



# The Regenesis Report



December Edition

Innovative Homeowner Association Management Strategies

Priceless

**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.



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## What is a Reserve Study?

A reserve study analyzes major repair and replacement needs like roofing and painting and provides a funding plan for accumulating money to perform this work when its needed. It is a fundamental planning tool that all homeowner associations (HOA) need.

There are several parts to the reserve study: First, all major HOA maintained components are identified. Next, the cost to renovate each item is then determined by contractor bid or construction cost estimate. Then, the remaining useful life in years of each item is established. These items are plugged into a mathematical formula:

$$\text{COST} \div \text{REMAINING USEFUL LIFE} = \text{MONEY NEEDED YEARLY FOR RESERVES}$$

For example, if roof replacement costs \$100,000 and the remaining useful life is 25 years, then \$4,000 should be reserved yearly to pay for the work when it's needed. Doing this procedure for each component will show the total money needed yearly to fully fund reserves. Each year, the reserve fund needs to be adjusted by area inflation and the interest earned on the invested reserve funds.

**How should these reserve funds be accounted for?** Reserve funds should be kept in a separate account from the normal operating funds. It's conceivable that reserves will grow to thousands or millions of dollars. Prudent investing of these funds will reduce the amount of money contributed from owners. Since the reserve study shows when money will be needed, long term investments can be purchased that will return more than savings or money market accounts. Insured investments like government securities or Certificates of Deposit are recommended, however, there are other options so consult with a knowledgeable financial advisor.

**When should a reserve study be performed?** All homeowner associations, regardless of size, should have a reserve study done. Once done, yearly updates are needed to keep it accurate. If the HOA has

inadequate reserve funds to begin with, the reserve study will provide a funding plan for "catch up". To replenish the fund, several options are available:

1. Special Assessment (lump sum contribution from each owner)
2. A phase-in period of several years where HOA fees increase each year
3. Combination of #1 and #2

Whatever course of action taken, the goal should be to reach "100% Funding" which means the HOA will have the funds it needs to meet future repair and replacement events.

## What sorts of financial problems can homeowner associations encounter with inadequate reserve funds set aside?

Without adequate reserves, HOAs must rely on high interest rate loans or special assessments. Special assessments are unfair because owners that have bought and sold in the past fail to pay their fair share and current owners end up "holding the bag". Special assessments are always a hardship on some owners and may be uncollectible if an owner's equity and assets are small. Also, since special assessments are unpopular, the tendency is for the board to postpone doing renovations. This deferral accelerates the deterioration process, detracts from curb appeal and erodes resale values. A reserve funding plan with regular and adequate contributions from all owners is fair and insures that renovation is done when it's needed. Rarely, if ever, will special assessments be necessary.

## Can poorly managed reserve funds affect the sale of units?

**Absolutely.** Buyers and lenders look closely at how reserve funds are handled by the HOA. Lack of reserves is a red flag for an inevitable special assessment and a sign of poor board planning. If given the choice between buying into an HOA with healthy reserves or one with little or none, which would be the wiser investment?

## Which types of repairs must be paid for by HOA funds vs. individual property owners?

In common wall HOAs like

condominiums, the owners are usually responsible for windows, entry doors and unit interior repairs while the HOA is usually responsible for items like roofing, landscaping, siding, painting, paving, sidewalks, pools, clubhouses, signage and fencing. But the governing documents are the authority on who does what.

**What kind of qualifications should a reserve study provider have?** The reserve study provider should have good budgeting skills, general construction knowledge, construction cost estimating experience and a clear understanding of HOA operations.

**How much does a professional reserve study cost?** Reserve study professionals typically base their charges on the number of components included in the study, the number of units/homes, the age of the HOA and availability of historical information. Travel expenses are a cost factor for distant properties. The charge is usually several thousand dollars and up depending on the complexity and location.

**Are their professional qualifications for reserve study providers?** Yes! Using an objective, knowledgeable and experienced professionals who carry the **Professional Reserve Analyst (PRA)**<sup>TM</sup> credential is highly recommended.

*Regenesis Reserves specializes in Pacific Northwest reserve studies. Email [info@regenesisreserves.com](mailto:info@regenesisreserves.com)*

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### Ask the HOA Expert

**Q** We have \$200,000 in reserve funds that the board wants to invest long term to earn better interest. The funds are not going to be needed for about 3-5 years and we can double our return if we buy 3 year Certificates of Deposit. The management company thinks this is a

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waste of time and so far, it hasn't carried out the board's request. Is this raising a red flag about our management company?

