



# Community Newsletter

## January 2023

From the Association President  
**Robert Bennett**

This past year was challenging. The catastrophic collapse of Champlain Towers South in 2021 led to several special sessions of the state legislature to address immediate concerns. As a result, we now have additional statutory requirements on inspections and required reserve funding for maintenance and repairs. Additionally, many insurance carriers have left the state, deeming it unprofitable to remain. This makes maintaining adequate insurance at competitive rates a challenge. Your Board of Directors is working diligently to meet these challenges and more.

Garry Hopping, our secretary is on top of things like landscaping and pool maintenance. Rich Zaragoza works with Don, our maintenance supervisor, on things like water leaks, cleaning, painting, and general maintenance issues. Bill Ashcraft stays on top of legislative issues and helps ensure compliance with our legal obligations. Sonny Adcock keeps tight tabs on finances, ensuring we are spending wisely and appropriately. Brittany Robberecht, our Community Manager, does an excellent job coordinating the myriad tasks that keep the community running.

2023 promises its own set of challenges. Legislation, insurance, inspections, summer heat, tropical storms, and hurricanes to name a few. Your Board of Directors looks forward to continuing their work making Ventura at Turtle Creek one of the best-maintained and managed condominium communities in Brevard County.

### Board of Directors

President: Robert Bennett  
Vice President: Bill Ashcraft  
VP Operations: Rich Zaragoza  
Secretary: Garry Hopping  
Treasurer: Sonny Adcock

### Community Management

Brittany Robberecht  
brobberecht@lelandmanagement.com

### ANNUAL MEMBERSHIP MEETING

**6 FEB 2023**

**Begins at 6 P.M.**

**in the Clubhouse**

## FLORIDA'S CONDOMINIUM AND STRUCTURAL SAFETY LAW

By: *Sonny Adcock - Treasurer*

As a result of the Champlain Towers South collapse in Surfside in June 2021, Florida's legislature used an emergency legislative session to pass building safety legislation for condominiums and cooperatives. House Bill 5D passed the Senate 38-0, and the House 110-0. Governor DeSantis signed the bill into law on 26 May 2022.

The new laws primarily address mandatory structural inspections and reserves for condominiums and cooperatives with buildings three stories or greater in height.

### Structural Integrity Milestone Inspection Requirements

Condominium buildings three stories or higher must conduct a structural inspection of such buildings, including an inspection of load-bearing walls and the primary structural components and systems.

The structural inspection of the building must be performed by a licensed architect or engineer attesting to:

- Life safety and adequacy of the structural components of the buildings,
- General structural condition of the building affecting life safety, and
- Any necessary maintenance, repair, or replacement of any structural components of the building.

### Deadline to Complete Milestone Inspection

All condominium buildings must complete a milestone inspection by December 31<sup>st</sup> of the year the building reaches **30 years of age** from the building's original receipt of its certificate of occupancy, and every 10 years thereafter. Therefore, buildings with certificates of occupancy on or before 1 July 1992, must complete the inspection before 31 December 2024.

Building	Occupancy Date	Milestone Date
1626 Peregrine Circle	19 October 2006	2036
1576 Peregrine Circle	7 September 2007	2037
3848 Lexmark Lane	19 January 2007	2037
3868 Lexmark Lane	4 April 2008	2038



Buildings within 3 miles of the coastline with certificates of occupancy on or before 1 July 1997, must complete the inspection before 31 December 2024. Ventura at Turtle Creek is a little over 6 miles from the coastline.

## **STRUCTURAL INTEGRITY RESERVES STUDY (SIRS)**

By: *Sonny Adcock - Treasurer*

All unit owner-controlled condominiums with buildings of 3 or more stories existing on or before 1 July 2022 must complete a SIRS by 31 December 2024, and at least once every 10 years thereafter.

The SIRS may be performed by any person qualified to perform the study. However, the visual inspection portion of the study must be performed by a licensed engineer or architect.

At a minimum, a SIRS must include a study of the following items as related to the structural integrity and safety of the building.

- Roof, load-bearing walls or other primary structural members, floor, foundation, fireproofing and fire protection systems, plumbing, electrical systems, waterproofing, and exterior painting, windows, and
- Any other item that has a deferred maintenance expense or replacement cost that exceeds \$10,000 and the failure to replace or maintain such item negatively affects the above components.

The SIRS must:

- Identify the common area being visually inspected,
- State the estimated remaining useful life,
- State the estimated replacement cost or deferred maintenance expense of the common areas being visually inspected, and
- Provide a recommended annual reserve amount that achieves the estimated replacement cost or deferred maintenance expense of each common area being visually inspected by the end of the estimated remaining useful life of each item.

