



The Regenesis Report



National Edition

Innovative Homeowner Association Management Strategies

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Regenesis means making new beginnings using eternal principles in innovative ways.

Regenesis believes that the goal of every homeowner association board should be to promote harmony by effective planning, communication and compassion.

The Regenesis Report provides resources and management tools for just that purpose. Every month, articles of common interest to homeowner associations nationwide are offered along with innovative strategies for addressing common problems.

Managing an HOA can be a lonely and frustrating task. Take heart. Help is on the way.



RICHARD L. THOMPSON
EDITOR & PUBLISHER
rich@regenesis.net

Regenesis, Inc.
PO Box 19605
Portland OR 97280

www.Regenesis.net

PH 503.481.7974

HOA Know How

When you purchase into a homeowner association (HOA), you automatically become a member and obligate yourself to financially support the operation and obey the rules. That said, few buyers take the time to examine the details needed to make an informed decision. Here are some of the basic Know Hows:

HOA Fees. As a member of the HOA, you will pay fees to support management and maintenance. High rise condominiums and HOAs with clubhouses, pools and parks typically have higher fees than those with few common elements. If the HOA does not have and fund a reserve study (30 year plan for major repairs and replacements) for common elements like roofing, painting, asphalt, decks and fences, a special assessment will be charged to each owner that can run into many thousands of dollars. Since boards of HOAs that don't follow a reserve study tend to react rather than plan, these special assessment can happen with little notice and the financial obligation will fall on all owners, including new ones.

HOA KNOW HOW: Review and understand the current budget and reserve study. If you are considering buying into a HOA that does not have a reserve study, move on. It's an accident waiting to happen.

Delinquencies. HOAs can be great when the finances are handled well. Sharing the cost of costly amenities makes them more affordable for all. However, when one or more owners do not pay their share, either the rest must make up the slack or services cut. There is no government bail-out for HOAs. All must pay or all must suffer the consequences.

HOA KNOW HOW: Ask for the current amount of delinquencies and number of owners that are delinquent. If it is over 5% of the annual budget, walk away.

HOA Rules. In addition to maintaining common elements, HOAs also have certain rules and regulations that must be followed.

Those rules may include architectural and design restrictions which control the look of your unit or house or lifestyle rules that control pets, parking and other things. Failure to comply may result in fines or restriction from use of common elements like the pool.

HOA KNOW HOW: Request copies of all rules and regulations *before* you buy to make sure there is nothing there you can't live with.

Get the Big Picture. While the home or unit you are considering may be newly remodeled and picture perfect, as an HOA owner, you have an undivided financial interest in all common elements.

HOA KNOWHOW: Look at *all* the buildings and common elements, not just the unit you are interested in buying. Do you see deferred maintenance like peeling paint, dilapidated roofing and fences and broken up paving? If so, you are either buying into a soon-to-happen-special assessment or a board with its head in the sand which will fail to maintain your biggest investment. Either way, this is not good news for your property value. This is particularly important in common wall HOAs.

How the Board Does Business. Inquire how often the board meets (should be at least quarterly). Get copies of board meeting minutes for the past year and read them to determine the kinds of issues the board is dealing with. When you read the minutes, do you see evidence of board action to protect and maintain the common elements? If you see a board pattern of "does little" in the minutes, like Nero, the board is fiddling while the HOA burns.

HOA KNOW HOW: Walk away.

Professional Management? If the HOA is self managed, this is a BIG RED FLAG. This means the fate and maintenance of your largest investment is in the hands of untrained volunteers.

HOA KNOW HOW: If you are the kind of person that loves a challenge and willing to dedicate many hours of volunteer time to steer board business, this may be the place for you. If you are not, walk away.

Rental Restrictions. As lenders become more aggressive in setting rental limits to HOA loans, rental restrictions are becoming more common. They come in two flavors:

1. Limited Rental Restrictions. Only a certain percentage or number of the homes or units can be rented. The board/manager must administrate this moving target.

2. Total Rental Restriction. All owners are restricted from renting. While this is the fairest approach, a slow real estate market can force certain owners into a difficult position if they can't sell or rent.

HOA KNOW HOW: If your objective is to buy and rent and there are rental restrictions, move on.

HOA Insurance Coverage. Investigate the specifics, particularly if you're in an area prone to flood, earthquake, tornado or hurricanes.