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**A** The management company is there to carry out the board's reasonable requests. Doubling the return on reserve funds is certainly a worthy endeavor and, yes, the manager should make it so as soon as possible. If there is more resistance, you should investigate the current status of the reserve account to make sure all is as it should be.

However, normally, the manager does not have check writing authority over the reserve funds since there can be significant sums there and it might be an enticement to embezzle. If your management company has authority over this account, I would recommend changing that to, say, the board President and Treasurer. Board officers can also embezzle so the HOA should have Fidelity Insurance to protect against this and insist that all checks written have two signatures.

**Q** Could you please clarify the definition of an open meeting? We have a moisture intrusion problem which needs to be investigated and possibly litigated. Based on advice from our attorney, the

board appointed a Task Force comprised of both board members and non-board member owners. When there is Task Force meeting, should it be open to the members?

**A** Board meetings are held to approve HOA business. Those meetings should definitely be open to the general members. Task Force meetings are essentially committee meetings. Changing the title to Task Force doesn't change its purpose. As the saying goes, if it walks and quacks like a duck, it's a duck. Committee Meetings do not need to be open to the members unless the board authorized the committee to make decisions on behalf of the board. But Committees are generally advisory only. That means they make recommendations to the board and it's up to the board to make decisions based on those recommendations.

So if the Task Force is truly only there to gather information and make recommendations, the Task Force meetings can be closed. However there is a caveat: If the Task Force is largely made up of board members, it essentially is a board meeting or certainly would be perceived to be one. To avoid that perception, populate the Task Force with non-board members.

**Q** Recently, a less than enthusiastic board member sent an email suggesting that we place a limit of 1.5 hours on the board meetings. I have a strong belief that no time limits should be set for a meeting since the board has a fiduciary duty to all our members. If this particular director can't see fit to hang in there for a 2-3 hour meeting once a month then that individual should not be on the board!

**A** 1.5 hours is probably a bit too short but, generally, board meetings should not go longer than 2 hours which seems to be the limit of concentration for most. Meetings are more effective when there is an "action" agenda and related information which is circulated in advance to the directors for review. If this is not done, rambling discussions usually ensue as directors try to get up

to speed on the issues. The board is there to make informed decisions, not BS the night away. A lot can get accomplished in 1 1/2 hours if the board is prepared in advance and focused on goals.

**Q** I have repeatedly contacted the board and management company for repairs to my condo (the fence was falling down, my roof in desperate need of repair, my skylights are leaking etc.) with no action. When I call the management company, either my calls are not returned or when I do get them on the phone, they state that they are busy, will call back and don't. I have attended board meetings in person and the board promises to get the repairs done and doesn't. The HOA is financially healthy so I can't figure why I'm getting stalled. What are my rights?

**A** You have the right to prompt repairs, especially when there is potential damage to your property. Write a detailed letter to the board with a copy to the management company making a demand for repairs and citing the previous requests (what, when, etc.). Put a deadline of 10 days to get it done. If they are not done by that time (or in progress), have the work done and submit the paid receipt for reimbursement. Hopefully, the demand letter will prompt action.

There seems to be an unprofessional attitude at work on your board and management company. I suggest you run for election the next round, get elected and start making a change.

**Q** The board recently imposed a fee of \$500 per year on all owners that rent their units. Is this discriminatory?

**A** Yes, it is discriminatory. The board has no authority to assess a special fee based on type of owner. The board could enact reasonable charges like a Move In-Move Out fee where the HOA actually incurs costs. Or, if renters damage the common area, the board certainly can require the landlord owner to pay for repairs. 🗑️

## Tremendous Advantage

An arborist is a specialist in tree care. Proper tree care is an investment which leads to substantial returns to a homeowner association. These living assets should be treated with the best expertise available. A Certified Arborist is someone trained in the art and science of planting, caring and maintaining trees. The International Society of Arboriculture offers its ISA Arborist Certification to those seeking advanced training. It requires at least three years field experience and passing a comprehensive exam along with continuing education to maintain the certification.

Arborists offer very important services:

**Pruning.** There are four classes of detailed pruning outlined in the National Arborist Association Pruning Standard (see [www.Regenesis.net](http://www.Regenesis.net)). In general, though, "maintenance" pruning keeps branches off buildings and away from streets and walkways. This kind of pruning is often covered under a landscape contractor's agreement but it is very limited in its scope. Most landscape contractors limit pruning to no more than 12 feet off the ground. This leaves a lot of tree that needs attention.