This becomes an official record open to inspection, must be posted on the website, and must be kept by the association for 15 years.

### **Funding of Reserves and Prohibition on Waiving or Reducing Reserves**

The amount to be reserved for an item is determined by the association's most recent SIRS which must be completed by 31 December 2024.

**Most Importantly, effective 31 December 2024, associations may NOT vote to waive or reduce fully funding reserves for SIRS building components. They are prohibited from voting to use such reserves for any other purpose.**

**To Learn More:** Attend the Space Coast Community Association meeting on Saturday, **21<sup>st</sup> January 2023, beginning at 0900 a.m.**, in the Sea Oats Room of the Grand Ballroom at **Hilton Cocoa Beach Oceanfront, 1550 North Atlantic Avenue**, Cocoa Beach. **TOPIC:** The New SB-4 Structural Integrity Reserves, Milestones Inspections, etc. Speaker: Eryn McConnel PA with the law firm of John L. DiMasi, PA

***All Condominium owners are encouraged to attend this important meeting.***

## **CONDO INSURANCE UPDATE** - HO6 (Owner's policy) and master commercial policy By: *Sonny Adcock - Treasurer*

Before Champlain Towers South collapsed on June 24, 2021, and raised doubts about the structural integrity of thousands of aging condominium buildings in Florida, the market for condo master policy insurance was already in decline. Since the Surfside tragedy, things have only gotten worse.

As more condos age, there's a higher risk of collective losses, which the insurance business needs enough cash flow to pay out. The result? Some companies have stopped writing master policies for condominiums. Others are simply choosing not to renew, and the few that remain have imposed new underwriting policies while increasing premiums an average of 50 percent. Some as much as 100 percent in some markets.

Between 2020 and 2021, there were 2,267 commercial residential condo policies dropped by admitted carriers in Florida. The result is that condominium owners are being forced to turn to the more expensive and less-regulated surplus lines market or obtain insurance from Citizens Property Insurance, the state-run carrier.

**Because Florida has the highest risk of a catastrophe of any state**, Florida homeowners insurance typically costs more than the national average, and unfortunately, climate change causes more severe hurricanes. This increases the chance of lots of homeowners experiencing claims all at once.

The average cost of condo insurance (This is the HO6 Policy each owner is required to have.) is **\$1,551 a year, or \$129 a month**, based on 2022 Insurance.com rates for \$60,000 of personal property coverage, \$300,000 of liability coverage and a \$1,000 deductible.

Ventura's commercial policy went up 57% in 2022 and on advice from our agent, we forecast and budgeted for an additional 20% in 2023. Hopefully, this will be sufficient. It is one of the things that keep me up at night.

### **NOT JUST CONDOS, AUTOS TOO**



Florida's auto insurance rates are high for several reasons, including the state's no-fault auto insurance laws, risk exposure due to extreme weather conditions, average driver profile, and the number of uninsured drivers. The average cost of car insurance in Florida is \$2,208 per year, making it the fourth-highest compared to other states.

Approximately 79.8 million people visited Florida in 2020. With ports, beaches, and premier amusement parks, it's no surprise that Florida is the third-busiest state in the country. These visitors result in highways with higher traffic density, which increases

auto insurance rates. From a carrier's perspective, the closer people drive to other vehicles, the higher the likelihood of accidents.

Although drivers in Florida are legally required to have insurance, 20% don't carry coverage — much higher than the 12% national uninsured driver rate. Florida ranks sixth among the states with the highest rate of uninsured drivers, meaning the likelihood of being involved in an accident with someone who doesn't have insurance is higher than in other states.

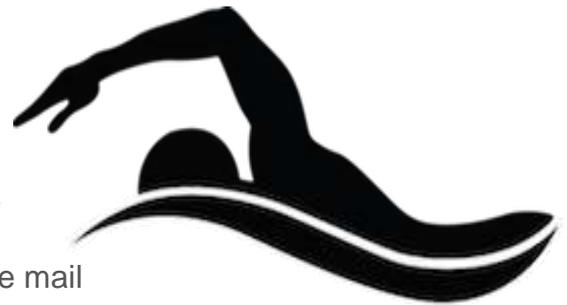


## LANDSCAPING AND POOL UPDATE

By: *Garry Hopping - Secretary*

There are a number of landscaping projects underway, including:

- Replacement of the missing palm tree at the entry/exit gates.
- Replacement of shrubs in empty island at the mail kiosk.
- Replacement of miscellaneous missing or dead bushes and shrubs through the complex.
- We have confirmed a moderate water leak in the pool. A leak detection service has been contracted to find the source.
- Storm drain and building handrails maintenance projects are in the RFP/Quotes phase at this time. Further timeline updates as we know more.