Consider the HOA Lifestyle. Do you hate being told what you can do with your property?

HOA KNOW HOW: If the HOA has extensive architectural and design control, walk away.

A homeowner association can be your best friend when it prevents your neighbor from painting her house neon pink, but your worst enemy when they fail to properly maintain the common property or impose overly restrictive rules. Make sure you know exactly what you are getting into before you sign the dotted line. 🗑️

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The Regenesis Report

Ask the HOA Expert

Q Does the board have the right to grant exclusive use of common areas to one or a few members? Several of our owners have requested to expand the size of their decks or patios.

A Common elements available to one or several members instead of all members are referred to as "limited common elements". This means they are common but limited to exclusive use of one member (as in the case of a unit deck) or designated members (as in the case of a private street).

These limited common elements are typically identified on the legal plat and cannot be expanded without encroaching on common areas which belong to all owners in an undivided interest. So, the board has no authority to allow such requests. Changing this requires a vote of members which may be up to 100%.

Q At our recent annual meeting, an issue was brought up and a motion was made on something that was not on the agenda for the meeting. The president allowed the motion to be made, seconded and voted upon. But, there were not enough members represented to constitute a quorum. Was this an illegal vote?

A The vote was illegal due to lack of quorum even if it had appeared on the Meeting Agenda. Without a legal quorum, no business may be transacted or elections held. You might have a lively discussion but nothing official can take place.

Lack of quorum is an all too common scenario than can be cured by proxies. A proxy is the written authorization by one member given to someone to act on their behalf at the Annual Meeting. Proxies must be distributed well in advance of the meeting and collected before the meeting to ensure a legal quorum. Getting folks to return their proxies can be challenging and multiple requests may have to be made,

including going door to door to collect them if necessary. There is a sample Proxy in the Meetings section of www.Regenesis.net

Q We recently had our unit chimneys cleaned. A board member accompanied the contractor and opened and secured units upon exiting. As a result of this process, it was discovered that one of the units was jammed with stacks of newspapers, garbage, furniture blocking hallways, piles of clothing and cases of cans. The resident is clearly suffering from a hoarding problem.

Should the board get involved in this situation? No neighbors have complained of any noxious smell. The area outside her condo is tidy. She keeps to herself, is pleasant to the staff and not a smoker.

A Turning a blind eye to a hazardous situation is not the way to go. A letter to the resident (and landlord if applicable) is in order. When garbage isn't being disposed of regularly, it is only a matter of time before there is vermin problem. The fire hazard potential sounds great as well so the letter should include a request to remove or store flammables.

Q Can the board offer discounts to members that prepay a special assessment rather than participate in a payment plan?

A No discounts should be offered since they would cause a shortfall. It is appropriate, however, to charge late fees to those that don't pay as agreed.

However, it is a bad idea for HOAs to finance special assessments at all because of the increased administrative costs and the likelihood of dealing with delinquent payments. For example, If you have a 30 unit condo and allow 24 monthly special payments, you have 720 payments to track *and* 720 potential collection problems. Instead, require each member to provide special assessment funds from whatever source

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they have available. Some have cash, some has an equity line of credit. The HOA should not finance the special assessment or borrow the money.

Q Our homeowner association is made up of condominiums built in a townhouse style. The HOA has the responsibility for all exterior repairs and maintenance. Our board has allowed several of the members to replace their own unit roofs and repaint their units since they wanted to sell. This doesn't sound right.

A It's a very bad idea to allow individual unit owners to do or pay for this kind of work directly because of:

1. Quality Control. Is the person doing the work experienced? Is the material being used of good quality?

2. Risk Management. Is the person doing the work properly insured for injury and liability?

3. Owner Still Financially Responsible. Doing this kind of work does not relieve an owner from paying his normal share of regular and special assessments.

Q What kind of expectations or working relationship should an HOA manager have of the client's board?

A The board should:

1. Support the manager's decisions unless a clear mistake has been made.

2. Not undermine the manager's actions in rules enforcement and collections.

3. Carefully consider the manager's advice since it comes from experience and training.

4. Be respectful of the manager's busy schedule.

5. Allow the manager to execute the terms of the management agreement without micro-managing.

6. Remember that the manager works for the board. 🗺️

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A Higher Calling

You've just been elected to the board of directors. The thought crosses your mind, "What now? What am I up against? Am I going to regret this?" There's a common belief that serving on the board of a homeowner association happens because "no-one-else-will-do-it-and-someone-has-to-and-I'm-the-unlucky-sucker-who-got-stuck". Well, that's one way of looking at it. But in reality, the board has a much higher and noble calling.