"Corrective" pruning done by arborists is more intensive and addresses issues related to a tree's health, appearance and longevity. Besides dealing with branches that damage the building gutters, roof and siding, corrective pruning removes dead or diseased branches, improves the tree structure for appearance and can open up "view windows".

**Removal.** There are a variety of reasons to remove trees:

**1. Dead or dying.** While removing a dead tree is a no brainer, removing a dying tree may prevent other species from contracting the same problem. Cut one so others may live.

**2. Hazardous (leaning or destroying property).** It's not uncommon for trees to be planted by developers too close to buildings. It's no big deal when the trees are 10 feet tall. When they get to be 30 feet and start damaging the

building, sidewalks and foundation, it's time to remove them.

**3. Not suited for the location.** Depending on size, trees can either overshadow the competition or be overshadowed. Either case creates problems for turf, bushes and flowers. Trees should lend shade and beauty but not turn the common area into a wooded gloom.

**4. Overcrowding.** This condition usually results from the developer stage when many small trees were planted for effect. Once mature, a thinning process is needed to reduce the crowding.

**5. Blocking view.** Small trees get tall and block cherished and valuable views. Rather than removal, view pruning can open views while retaining the privacy that trees lend to neighbors in close proximity.

**Planting.** Arborists can recommend and plant trees suitable to your location and topography. Since trees last a long time, making the right choice up front is very important.

**Planning & Design.** Many Arborists are trained in landscape design and can provide a comprehensive tree plan for ease of maintenance, durability and improved aesthetics.

**Tree Care.** Arborists can lay out a maintenance plan for your trees to keep them healthy including:

- ✦ Fertilization
- ✦ Cabling or bracing for added branch support
- ✦ Aeration to improve root growth
- ✦ Spraying or injecting for insect and disease problems

Proper tree care is one of those things that should never be skimmed on at a homeowner association. Using trained arborists makes tree-mendous sense. 🌳

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## Dispelling the Myths

The board of a homeowner association (HOA) has various and sundry tasks which are often not what the board thinks they are. Here are some of the HOA myths and realities:

**HOA fees should be kept low.** The board is elected to maintain the HOA assets properly. There is a big difference between being a good steward and a tightwad. Tightwads skip routine and necessary maintenance services which erode the value of the homes. It takes money to do it right and the board should spend the money necessary to accomplish the tasks. That means hiring the right people to get the job done, not the cheapest or none at all.

**Volunteer boards aren't held to high standards.** Even volunteers are charged with running HOA business in an informed and business like manner. This means taking care of things in a timely manner, planning ahead to anticipate problems, getting and acting on good advice. Is your board acting or reacting?

**The HOA is small and so are the needs.** Large HOAs have the advantage of volume discounts. The smaller the HOA, the more important proper planning and adequate budgeting are since the cost per owner goes up.

**We're too small for professional management.** In areas like financial management and rules enforcement, *all* HOAs should have professional management. Collecting money from neighbors and controlling their antisocial behavior is bound to cause problems for the person doing it. It's even worse when you live next door to the offender. There are management professionals that do these tasks 24/7. Why would you want to save a few management bucks and take on such disagreeable tasks for nothing?

**The board is elected to do property manage.** The board is elected to hire and supervise competent service providers including property managers.

**The board job is non-stop and all consuming.** It can be if the board is

not doing what it was elected to do (see previous myths). If the board is properly organized, management assigned to a professional and other maintenance tasks assigned to hired contractors, the board's job should usually take only a few hours a month.

The board is entrusted with the most valuable asset most people own, their home. The responsibilities of an HOA board are not unlike those of any Fortune 500 company board. In both cases, there are physical and human assets entrusted to the board's oversight. Is your board asleep to the true scope of its job? Is so, don't make the same "myth-takes".

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## The Best & Least

"That government is best which governs least." Thomas Paine was one of the Founding Fathers of the United States and dubbed "Father of the American Revolution" by historians. He was born in 1737 and lived a remarkable life that spanned the American Revolution, the French Revolution, and life in France under Napoleon's rule. His communication skills were legendary and he influenced many Americans to take up the cause that became the American Revolution. So important were his writings, we still talk about him today.

HOA volunteers would do well to heed the words of Thomas Paine. In too many homeowner associations, the cry for revolution can be heard. Has your HOA ever faced a mass board turnover or resignation? Does your board govern too much? Volunteers are the lifeblood of a homeowner association. They serve on the board and committees. But as volunteers, they are not necessarily skilled in politics or communications which can lead to big problems.