There will also be a high-lift boom inspection of the paint, caulking, and soffit along with the restoration of rain gutter shields.



## LANAI & BALCONY PROJECT

By: *Rich Zaragoza – VP- Operations & Maintenance*

The lanai/balcony/porch project will start around the 2nd week of February. We will start with the 1<sup>st</sup>-floor units, it will not be necessary for occupants to be present BUT You **must** leave the lanai door unlocked. Second-floor units will be done from the outside using ladders, no occupant participation will be necessary. The 3rd & 4th floors will require occupants to be at home. It will take approximately 45 minutes for each unit.

This project is to replace rusted fasteners/screws that secure the lower portion of the lanai railing to the floor. Some of the fasteners used during the initial construction were not coated to prevent rusting. The replacement fasteners will be coated. It will be necessary to remove and replace the 2 lower screens on the railing on the 3rd and 4<sup>th</sup>

floors. This will be done at the Association's expense. The entire project for all 4 buildings will take about 4 months.

## **FINANCIAL HEALTH**

By: *Sonny Adcock - Treasurer*

We finally received our 2021 financial audit, which is required each year. It was an **“Unqualified” audit**. This is important because an “unqualified” opinion concludes that the financial statements of a company, in this case, the Association, are fair and transparent based on thorough research. It also attests that the statements are compliant with generally accepted accounting principles (GAAP) and present the organization's affairs fairly in all material aspects.

We regularly maintain an operating account balance that covers two months of operating expenses and our maintenance reserves are fully funded. All of our financial reports are posted on the [Ventura at Turtle Creek website](#).



## **OUR CONDOMINIUM DOCUMENTS ARE OUTDATED**

By: *William Ashcraft – Vice President*

Our Declaration of Condominium was recorded on November 22, 2006. Legislatures and courts have changed the law on condominiums significantly in the last 16 years, and it will be no surprise that our declaration is no longer compliant with those laws. Many of the provisions of condominium law are different than they were when our declaration was drafted, and many of the amendments to the law issued by either courts or legislatures override provisions of our declaration and bylaws. Although it is not considered a high priority by your board at this time, a redraft of our declaration and bylaws to comply with the new laws should be undertaken simply to allow prospective and current owners to know under what rules we live without becoming an expert in law. That redraft and restatement is a long-term goal.

Some provisions of our declaration should be amended sooner to meet the more current needs of our community. As a former condominium lawyer, I know that lawyers who draft declarations of condominium represent Developers, not owners. They draft to meet the needs of their client, the developer, rather than the needs of the future owners of condominium units. In addition, times have changed. More than 16 years of management experience have shown us that some changes in our documents will improve the quality of life in our community.

To meet the needs of the community the board plans to submit for your approval changes to our documents. This is not the actual language of the proposed amendments. The changes will be submitted to our attorney for review before being submitted to you for approval.

## PROPOSED AMENDMENTS

- 1. Authorize the use of a more durable roof, a material change in the common elements, when next we are required to reroof an Inclusion of the anticipated cost of metal or another more durable roof in reserve calculation.**

Climate change seems to have brought about the increasing frequency and intensity of damaging weather events. In response building code provisions have been strengthened to meet the challenge and protect residents. Some insurance companies have begun refusing to insure residential buildings with shingle roofs older than ten years. Twice recently we have had to replace roofs long before previous boards expected or planned to replace them. The first was required well short of the 15-year life that was considered the minimum expected useful life of our shingle roof due to hurricane damage and building code provisions. This was only partially covered by insurance and required an expensive special assessment. The second replacement, covered by insurance, was required because of hailstorm damage. Experience has taught us that the roofs specified by our developer are far from state of the art and not adequate to protect us from damage and the cost of frequent, expensive replacement which could require special assessments. Two roof replacements in such rapid succession have made us less attractive to insurers. If we ever become uninsurable it would cause a default in every owner's mortgage. Currently, a new metal roof could cost about twice the cost of a new shingle roof but would have a projected useful life of perhaps fifty years making it a much more economical choice by lengthening the time to replenish and reducing the amount reserved monthly for roof replacement.

