Percent	Percent
			Total	Total Flood	of All	of All	of All
	CIF	PIF	Premium	Insurance	Policies	Premium	Insurance
RCBAP Subsidized							
RCBAP	7	28	$14,274	$1,498,800	0.02%	0.02%	0.01%
RCBAP Non-Subsidized							
RCBAP	2	10	$3,411	$292,400	0.00%	0.00%	0.00%
Non-RCBAP Subsidized Condo Type							
Individual Condominium Unit Insured By Unit Owner Or By An Association	14	14	$11,340	$972,000	0.00%	0.00%	0.00%
Not A Condominium	8,498	8,498	$11,058,454	$858,509,300	1.25%	0.86%	0.70%
Non-RCBAP Non-subsidized Condo Type							
Individual Condominium Unit Insured By Unit Owner Or By An Association	27	27	$14,287	$4,525,100	0.00%	0.00%	0.00%
Not A Condominium	7,781	7,781	$5,844,004	$1,468,054,800	0.25%	0.31%	0.17%
Preferred Rate Program Non-Subsidized Condo Type							
Individual Condominium Unit Insured By Unit Owner Or By An Association	10	10	$3,102	$2,100,000	0.00%	0.00%	0.00%
Not A Condominium	2,878	2,878	$1,174,160	$654,002,000	0.18%	0.19%	0.14%

See **Condominium RCBAP Claims** and see **Condominium RCBAP Premiums** for all states.

See the list of *Fact Book* Contributors for more source information.

- **NFIP Policies in Force by Occupancy Type** (Click for the most current data)



OCCUPANCY TYPE	POLICIES IN FORCE
Single Family Home	3,483,659
2 to 4 Family	136,106
Condominium Units	1,035,348
Other Residential	132,945
Non-Residential	262,283
Unknown Occupancy	0
All Policies	5,050,341

For additional information see

- **FEMA Policy & Claims Statistics for Flood Insurance**
- **NFIP BureauNet**.
- **The National Flood Insurance Program Community Status Book**

6.3 West Virginia Lien Priority

(a) The association has a lien on a unit for any assessment levied against that unit or fines imposed against its unit owner from the time the assessment or fine becomes due. Unless the declaration otherwise provides, fees, charges, late charges, fines and interest charged pursuant to section 3-102(a)(10), (11) and (12) are enforceable as assessments under this section. If an assessment is payable in installments, the full amount of the assessment is a lien from the time the first installment thereof becomes due.

CAI Information on Lien Priority for Community Association Assessments

6.4 West Virginia Reserve Fund Requirements

Unit owners associations may adopt and amend budgets for revenues, expenditures, and reserves and collect assessments for common expenses from unit owners. Section 36B-3-102. Public offering statement must include the amount, or a statement that there is no amount, included in the budget as a reserve for repairs and replacement and statement of any other reserves. Section 36B-4-103. There is no statutory requirement to conduct a reserve study and no statutory requirement to fund reserves.

See Appendix 2 in **Community Association Fact Book 2017** for Community Association Financial Management Compared to Other Entities.

6.5 Community Association Insurance

Commercial insurance is one of the most important components of a community association's risk management program. To help managers and boards fully understand insurance issues, this guide will explore three key areas:

1. Insurance terminology, in terms of coverages, policies, and practices
2. Association exposures to loss and insurance coverages
3. Risk management and the association insurance industry

6.6 Community Association Risk Management

Risk management is the process of making and carrying out decisions that minimize the adverse effects of accidental losses. It involves five steps:

1. Identifying exposures to loss
2. Examining alternative techniques
3. Selecting the best techniques
4. Implementing the chosen techniques
5. Monitoring and improving the risk management program

This guide will examine each phase of the risk management process. It also will help board members and managers identify risks and implement a plan that will safeguard association assets.

6.7 Preventing Fraud and Embezzlement

Community association boards should consider implementing ten practices and procedures to safeguard association funds.

6.8 Energy Efficiency [FCAR Best Practices]

CAI and the Department of Energy (DOE) are dedicated to educating the community association industry—and the significant portion of the U.S. population it represents—on the many ways to increase the energy efficiency of their homes and thereby reduce both energy consumption and costs.

6.9 Financial Operations [FCAR Best Practices]

The board of directors, particularly the treasurer, is ultimately responsible for association's funds and may not abdicate their fiduciary responsibility. Given the reality that community association boards are made up of diverse individuals with varied degrees of financial knowledge, included are basic guidelines that should be followed to ensure sound financial operations.

