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Pacific NW

Innovative Homeowner Association Management Strategies

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

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

The Regenesi 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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Trade HOA Stress for Success

Too often serving on a homeowner association (HOA) board feels like a I-got-stuck-with-it kind of position. But a few simple changes can turn HOA drudgery into an enjoyable and rewarding experience. **Trade HOA Stress for Success** explores proven methods to transform your board from crisis-driven, over-worked and isolated into a focused team with clear goals and direction. Learn to communicate the board's success to your members and create the kind of care-free living an HOA promises. Co-written by The HOA Expert Richard Thompson and CPA Doug McLain, **Trade HOA Stress for Success** provides a shortcut to years of proven HOA management experience without the usual learn-from-experience mistakes.

Homeowner association management is unique because it involves neighbors managing neighbors. This relationship creates a dynamic not found in other forms of governance. To be successful at it requires a different approach than traditional property management.

What is so special about this book? It provides proven solutions in concise, layman terms to highly complex issues. It also reveals phenomena unique to HOAs, like:

- Meeting seating. Did you know that the seating arrangement at a board meeting has a profound impact on the meeting outcome? Learn how to make your meetings smashing success stories.
- How do you find a qualified manager? Most states do not require professional licensing for HOA managers. Some HOA managers seek out professional education and credentialing while others do not. This variable makes it critical for the board to identify those managers who are qualified to do the work since many are not. A sample Request for Proposal is available to help you with this process.
- Two reasons for hiring professional management: Rules and Collections. While it's true that managers don't work for free, no neighbor should have to enforce rules or collections on another neighbor. Managers provide the buffer between neighbors and are

good at defusing neighbor on neighbor hostility.

- Kinder, gentler rules. While rules will be necessary as long as there are humans, there is a harmonizing rules philosophy that will promote compliance and reduce the number of rules in an HOA.
- Secret to recruiting volunteers. Since HOAs are run by volunteers, finding the brightest and best is easier than you think *if* you make the job attractive enough. Successful people want to be part of a successful board.
- Long range planning. It never ceases to amaze how many HOA boards define "long range planning" as "tomorrow". These boards, of course, are continually putting out fires instead of harvesting the fruits of good planning. Learn how to plan, schedule, fund and invest to maximize value for the members.
- Improve efficiency by trimming costs. Just because you've "always done it that way" doesn't mean you can't improve and cut costs at the same time. This is particularly true about communications.
- Proper accounting. Learn the value of accrual accounting, fraud (embezzlement) prevention and proper tax filing.

There are many more how-to secrets revealed in **Trade HOA Stress for Success**. If you serve on an HOA board or manage one, this book is for you. It's an easy read available in both hardcopy and Kindle editions at www.Amazon.com. 

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Ask the HOA Expert

Q Our Architectural Review Committee (ARC) conducts reviews of homeowner requests using email with no face-to-face meetings. What about the open meeting concept?

A Committees are not under the same constraints as the board to meet in open meetings accessible to members unless the governing documents or state statute dictate otherwise. Email is okay for the ARC when the answer is “approved” but when there is a denial, the petitioner has the right of appeal in a face-to-face meeting with the ARC and, ultimately, with the board if necessary. The ARC should report and summarize its actions to the board at regularly scheduled meetings.

Q A board member is proposing that the HOA donate to a children's charity amounting to \$5 per year per member. Is this appropriate?

A Charities are a wonderful thing but it's not appropriate to donate money out of the HOA budget. A great alternative has been developed by McNary Estates Homeowners in Oregon. Each year, McNary hosts the a community wide garage sale. Each garage sale host pays a small fee for advertising. Each visitor is required to bring a can of food for the local Food Bank. Result: McNary donates several *tons* of food each year, the event attracts volunteers from all over the city, the news media gives it high profile coverage, the members make money and the HOA members have an enduring source of pride. Another benefit is that McNary homes for sale get much more attention during the event. All do well by doing good.

Q We have been having board discussions at meetings about our HOA pool safety. We have a four foot tall fence with key locked gates. We have rules and consequences if they are not followed. Should the pool be supervised by a lifeguard or pool monitor?