- 2. No leases or occupancy agreements of any kind will be allowed for two years after any new purchase.**

The value of our condominium units and our ability to obtain mortgages is adversely affected as the percentage of owners who rent out their units rises. Every purchaser or owner who applies for a mortgage requires the condominium association or its manager to fill out a document called a "Condo Questionnaire". All conventional, FHA, and VA lenders require this documentation. One of the questions is "How many units are rented or leased?" Or "How many units are owner-occupied?" If the percentage of owner-occupied units is below seventy-five percent, many lenders will not loan on that condominium or, if they do, they may require a higher interest rate. At some point, mortgages become unavailable. Ventura at Turtle Creek Condominium has one building with a much higher than acceptable number of units that are leased. A prohibition on leasing or another form of occupancy agreements during the first two years of ownership will discourage investors from buying units for rental which decreases values and the ability of owners and purchasers to a mortgage. This will gradually reduce the number of investor-owned units leased to tenants. It will not affect current investors' owners.

### 3. Prospective purchasers will have to be approved in a manner similar to the way in which prospective lessees are approved.

The vast majority of condominium declarations in our state contain a provision requiring purchasers to be approved by the association before the purchase in a manner similar to how we currently approve prospective lessees. Our developer chose not to include this common provision for our safety, presumably to make it easier and more attractive for investors to buy in a declining market. The approval process will allow us to do a background investigation on prospective owners. There are laws restricting our ability to disapprove of prospective owners or tenants, but we can disapprove of prospective tenants or purchasers who have very bad credit ratings or who have a recent criminal history, or otherwise are likely to endanger the safety and well-being of our residents.

We remain hopeful that these needed amendments can be approved using the new **electronic voting system**.



### ELECTRONIC VOTING

By: *Sonny Adcock-Treasurer*

Everyone should have received the notice and agenda for our next Annual Membership meeting to be held on 6 February 2023. This is your membership meeting. It will begin at 6 P.M. in the clubhouse. **You must be an owner to attend this meeting.** One of the documents included in the packet was consent for electronic voting. We are past the cutoff for this time. Since we will not be having a Director's election this cycle, we will push our next electronic voting sign-up initiative out a few months. We have several amendments to our declarations that require a membership vote that we will be presenting soon. These are important amendments that will help protect our community.

Our initial attempt at getting consent for electronic voting was disappointing. Out of 160 units we only had 45 consent forms for electronic voting returned. I cannot stress strongly enough the importance of this. In order to make these necessary changes we need a much larger number of voters/owners to obtain a quorum and vote. Please reconsider and **OPT-IN** for electronic voting.



## HOUSING MARKET UPDATE

By: Sonny Adcock

### Brevard County Real Estate Market Update

- For the last 12 weeks, the volume of single-family home sales was 33% lower than in the same period in 2022
- The volume of available housing inventory (including all housing types) has increased by a whopping 115% in the last 9 months with the increase of single-family home inventory being the largest contributor at 129%. However, inventory levels have dropped slightly in the last 2 weeks.
- Economists are predicting housing turnover will drop to its lowest rate since the 1980s.
- Home prices peaked in May 2022 (from homes going under contract in March & April) but since then prices have dropped. The median home price in the most recent two-week period was 6.2% lower than the median price in the highest-priced periods.



Following the onset of the Covid-19 pandemic, people started moving in record numbers, and Florida is one of the places that people are moving to. In April 2022 Melbourne, Fl. was listed as 15th among all U.S. cities for population growth. In 2021, 547,000 people exchanged their out-of-state driver's licenses for Florida licenses; which is 20% greater than the five-year average between 2017 and 2021. Many suggest that this influx is due to the increase in remote workers. When given the option to live anywhere, people are choosing Florida for the mild winters and the lack of state income taxes. This huge increase in demand for homes in Brevard County resulted in an extreme shortage of inventory. Buyers were having difficulty purchasing a home because whenever a decent one came on the market, the seller immediately received multiple offers. I experienced this problem when repeatedly outbid on homes despite making offers over the asking price. In one example, in Viera, a cash offer at more than \$20,000 over asking. Not only were we outbid, but there were also over **20 offers** "well over" the asking price! ***This is no longer the case. We've seen a drastic reversal.***

Since March 2022 the Brevard County real estate market has been cooling off. This may be due to increasing interest rates, higher prices, or simply a natural market fluctuation. I believe it is a combination of all three.

#### Recap - Townhomes and Condos – December 2022

- Closed Sales are down 26% year/year compared to 2021, with a decrease in cash sales of minus 15.7%
- New Pending Sales are down minus 44.9% and new listings are up 38.2%
- Median Sales Price for Townhomes and Condos is up 13.1% to \$303,000 compared to a year ago.