Thomas Paine wrote "Government, even in its best state, is but a necessary evil; in its worst state, an intolerable one." In his day, Paine had the power of the printing press on his side. None of today's communication marvels were available to him. Can you imagine how many friends he would have on his Facebook page or how many Twitter fans would be following him? Humor aside, it is fair to say that most volunteers can communicate far better with the members today than Thomas Paine could back in his day. Is your HOA a better place because of your board's communications and leadership?

Lack of transparency is a common complaint from disgruntled members. A homeowner association board that sheds as much light as possible on its governance is more likely to thrive than one that operates in secrecy. The lack of effective communications has made the very people that elected them see their leaders as an intolerable evil. The irony is that in most cases, those who are governing are doing their level best to serve the members.

Thomas Paine wrote "the harder the conflict, the more glorious the triumph". While governing a homeowner association may not be as great a challenge as the American Revolution, combining communication skills with well executed governance will ensure success.

*Excerpts from an article from [www.MyEZcondo.com](http://www.MyEZcondo.com)*

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## Who Pays for Damage?

In common wall housing, unit flooding and damage can happen for a variety of reasons including roof leaks, water supply pipes leak, toilet/bathtub overflows and washer hose ruptures. Who is responsible for water damage, the HOA or unit owner?

First, determine the actual cause of the loss and whether any of the involved parties were negligent in their maintenance responsibilities (like, left the water running). Then, review the governing documents to determine what guidance there may be for maintenance and repair. Pay special attention to the definitions of: unit, common element, limited common element, maintenance responsibilities of owners and the homeowner association, insurance responsibilities of owners and the homeowner association and enforcement procedures. These provisions often differ from HOA to HOA.

Generally, owners are responsible for maintaining anything they own or that lies within the unit boundaries, and the HOA is responsible for maintaining the common elements and limited common elements. However, limited common elements are usually allocated to the exclusive use of a unit owner and the unit owner may have the maintenance responsibility for repairs.

An important principle to keep in mind is that the obligation to maintain a particular component does not necessarily mean that there is an obligation to repair another damage to another unit if that component fails. Say that the water heater in Unit A fails and damages Unit B. According to most governing documents, Unit A bears the expense for repairing the water heater and any damage to Unit A. There is no obligation for Unit A to pay for damage to Unit B *unless* the owner of Unit A was negligent in some way. For example, if Unit A owner knew the water heater was leaking slowly and steadily and let it continue to leak for long enough to damage Unit B, Unit A owner would be negligent. On the other hand, if the water heater tank ruptured spontaneously and flooded Unit B, it would not be negligence. Barring negligence, each unit owner repairs his own unit.

The same principle applies if there is a leaking roof which is maintained by the HOA. Roofs leak from time to time. If a unit owner does not inform the HOA when a leak occurs, how does the HOA know to fix it? It's like the old saying, "If a dog barks in the woods and there is no one there to hear him, is he still a

bad dog?" Now, if the HOA is informed of the leak, does nothing to stop it and the unit is damaged, that is negligence and the HOA should pay for the unit repairs.

Some would argue that since the HOA's insurance is paid for by the members, unit damage should be paid for by the HOA in every case. Unfortunately, any HOA that does not carefully control the type and frequency of claims made will find itself without insurance or paying enormous premiums.

This is why it is critically important for the board to establish a clear policy on maintenance and insurance responsibility which will safeguard the HOA's insurability. This policy should identify all major building components and assign responsibility either to Owner or HOA that is consistent with the governing documents. Unit insurance agents should be provided this information so they know what their insured is responsible for. This is all about spreading risk around and saving the HOA insurance policy for the Big Claims as much as possible.

There is a sample Areas of Maintenance & Insurance Responsibilities policy available to Gold Subscribers of [www.Regensis.net](http://www.Regensis.net)

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### **Enhancing A Relationship**

When it comes to expressing feelings, many long-term relationships fall into patterns of complacency and predictability. You may be able to enhance your relationship by:

**Going for a walk together.** This gets you away from distractions and opens the door for conversation.

**Showing your appreciation.** Express thanks for something your partner does well, especially if you haven't said it lately.


**Listening attentively.** Be open to hearing your partner's thoughts and feelings. Truly consider what your partner says rather than debate or immediately try to make your own point.

**Just saying it: "I love you".** But don't stop there. Come up with specific reasons. If this is too difficult to do in person, pen a thoughtful letter.