A Unless your HOA is wealthy enough to provide a life guard during pool hours, pool operations are typically “use at your own risk”. That said, the homeowner association is responsible to keep the fence, gates and locks in good condition.

When the pool season is over, a safety type pool cover should be installed. All safety covers must conform to the Standard Performance Specification set by the American Society for Testing and Materials (ASTM) be able to support a certain amount of weight, not permit gaps that a child or pet could squeeze through, and remove standing water. Loop Loc brand covers, for example, are built from extremely strong material and securely anchored to the pool deck. This design prevents children and pets from inadvertently falling in.

Prohibiting after dark swimming makes sense since it will likely disturb the neighbors and often attracts party goers that may be intoxicated. Minors 14 years old and younger and all guests should be accompanied by an adult resident.

Finally, ask your HOA insurance agent about other suggestions to reduce pool risk. They are usually prepared with a laundry list.

Q A board member recently hosted a barbeque although we have banned them due to fire safety considerations. He is flaunting the rules. What

should we do?

A Speak to him in private and review the rule and reason for it. Usually that will do the trick. If he continues to violate the rule, it's appropriate to apply whatever penalty you have for such violations.

Another thought. Since barbeques are American as apple pie, if you have a suitable location in the common area, why not designate it for this purpose? The HOA could add the furniture, concrete pad and even the grill.

Q Our board has been enacting rules without consulting the members. Some are way off base or totally unnecessary. What can be done about this?

A A basic rule about HOA rules is that they should be few and necessary. Unfortunately, some boards feel when it comes to rules, the more the scarier.

Whenever there is evidence that a rule is needed, polling the members should be the very first step. There are few rules that are so urgent that allowing time for member review and comment couldn't allow a better perspective. The public relation aspect alone justifies the effort.

Some boards make rules to control a few offenders who will never be controlled. Scofflaws eat rules for breakfast so making new ones only feed the beast. Whatever rules that are enacted need to have an ongoing and widespread need.

Q We have had a very hard time getting a quorum at our annual meetings. Regardless, elections are held and directors elected. It seems to me that the elections are illegal if

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there isn't a legal quorum.

A The reason that quorums are required is so that a few can't control the many without their consent. If the quorum concept is abandoned, the current board can crown itself emperor and wield the scepter of power with impunity.

Kidding aside (I *was* kidding!), gaining legal quorums is often difficult for annual meetings. That is why the concept of "proxy" is a necessary component of HOA annual meetings. A proxy is a person appointed by another person to act on their behalf. Virtually every HOA is allowed to use them for annual meetings so that quorum and voting majorities can be attained.

Proxy forms should be distributed along with the official meeting notice with instructions to complete and return them at least a week before the meeting. The proxy giver should have the option to appoint "a director of the board who is not running for election" if no one else is able to attend. The proxy authority can also be designated "for quorum purposes only".

A week before the meeting, the proxy returns should be tallied. If there are not enough to meet the quorum, more can be collected door to door until a quorum is achieved. That way, on annual meeting night, there will always be a legal meeting. All proxy givers that attend simply retrieve their proxy and vote as usual. Either way, the meeting stays legal. 🌱

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Grow Low H2O Plants

One of the great challenges most homeowner associations experience is how to reduce landscape maintenance and water costs. Xeriscaping is a method of combining attractive, pest resistant and low maintenance native plants in a way that conserves water. It is based on seven basic horticultural principles:

1. Plan & Design: Group like water need plants. Consider existing vegetation, topography and the intended use. Use native species to reduce adaption problems. Eliminate runoff conditions. Decide plants placement based on visual impact and sun/shade needs.

2. Evaluate & Improve Soil: Soil analysis provides information for plant selection and soil amendments which help soil absorb and store water. Soil amendments such as peat moss or compost improve root development, water penetration and retention.

3. Reduce Turf: Turf should be considered a design element rather than the whole landscape. Reduce or eliminate turf areas, and locating them so that they may be watered more efficiently.

4. Use Appropriate Plants: While most plants have a place in Xeriscape, use low water need plants that maximizes water conservation.

5. Install Efficient Irrigation: Use soaker hoses or drip irrigation. Adjust according to seasonal needs and the weather. Irrigate for plant condition, not for schedule. New plants require additional irrigation for up to three years.