6.10 Green Communities [FCAR Best Practices]

This report explores "greenness" in communities, in their varied forms. It considers the concept of sustainability through better designs, new technologies and social innovations. Sustainable communities are developed to meet the "needs of the present without compromising the ability of future generations to meet their own needs." They are regenerative, meaning they have "processes that restore, renew or revitalize their own sources of energy and materials, creating sustainable systems that integrate the needs of society with the integrity of nature."

6.11 Reserve Studies Management [FCAR Best Practices]

There are two components of a reserve study—a physical analysis and a financial analysis. During the physical analysis, a reserve provider evaluates the physical status and repair/replacement cost of the association's major common area components. To do so, the provider conducts a component inventory, a condition assessment, and life and valuation estimates. A financial analysis assesses only the association's reserve balance or fund status (measured in cash or as percent funded) to determine a recommendation for an appropriate reserve contribution rate (funding plan).

6.12 Natural Disasters [FCAR Best Practices]

No matter what type of disaster occurs—environmental, socio-political, or technological—community leaders must oversee and lead the recovery process. A comprehensive and current disaster plan is crucial for community resiliency and sustainability. Common characteristics of communities that rebound successfully from a major disaster include a strong desire to recover and rebuild, active networking with local agencies and resources, and a cadre of trained community leaders.

6.13 Wired - Managing Cybersecurity Risks

The survey is one part of a three-phase research project to establish a baseline of what common technological practices associations are using and to assess which local and state regulations affecting technology apply to community associations. The results of this research are presented here to help community associations and managers become more knowledgeable about technology software, cybersecurity, social media, third-party information, and payment portals.

6.14 FCAR Snap Surveys

The Foundation for Community Association Research (FCAR) periodically conducts targeted surveys of key industry groups to produce interesting, intriguing, and/or newsworthy research.

About Community Associations Institute (CAI)
Since 1973, Community Associations Institute (CAI) has been the leading provider of resources and information for homeowners, volunteer board leaders, professional managers, and business professionals in nearly 350,000 community associations, condominiums, and co-ops in the United States and millions of communities worldwide. With nearly 35,000 members, CAI works in partnership with 63 affiliated chapters within the U.S, Canada, United Arab Emirates, and South Africa, as well as with housing leaders in several other countries including Australia, Spain, Saudi Arabia, and the United Kingdom.

A global nonprofit 501(c)(6) organization, CAI is the foremost authority in community association management, governance, education, and advocacy. Our mission is to inspire professionalism, effective leadership, and responsible citizenship—ideals reflected in community associations that are preferred places to call home. Visit us at www.caionline.org and follow us on Twitter and Facebook @CAISocial.

About the Foundation for Community Association Research
The Foundation provides authoritative research and analysis on community association trends, issues and operations. Our mission is to inspire successful and sustainable communities. We sponsor needs-driven research that informs and enlightens all community association stakeholders—community association residents, homeowner volunteer leaders, community managers and other professionals and service providers, legislators, regulators and the media. Our work is made possible by your tax-deductible contributions.

Your support is essential to our research. Visit foundation.caionline.org or e-mail foundation@caionline.org.

For suggestions, additions, or updates to this Community Association Fact Book State Page, please e-mail foundation@caionline.org.

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community
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ABOUT CAI

Since 1973, Community Associations Institute (CAI) has been the leading provider of resources and information for homeowners, volunteer board leaders, professional managers, and business professionals in nearly 350,000 community associations, condominiums, and co-ops in the United States and millions of communities worldwide. With nearly 40,000 members, CAI works in partnership with 64 affiliated chapters within the U.S, Canada, United Arab Emirates, and South Africa, as well as with housing leaders in several other countries including Australia, Spain, Saudi Arabia, and the United Kingdom.

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FOUNDATION FOR
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research

ABOUT THE FOUNDATION FOR COMMUNITY ASSOCIATION RESEARCH

Our mission—with your support—is to provide research-based information for homeowners, association board members, community managers, developers and other stakeholders. Since the Foundation's inception in 1975, we've built a solid reputation for producing accurate, insightful and timely information, and we continue to build on that legacy. Visit foundation.caionline.org.

The statistical information in this report was developed by Clifford J. Treese, president of Association Data, Inc., in Mountain House, Calif. A member of CAI almost since its inception, Treese is a past president of CAI and the Foundation for Community Association Research. We are grateful for his continuing support of both organizations.

Additional statistical information published by the Foundation for Community Association Research is available at foundation.caionline.org.

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