**Doing something your partner likes but you usually wouldn't do.** Be open to enjoying it. Don't tease, gripe or mock your partner's interest.

**Becoming curious.** Ask what your partner thinks, wants and feels. Listen for things that might surprise you, and let your partner know that you enjoyed hearing about it.

**Trying something new together.** Explore an activity that neither of you has done before. Learn a new game or take a fitness class together.

*By Daniel Roberts, M.D. , Medical Editor Mayo Clinic Health Letter* 

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### **Heaven and Angels Sing**

At the Christmas Eve church service, I sat with my two boisterous grandchildren, ages three and five. Their parents sat in front of the church to present a nativity reading titled "Silent Night." They had warned the children to behave. I had warned the children to behave. With scrubbed angelic faces and Christmas wonder in their eyes, they looked like model children posing for a magazine holiday spread. I indulged myself in a few moments of pride.

Alec pinched Aubrey. I was grateful that the organ thundered into the first hymn just then, drowning out her yelp. I grabbed her hand before she could return the pinch. During the Lord's Prayer, Aubrey shredded the program I

had given her to color on. The crayons had already rolled under the pew. I watched bits of paper fall on the carpet like snow. I would help her pick it up later, but for now the naughtiness I was allowing kept her occupied and her brother quietly admiring.

We were enjoying an uneasy truce when their parents stood to deliver the reading.

"Mommy!" Alec yelled.

Mom frowned, and he sat back in his seat.

My son said to the congregation. "Silence. Think for a moment what that word means to you."

My daughter-in-law signed his words. (Earlier that year, she began to use her new signing skills for the benefit of the few hearing-impaired members of our church.)

Alec said a naughty word, thankfully too low for many to hear. I scowled at him, shaking my finger and my head. Aubrey grinned. Then she proclaimed, every syllable enunciated perfectly, in a clear voice that carried to far corners of the sanctuary, "Alec is a potty mouth!"

Everyone stared. I was too stunned to speak. My son and his wife looked at each other. But instead of anger, I saw surprise.

My son set aside his script and told another story. He told about their daughter being born profoundly deaf. He talked about four years of hearing aids and speech therapy with no guarantee she would ever learn to speak plainly. He talked about the rugged faith that kept the family praying she would have a normal life.

He said Aubrey's outburst was an answer to prayer: the first perfectly enunciated sentence she had ever spoken.

From the back of the room, a lone voice sang the last line of a beloved Christmas Carol: Hark! The herald angels sing, Glory to the newborn king.

While the congregation sang four verses of the unscheduled hymn, my two little angels wiggled in their parents' arms, adding laughter and giggles to the joyful Christmas noise. --  
By Carol Stigger 🌟

## Laws of Life

Thompson's Law: In any collection of data, the figure most obviously correct, beyond all need of checking, is the mistake.

Finagle's Law: Once a job is fouled up, anything done to improve it only makes it worse.

Finster's Law: A closed mouth gathers no feet.

First Law of Bicycling: No matter which way you ride, it's uphill and against the wind.

First Law of Procrastination: Procrastination shortens the job and places the responsibility for its termination on someone else.

First Rule of History: History doesn't repeat itself -- historians merely repeat each other.

Flugg's Law: When you need to knock on wood is when you realize that the world is composed of vinyl, naugahyde and aluminum.

Fourth Law of Applied Terror: The night before the English History midterm, your Biology instructor will assign 200 pages on planaria.

Corollary: Every instructor assumes that you have nothing else to do except study for that instructor's course.

Fourth Law of Revision: It is usually impractical to worry beforehand about

interferences. If you have none, someone will make one for you.

Ginsberg's Theorem.

1. Capitalism is based on the assumption that you can win.
2. Socialism is based on the assumption that you can break even.
3. Mysticism is based on the assumption that you can quit the game.

Ginsberg's Corollary:

1. You can't win.
2. You can't break even.
3. You can't quit the game.

Fresco's Discovery: If you knew what you were doing you'd probably be bored.

Nick Danger's First Law of Opposition: Push something hard enough and it will fall over.

Laws of Infernal Dynamics:

1. An object in motion will always be headed in the wrong direction.
2. An object at rest will always be in the wrong place.
3. The energy required to change either one of these states will always be more than you wish to expend, but never so much as to make the task totally impossible. 🌟

**MERRY  
CHRISTMAS  
AND  
A  
PROSPEROUS  
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YEAR**