6. Use Organic Mulch: Mulch reduces evaporation, weed growth, erosion and soil temperature

fluctuations. Proper mulch application is a key to a successful Xeriscape. Organic mulches like wood chips or bark are best.

7. Maintain Appropriately & Consistently: Properly pruned, weeded and fertilized plants require less water and also look nicer. A landscape adapted to the environment will require less maintenance, less fertilizer and reduce the use of pesticides.

How low can your H2O go? Consult with a landscape design architect to discover the wonderful options for beautifying and reducing costs at the same time. You grow girl! 🌱

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Meeting Expectations

Scenario One. The meeting starts with a "homeowner forum". A member is recognized and complains about something that has nothing to do with the board's function. The board tries to answer but the answer isn't accepted. Other owners chime in. Then another homeowner, another question and another group discussion. Some get to let off steam and others are polarized.

Then the business session starts. Many board members open their packets for the first time even though they were distributed days before the meeting.

Since many aren't familiar with the material, questions ensue and time is wasted. The manager can answer some but not all of the questions. Three hours pass, little is accomplished and everyone goes home drained.

Scenario Two. All of the board members have reviewed the meeting packet before the meeting. The meeting starts and guests are informed that the board will be dealing with the business portion of the meeting first followed by a "member comment period". A motion is made to approve the Consent Agenda (noncontroversial items like approval of minutes, informational reports, correspondence requiring no action, etc.) and receives a second. One board member has a concern on one item. The motion is amended to approve the rest of the Consent Agenda without comment. The vote is called and approved.

Moving on, there are three action items. A motion is made and seconded in turn for each item. A discussion takes place which usually lasts 5-15 minutes and a vote called. The total time to cover the business portion is typically one to two hours.

The "member comment period" begins and each interested homeowner is given five minutes to bring matters of a policy nature to the board. This is not an opportunity for a "bull session". It's up to the chair to keep comments focused and relevant. If, for example, the comment involves a maintenance request, inform the member who should be called for that (Maintenance Committee, manager, etc.). If the member states "The board should do so and so" and so and so involves research, ask the member if he/she would like to present a researched proposal for the board's consideration. Just because a member has a bright idea doesn't mean the board needs to take ownership of it. This is a wonderful opportunity to get other members involved and to groom future board or committee members.

If your meetings run something like Scenario Two, great. If your meetings sound like Scenario One, you need to make changes. There are five elements

for an effective and efficient meeting:

1. Come Prepared. Each board member needs to come to the meeting prepared. Without preparation, time is wasted and the likelihood for uninformed decisions is high. To that end, board packets need to have an agenda and all supporting material.

2. Chair Takes Charge. The chair needs to keep the agenda moving and eliminate unfocused discussion. For example, when a motion is debated, the chair should alternate between pro and con discussion. When there is no more "pro" or no more "con", time to take a vote.

3. Make Real Decisions. The board needs to make decisions, not simply discuss things. So, all agenda action items need to come with a recommendation like "Approve Roofing Contract" instead of "Discuss Roofing Contract".

4. Make Informed Decisions. Avoid making decisions on a new motion that is not either an emergency or a no-brainer. Any motion that takes thought or research should be tabled to a future meeting to allow time for that to take place.

5. Have a Meeting Process. The meeting should use an orderly process like a simplified version of Robert's Rules of Order. A process for introducing an agenda item with a motion and a second makes sure at least two board members are in agreement on the decision to be reached. If the motion does not get a second, move on.

By establishing expectations that produce effective meetings, several things will happen. Business will get done and it will be easier to recruit volunteers who want to be part of a successful team. This is good news for all. 🏡

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Car Wars

It's a war out there...Car ownership and land costs on the rise...street width and parking space on the decline. Where the two meet isn't pretty and battles erupt: parking committees posting dayglo orange violation stickers on vehicles, roving tow trucks with instructions to hook and tow on sight and neighbors duking it out over parking spaces.

In an effort to resolve the problems, the board often enacts a reserved parking system. If your board has invoked such a plan, is it in compliance with the governing documents? In condominiums, each owner owns an undivided interest in the common area parking spaces. In a homeowners association, every owner has an easement to use the common area parking. So, all residents have the right to use any parking space, provided the space is vacant. By assigning parking spaces to a particular owner, the board may be illegally precluding residents from freely using available parking. Read the governing documents carefully. The board must have specific power to enact reserved parking in the common area.