Protector & Defender. The board is entrusted with the single biggest asset most people have...their home. The board often has direct control over how well maintained that asset is and, subsequently, whether it retains, grows or declines in value. Sound planning and adequate budgeting will prolong the life of the assets. Spend a little to save a lot. Long term maintenance is called reserve planning: Systematically socking money away to pay for future repairs like roofing and painting. In these things, the board has been given an important charge from the owners: Protect my assets today and in the future.

Peacemaker. The board has influence over contentious issues like pets, people and parking. Thoughtful policies can help reduce conflicts that happen when folks live in close proximity. By weaving a sense of cooperation, mutual respect and teamwork into those policies, the board can promote harmony rather than a collection of moated castles. Avoid the NO rules: NO pets, NO parking. In its place, preach a philosophy of mutual respect: "To achieve harmony requires mutual respect and caring. Do to your neighbor as you would do for yourself. With your cooperation, this guiding principle will suffice in most cases."

Steward. As people hand over care of their assets to the board, there is a reasonable expectation they will be handled responsibly. Good stewards take this charge seriously by getting the best value for the money. This means using qualified contractors and tracking costs carefully. It means implementing cost savings programs to stretch dollars. It also means investing reserve funds safely to reduce owner contributions. The good steward understands the need to spend money, but with forethought and purpose. Spend, but spend wisely.

Fiduciary. Someone that is entrusted with someone else's property is called a "fiduciary". Having been given that trust, the board should make all decisions based on the HOA's interest, never self-interest. If there is a conflict, the HOA always wins. This is what being a fiduciary is all about.

Encourager. Encouragement of others is a high and worthy endeavor. Encouragement promotes volunteerism and willingness to serve. To encourage, you must communicate and recognize the efforts of those that have stepped forward. Show others how satisfying and effective community service can be. Let others shine!

Communicator. Bar none, frequent communications is the most effective way to build harmony. Let folks know how things are going, even if it's bad news. Hard times can be very therapeutic in bringing strangers

together to face a common problem. Don't overlook this opportunity.

The board's higher calling has everything to do with attitude. The belief that you've been called (and you have) will help guide your decisions and bolster your resolve. There is a lot at stake that requires dedication and compassion. You've stepped forward. Hold your head high and knuckle down. If you respond to the call, you'll do just fine.

Bidding the Management Contract.

One of the toughest challenges a homeowner association board of directors can face is the process of bidding the management contract. Some boards feel they have a fiduciary obligation to bid out the management contract every year. In reality, the board can fulfil that obligation by working to preserve and extend the relationship with the current management company. If it isn't broke, don't fix it.

The first thing the board should ask is why go out to bid at all? Is there a service issue with the management company? Is it about price? Is there a clash of personalities with the current manager assigned by the company? The board needs to communicate clearly and candidly with the manager or management company principal regarding issues or obstacles that arise *as they occur*. Taking care of issues when they are relatively small will help avoid the compounding effect that, left unaddressed, time will create. So, whether price, service, or personnel are the issues, let the company principal know with the goal of overcoming those concerns.

If these efforts have been made unsuccessfully and the relationship with current management is beyond repair, the board must move forward with the bid process. Here are a few helpful hints for the board to consider:

Form a search committee to assist with researching and selecting a new management company. The committee members should be provided a scope of

authority and goals and disbanded upon conclusion of the selection process.

Consult with the HOA's attorney for assistance with drafting a Request for Proposal (RFP) that allows an apples-to-apples comparison of the candidates.

Once the RFP is reviewed and approved by the board, send it to all candidates and provide a specific deadline for submittal and specify the date(s) that the board will be interviewing the candidates. Make sure to ask that any candidate not interested in applying should respond right away and not leave the board hanging.

Once the proposals have been received and reviewed by the committee, the committee should make its top three candidate recommendations to the board. The board should then invite the three finalists for an interview. Create a list of questions and be consistent in asking the same questions of each candidate. Set the length of the interview from 45 minutes to an hour.

Request to meet and interview the likely manager to be assigned from each firm. Often, management companies will send their marketing or executive-level staff members. You want to meet with the person you will be dealing with on a day-to-day basis.