## SHOULD I REPLACE MY WATER HEATER?

The oldest building in our complex is 1626 Peregrine Circle, which was issued its Occupancy Certificate in October 2006. Our newest building is 3868 Lexmark Lane, which received its Occupancy Certificate in April 2008. That means our oldest building is 16 years old and our newest building is 14 years old.

Building	Occupancy Date
1626 Peregrine Circle	19 October 2006
1576 Peregrine Circle	7 September 2007
3848 Lexmark Lane	19 January 2007
3868 Lexmark Lane	4 April 2008

It also means if your water heater is original and hasn't been replaced yet, **you may want to consider it**. From leaks to a lack of hot water, there are several clear signs that your water heater is no longer working properly. Some issues can be repaired. Other problems indicate a need for replacement.

If your tank water heater is more than 10 years old, it may be time to consider replacing it. With proper maintenance, **a tank water heater tank should last six to 12 years**.

Proper maintenance is vital to preserve and extend the life of any water heater. Without regular upkeep, you may have to repair or replace your unit sooner.

To keep your water heater in top condition, the tank should be drained, flushed, and cleaned at least once a year. If you live in an area with hard water, consider having your water heater serviced every six months.

Tankless water heaters require less maintenance than ones with a tank. They are also more expensive so a careful Return on Investment (ROI) analysis should be done before opting for a tankless heater. Still, the hot water system should be flushed each year to prevent sediment buildup caused by lime and mineral deposits.



### Signs of Wear

A common sign of trouble with any water heater is often a higher utility bill. If your unit is using extra energy to provide the same amount of hot water, it's time to take a closer look at it.

## What to look for:

- **Leaks:** If your water heater is leaking, it must be replaced immediately. Leaks are usually the result of pressure buildup inside the tank. This happens when the water pressure or temperature is too high, or when the unit's relief valve is not working properly. Neglecting a leak can lead to a tank explosion. Signs of leaks include moisture or puddles around the water heater's base and water corrosion on the side of your tank. Contact a trusted professional immediately if you notice these warning signs.
- **Knocking Noises:** Loud noises are an indication of sediment buildup. As sediment hardens, it can move around the tank and cause knocking, rumbling, and gurgling sounds. To preserve your water heater and prevent unnecessary wear and tear, have it flushed regularly to remove any deposits from the tank's heating elements.
- **Rusty Water:** Water discoloration is a clear sign your unit is underperforming. Rust-colored water or water with a metallic odor can mean a few things. Either the sacrificial anode rod needs to be replaced or the tank itself is beginning to rust, often due to corrosion at the steel lining. A corroded tank must be replaced as soon as possible.
- **Cloudy Water:** When you see cloudy water, it may indicate you have a sediment buildup in your water heater.
- **Cold Water:** If your water remains cold even after you turn on the hot water tap, a heating element may be broken.

## When Repairs Are Possible

Water heaters can occasionally be repaired by replacing a few key elements.

Replaceable parts include:

- Burner assembly
- Heating elements
- Valves
- Thermostats
- Thermocouples
- Igniters
- Motors

You may be able to repair your water heater if:

- The unit is less than 10 years old
- A replaceable part is failing

## You should consider replacing your water heater if:

- The unit is more than 10 years old
- It has not been properly maintained
- It is showing the signs of wear listed above

**IMPORTANT:** Once you've decided to replace your water heater, remember that Ventura now has a requirement that you also replace the unit water shutoff valve with a brass shutoff. Because it is necessary to shut off the water supply to the entire building,

we require these repairs/replacements be scheduled, through our maintenance department, and are only done on Tuesday through Thursday from 9 am to 11 am. This limits the inconvenience of water shut off for your neighbors to a minimum.

**FIRE & SMOKE ALARMS** - A reminder that the smoke detectors inside each unit are now over 10 years old and should be replaced every 10 years. The local Home Depot has the correct replacement for \$49 for a pack of four detectors. The correct model is **Kidde model # I4618AC**. You **must** use the hardwired model. This is a simple plug & go

**ANIMALS:** - A reminder that all pets must be registered with the association. Limit of two dogs under 50 lbs. at full maturity. If you haven't done so please provide Brittany Robberecht with a photo of your pet and a copy of the vet's certificate. If your pet is over 50 pounds you must make arrangements for them to reside elsewhere. ***Please be sure to clean up after your animal. This includes any "accidents" in the breezeways, sidewalks and elevators.***