Assuming that your HOA's governing documents do provide the board with the authority to assign parking spaces, before embarking upon a reserved parking scheme for your community, there are a number of issues still to consider:

1. How many parking spaces will be assigned to each unit or lot? After these spaces are assigned, are there enough spaces left to designate as "Visitor Parking"?
2. Are the parking spaces situated so that each owner will have a reserved parking space close to the front door? What happens if there is only one space in front of two units or no spaces in front of a particular unit at all?
3. Do owners have the right to trade or sell reserved space?
4. What type of registration system will be implemented for tracking violators? And who will do the monitoring?

5. What is the policy for handicapped parking spaces?

6. How will the reserved parking system be enforced? Fining? Towing? Make sure your towing policy is in compliance with local ordinances.

7. Is there a provision for handling ADA (Americans with Disability Act) requests? If a handicapped resident requests a parking space close or closer to his/her unit, the board needs to make reasonable accommodations with common area parking.

Car Wars. This is not a battle easily won. Americans believe parking is among the Bill of Rights. Before getting too radical with a parking policy, consider the practicality of monitoring it and the conflicts that could arise from enforcement. It may be more painful than leaving things as they are. 🚧

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What are CC&Rs?

“CC&Rs” is an acronym commonly used in the homeowner association industry. It means “Covenants, Conditions & Restrictions”. It is used generically for any HOA rule or policy. But it's more complicated than that. In the HOA environment, there may be policies, procedures, rules, regulations and resolutions. All are necessary to do the HOA business properly. But what exactly are they?

Policy: A policy is a standard adopted by the board that sets out the beliefs, values and objectives that causes the homeowner association to act (like a collection policy, an enforcement policy or a conduct of meetings policy). A homeowner association's policies

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communicate, organize and focus the resources of the homeowner association.

Procedure: A procedure is the process that accomplishes a particular objective. For example, the homeowner association should have a clear and defined policy regarding assessment collection. The detailed steps of how this policy is achieved comprises the procedure of collecting assessments.

Rule or Regulation: A homeowner association's board of directors adopts rules or regulations to define desired behaviors and to set limits on allowable uses of the common elements and homes or units, architectural changes and the behavior of residents and guests. Some typical examples of rules include pets, parking, noise and use of HOA facilities.

Resolutions: A resolution is a method of formalizing a decision made by an homeowner association's board of directors. Resolutions are used to adopt policies, procedures, rules and regulations or to clarify ambiguous terms in the governing documents. Resolutions should include four components:

1. **Authority.** The section of the governing documents that gives the board authority to adopt resolutions;
2. **Purpose.** Why the resolution is needed or being adopted;
3. **Scope and Intent.** Who will be affected, the reach, range and extent
4. **Specifications.** A clear and complete statement on what those bound by the rule are expected to do.

So there you have it. Now you can speak like an HOA authority. CC&Rs is not just an acronym anymore. 🚧

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Conflicting Interests

When people are elected to positions of power, there is always the possibility that, knowingly or unknowingly, a conflict of interest will develop. Conflicts of interest come in several shapes and forms. It is almost impossible to avoid them but how they are handled is critical. For example, when it comes time for painting or roofing and your association has limited funds, whose buildings get done first?

If the board president decides to paint her own unit first, there is an obvious conflict. Rather than be exposed to well earned criticism, why not ask a third party consultant to make the call in writing and share it with the owners? This technique can be used in many situations where limited resources cause some owners to benefit over others. Avoid the perception of self dealing...get someone else to make the call.

Another technique for avoiding conflict of interest is for a director to abstain from voting when the outcome is self-benefitting. And make sure the secretary records in the meeting minutes that (fill in name) abstained due to a conflict of interest". That way, the written record will show no intent to sway the vote.