Upon conclusion of each interview, inform the bidder of the specific time line for making a final decision. A transition period of at least 90 days between management companies is desirable.

Congratulate the winning bidder and inform the other two of the board's decision.

These tips will provide for a smooth and effective bid process. The goal is to obtain like-comparisons and to select the best qualified to meet and, hopefully, exceed the expectations.

Adapted from an article by Christa M. Brady www.associaliving.com

Coat of Many Colors

The Bible tells the story of Jacob's son Joseph who wore "a coat of many colors" which attracted much attention. In matters of fashion and paint, color matters. In homeowner associations, it matters even more since the impact of the color palette is so much larger. And it's not just the colors you choose but how they are applied. Trim accents can make or break the overall effect. Practically speaking, paint color is fundamental to curb appeal. Curb appeal translates directly into increased market value. Lack of curb appeal translates into...well, you know. So what's the proper color code for your community?

Complement Permanent Colors. Use a color range that complements the permanent colors such as the roof and brickwork. If you plan on changing the color of the roofing in the near future, be sure to consider this in selecting paint colors or keep the roof color neutral.

Assess in Natural Light. Study paint color samples in natural light. Buy quarts of several body and trim color combinations and paint test areas which receive full sun. View these colors at different times of the day and from different angles. Keep in mind that colors will appear lighter when painted over a large surface.

Poll The Members. To promote participation and harmony, let your members decide which combination they like best. If your property is large enough to permit several combinations, allow the owners of each building to decide which combination they want for theirs. They're paying for it. Let them decide.

Color Dynamics. Consider the effects of light and dark colors in relationship to the size and position of the buildings. Lighter colors make a building seem larger while darker colors make it smaller. A darker color is often a good choice for buildings built in close proximity to one another and vice versa.

Tie in Landscaping. Use the colors of flowers, trees and shrubs as inspiration for a pleasing, complimentary color scheme.

Use Lighting Accents. Besides increasing safety, creative lighting provides a delightful after dark variation to your colors. Consider spot lighting around building entrances and focal points.

Ask the Experts. Paint companies offer color design counsel for no charge in hopes of selling paint. A design consultant will give you the latest contemporary colors and combinations to modernize your community look. Don't get caught in a time warp by staying with the same-old same-old. Keep your colors fresh. Buyers pay more.

A carefully selected color pallet is the key to maintaining high market values and attractive appearance. Like Joseph, this is a coat of colors your buildings will wear with pride.🏡

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Not Long Ago

Innovations in technology have substantially increased the ability for professional homeowner association managers to provide their clients with more efficient and quality service. It was not long ago that managers would prepare for board meetings by snail mailing paper agendas to the board. Today, board packets are emailed to the members.

Another example of modern efficiency is the budget review and approval process. Revisions to the draft budget are made by laptop at the meeting and finalized the same night. When it comes to writing minutes, the secretary or manager can draft the minutes at the meeting (or soon after) and emails them to the board while recollection is fresh.

It was not long ago that owners needing account information would call to have documents snail-mailed, faxed or made

available at the office for pick-up. Today, with web-based technology, owners have the ability to access their personal accounts immediately. They can review their account and even make payments online.

Board members can review violation status, manager reports and vendor payments online. Realtors and escrow companies can order HOA documents and have them in a matter of minutes so home sales are not delayed.

It was not long ago when property inspections were done with a paper or tape recorder. Using laptops or cell phones, the information can be recorded onsite, photos taken, inspection reports prepared and violation letters emailed before returning to the office.

Not long ago, the HOA's files were kept in manila folders in a file cabinet or stored in boxes and subject to fire, water damage, theft or misplacement. Today, records can be scanned and stored securely in digital form in multiple backup locations. This system allows quick access to client documents.

Not long ago, managers would gain knowledge by attending classes and seminars, which often required travel and expense to distant locations. Now they have the option to participate in webinars without leaving the office. They allow instructor-attendee interaction that is so important to comprehension.

All of these changes have been a boon to efficiency and cost reduction. Advances in electronic technology have vastly improved customer service and aided the client decision-making process. It is difficult to imagine conducting business any other way. Take advantage of the options and leave "not long ago" in the distant past.🏡

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Mushroom Meetings

Some homeowner association boards have been accused of using the Mushroom Method in dealing with owners: "Keep them in the dark and feed them manure". Board meetings are held to address important business and should be open to the members. It only makes sense. Doing business behind closed doors only breeds suspicion.

However, there are exceptions to every rule. Occasionally, the board may need to hold an emergency meeting to address some urgent matter. Emergencies can happen and it's obviously impractical to notice the owners when there is one. These meetings sometimes need to take place by conference call to expedite decision making. There is nothing wrong with an occasional emergency meeting. On the other hand, some HOAs seem to be in a constant state of emergency since the board has no advance planning. And some boards use the "emergency" meeting to get around the open meeting requirement. This is definitely mushroom methodology. Owners have a right to protest vigorously.

Another exception involves what is called "executive session". Executive sessions involve sensitive matters that should not be discussed in open meetings, such as litigation, personnel matters, contract negotiations and collection activity where specific owners are named. Again, the topics for executive session should be limited and the format not used just to keep owners out.

Board meetings should be held in guest friendly locations to encourage participation. Even when no guests show up, holding them in places that can accommodate guests builds trust. Meetings should be scheduled months in advance (a year is not too far), at a convenient time and place. The schedule should be given to members so that they can plan to attend or present an issue to the board.

Open board meetings are the way homeowner association business should be transacted. If you are keeping your owners in the dark and unhappy, purge

the mushroom meetings and cultivate “fun-guys”.☹️

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Difficult to Reasonable

As with any relationship in life, we hope for harmony but often experience a share of “difficult” people. Some may remember their first encounter with that bad kid at school. Others may recall the co-worker who made every meeting unbearable with constant whining. Serving on a board of directors or committee for a homeowners association (HOA) can be challenging in many ways; dealing with individuals who are difficult is part of the landscape. However, there are issues to consider, whether we are the recipient or the cause of this negativity.

There are some fundamental techniques in dealing with challenging personalities, whether you encounter them at an HOA meeting or just walking around a neighborhood. First, try to understand what motivates people to be difficult. Some owners may attend a board meeting because they received a rule violation notice. There could be other underlying reasons for the tirade. Second, don't discount the value of criticism. If we step back from our defensive inclinations, we might find a great suggestion or solution. Finally, maintain realistic expectations. It's true that an HOA has rules, but those rules may have just enough flexibility to enable the board to compromise.

There are simple strategies for just getting along with difficult people:

1. Listen for understanding. A difficult person rant may reveal underlying meaning.

2. Demonstrate empathy. Understand the difficult person's feelings.

3. Manage your attitude. You can be perceived as being as difficult as the other person.

4. Control your emotions. Assume it's not personal and remain as professional as you can.

5. Begin with something positive. You may know what's coming at a meeting so you can be prepared.

6. Build on agreement. Find common ground and build on it.

7. Avoid “why” questions. They can be construed as accusatory.

8. Stay focused on the issue. Straying from it makes finding a solution more difficult.

9. Avoid personal attacks – even if you are being attacked, don't respond in kind.

People are important, even the difficult ones, and we have a choice to have a positive or negative effect on them. Can we admit when we are wrong and accept constructive criticism? Can we overlook our own need to be right and recognize that there is an issue to be addressed? Focus on the goal of converting that difficult person to a reasonable and happy homeowner.

By Kim M. DiStefano

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Punography

I tried to catch some fog but I mist.

When chemists die, they barium.

Jokes about German sausage are the wurst.

I know a guy who's addicted to brake fluid. He says he can stop any time.

I stayed up all night to see where the sun went. Then it dawned on me.

This girl said she recognized me from the vegetarian club, but I'd never met herbivore.

I'm reading a book about anti-gravity. I can't put it down.

I did a theatrical performance about puns. It was a play on words.

Energizer Bunny arrested and charged with battery.

I didn't like my beard at first. Then it grew on me.

A cross eyed teacher lost her job because she couldn't control her pupils.

What does a clock do when it's hungry? It goes back four seconds.

I wondered why the baseball was getting bigger. Then it hit me!

Broken pencils are pointless.

What do you call a dinosaur with a extensive vocabulary? A thesaurus.

England has no kidney bank, but it does have a Liverpool.

I got a job at a bakery because I kneaded dough.

Velcro - what a rip off!

Cartoonist found dead in home. Details are sketchy.

I used to think I was indecisive, but now I'm not so sure.☹️