Disclosure is another way of avoiding conflict of interest. The idea behind disclosure is that any possible conflict is brought to the attention of the board. If the board has no problem with it, it's okay. But beware. Technically, if you advise the board that your brother in law, the HOA's landscape contractor, is giving you massive kick backs to influence the contract, you've provided disclosure. If the rest of the board wants in on the action and makes it known, they've also provided disclosure. No foul, right? Hardly. The board fiddles while the owners do a slow burn. Disclosure can smooth over minor conflicts of interest but if there are significant implications, the disclosure should be made to owners with written documentation for the record. And this may raise more questions than answers. Many conflicts of interest are best avoided altogether.

One of the best ways for the board to

July 2024

avoid self dealing is to deal openly. Board meetings should be open to all owners and minutes should be complete and easily available. Frequent newsletters should advise of upcoming events. If the board knows someone is looking over its shoulders, it's less likely to engage in self serving activity.

Many homeowner association developers exhibit shortsighted interest in their developments. Their primary goal seems to be to make a profit and get out as fast as possible. No training or long range budget or maintenance planning is provided for the new homeowner board. Assessments are often set artificially low to make sales prices more attractive. This strategy starves the HOA of funds it desperately needs to properly take care of the assets. All this can and often does can come back to haunt the developer because of disgruntled buyers.

Developers should seek out experts to assist them shape the new homeowner association. Specialist attorneys can write user friendly governing documents and management consultants formulate good budget and maintenance plans. This makes the whole process "arm's length" and more credible to owners. In a word, the developer should offer every possible resource to help ensure board success. With this approach, the chance for success are greatly enhanced, the owners are happier and less likely to blame (read "sue") the developer for shortcomings.

We're all capable of feathering our own nest even when we don't think we're doing it. The best policy is to avoid any perception of wrong doing. Step "outside the box" and ask yourself if what you're doing could be misconstrued by outsiders. Trust is a fragile thing. Take precautions to avoid conflicting interests that can deharmonize your HOA. 🏠

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Paid in Full

A young man was completing a successful college career. For many months, he had admired a beautiful sports car in a local dealer's showroom. Knowing his father could well afford it, he told him that was all he wanted.

On Graduation Day, his father called him into his private study. His father told him how proud he was to have such a fine son and how much he loved him. He handed his son a beautiful wrapped gift box.

The young man opened the box and found a leather-bound Bible. Angrily, he said, "With all your money you give me a Bible?" and stormed out of the house, leaving the present behind.

Many years passed. The young man was very successful in business, had a beautiful home and wonderful family. He heard that his elderly father was very sick. He had not seen or spoken to him since that angry Graduation Day. Before he could make arrangements to visit, he received a phone call that his father had died. He was asked to come immediately to handle his father's final arrangements and estate.

He arrived at his father's house, full of sadness and regret. He began to search through his father's important papers and saw the untouched Bible, just as he had left it years ago. He opened the Bible and began to turn the pages. As he did so, a small envelope fell from the pages. Inside the envelope was a car key. Attached to the key was a tag with the name of the dealer who had the sports car that he wanted so much. On the tag were the words "Paid in Full".

How many times do we miss God's blessings because they are not packaged the way we expect? 🏠

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Montana Cowboys

An 80 year old Montana cowboy goes to the doctor for a check-up. The doctor is amazed at what good shape

the guy is in and asks, "How do you stay in such great physical condition?"

"In my spare time I like to hunt and fish" says the old guy, "and that's why I'm in such good shape. I'm up well before daylight riding herd and mending fences and when I'm not doing that, I'm out hunting or fishing. In the evening, I have a beer, a shot of whiskey and all is well."

"Well" says the doctor, "I'm sure that helps, but there's got to be more to it. How old was your father when he died?"

"Who said my father's dead?"

The doctor is amazed. "You mean you're 80 years old and your father's still alive? How old is he?"

"He's 100 years old," says the old cowboy. "In fact, he worked and hunted with me this morning, and had a little beer and that's why he's still alive. He fishes too!"

"Well," the doctor says, "that's great, but I'm sure there's more to it than that. How about your father's father? How old was he when he died?"

"Who said my Grandpa's dead?"

Stunned, the doctor asks, "You mean your grandfather's still alive?"

"He's 118 years old," says the Montanan.

The doctor returns, "So, I guess he went hunting with you this morning too?"

"No, Grandpa couldn't go this morning because he's getting married today."

"Getting Married? Why would a 118 year-old guy want to get married?"

"Who said he wanted to?" 🏠

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