



The Regenesi s Report



Pacific NW

Innovative Homeowner Association Management Strategies

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

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

The Regenesi s 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@regenesi s.net

Regenesi s, Inc.
PO Box 19605
Portland OR 97280

www.Regenesi s.net

Be Seen as Green

While there is continuing debate about the reasons driving climate change, most agree on the need for better stewardship of the Earth. While governments often move at a glacial pace to enact green policies, self help is readily available today. What better place to start than at the homeowner association? HOAs often control a variety of systems, processes, equipment, designs and materials. There are opportunities to improve energy efficiency which often produce economic benefits as well. This is a win-win: doing well by doing good! Here are some ways an HOA can be ecologically friendly:

Eco-landscaping involves a combination of careful plant and tree selection, turf reduction, eliminating chemical fertilizers and improving water management. The days of broad green spaces are making way for a myriad of options that are more earth friendly. Selecting pest resistant and drought tolerant native species saves on maintenance, water and pest control. Fitting sprinkler systems with rain override sensors reduces water. Reducing turf areas reduces mowing and the pollution generated by gas powered equipment.

Donate It. Many areas have building product and material recycling centers which will accept lumber, doors, windows, cabinets, sinks, carpet and appliances. If you are renovating your clubhouse and have an option to donate used material and equipment instead of dumping, do it. Craigslist.com offers a free way to dispose of building materials.

Offer Recycling. Some jurisdictions have mandated recycling as part of the trash collection process. When recyclables are separated from trash, the trash load is reduced and trash collection costs less. With less trash, the landfill load is reduced as is the contamination of soil and ground water. Even where recycling is provided, compliance lags due to consumer laziness. The HOA can remind residents of their civic duty in this regard and the obvious benefit of lower trash collection costs.

Where government recycling requirements are absent, the HOA can create its own system by establishing a centralized recycling station for glass, metal, paper and recyclable plastics that is serviced by a contractor or committee. While individuals can haul their own recycling, the easier and cheaper it is to do, the greater the compliance. Centralize and economize.

Manage Energy Better. Take full advantage of power and water saving devices. LED bulbs use small amounts of energy. Add solar activated exterior light controls so lights burn only when needed. Replace high flow plumbing fixtures with low flow models. Insulate water pipes and heat ducts. For more, www.powerscorecard.org/reduce_energy.cfm

Recycled Paint. Leftover latex paint is screened and blended into a popular palette of colors and resold at a reduced price. For options, Google “[your state] recycled paint”.

Go Solar. Many states offer incentives for adding solar power generation or solar hot water systems. If your buildings have flat roofs or good southern exposure, consult with local solar system providers for options. For HOAs with pools, solar water heating can often pay for itself quickly and significantly lower energy consumption. For more, see http://en.wikipedia.org/wiki/Solar_energy

The HOA should remind all residents of ways they can help the HOA be more ecologically friendly by supporting HOA green programs and by individual effort. There are numerous free resources available on the internet such as:

Consumer Recycling Guide. There are numerous types of products and materials that fall outside the typical recycling service and need special handling. For these items, the HOA can empower its residents with information.

Packaging Reduction. This is an often overlooked strategy in reducing waste. Packaging can range from none (like buying food in bulk) to Fort Knox (like hard shell plastic wrapped around electronics to reduce theft). Consumers generally have a range of packaging choices in many products. Opting for the one with less packaging is a conscious decision to help green the world.

Make it Fun! The intriguing thing about going green is there are so many ways to pull it off. The HOA can encourage the process by offering prizes for effort and creativity. Those that step up are often willing to help recruit and encourage others. The news media loves to run stories about grass root green efforts. Make your HOA a standout and get recognized! While it does take some effort, there are more incentives and resources today than ever. Make it your HOA's routine to be seen as green. 🌱

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Ask the HOA Expert

Q Our HOA is billed in bulk for electricity. Each unit has a submeter which is read monthly and billed to each unit owner. Subtracting the total unit usage from the bill leaves the total usage for the common areas. Currently, we are adding 3 cents per kilowatt hour to each owner's bill to pay for the common area cost. So, owners who use more electricity pay for a larger percentage of the common area electricity. All other HOA costs are shared equally. Are we doing this correctly?

A If HOA costs are shared equally, this applies to common area electricity. The board has no authority to do otherwise. To correct this, an accounting of common area electricity charged to units should be done and credits or charges processed as appropriate.

Q Recently, our HOA members approved substantial amendments to the governing documents which include:

1. Sidewalks are now deemed common area even though the subdivision plat indicates that the sidewalks are located within a utility-and-sidewalk easement located on private lots.
2. An HOA landscape easement was created over the front yard of the privately owned lots.
3. The HOA claims authority to enter lots to inspect for compliance with architectural design restrictions.

Can the HOA legitimately claim these rights?

A The HOA cannot vote itself ownership of property belonging to private owners without their consent. In this case, all lot owners would need to agree to relinquish ownership to the HOA. A majority vote can't force it. Same answer for the landscape easement. The HOA has no authority to commandeer private property by member vote.

The third item is different. As long as the HOA has the right to dictate architectural design standards, it has the right to inspect for compliance.

Q I've heard that special assessments have to be kept in an escrow account and cannot be used until all owners have paid. Is this true?

A It depends. Special assessments should be kept in a designated account if they are to be used for a specific purpose, like repairing roofs. If the special assessment is simply to build reserves,

the funds can be put in the general reserve fund. There is no requirement that an entire special assessment has to be collected before it's spent however, if all the money is needed to pay for a specific project, the board needs to be careful about starting a project without the money to pay for it.

Q Can the HOA offer discounts to those who prepay their HOA fees or special assessments?

A The HOA should not offer discounts since the budget requires payment of full fees to fund it and offering discounts would create budget shortfalls. It is appropriate, however, to charge late fees to those that pay late. The budget should not anticipate extra revenue through late fees although there will likely be some. By the same token, there could be a shortfall in revenues if collections are not successful or take a long time to collect.

Q Is it permissible for individual condo unit owners to pay for their own roof replacement?

A Condo owners typically don't own their roofs unless the condos are stand alone units like houses (yes, condos can be houses). Otherwise, all common wall condo roofs belong to the HOA. As such, roof repairs should only be paid for by the HOA according to a prescribed schedule. While lack of funds may force doing only a portion of the condo roofs, for example two of five buildings, doing the roof over one condo makes little sense since the same unit owner is responsible for a share of the repairs of all unit roofs.

Q One of our board member performs unauthorized maintenance and pesters unit owner about minor rule infractions. What can we do?

A Communicate with him directly, clearly and specifically. Explain that performing unauthorized maintenance undermines the budget and the system for addressing maintenance. Provide him details about specific complaints



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by owners. Explain that his independent actions undermine board authority.

Q We have two board members that plan projects outside of the board meetings. When the rest of the board finally finds about them, they are already in process. This is creating unnecessary tension or friction.

A Board members can research anything they want outside a board meeting. But if it is something that requires board approval, that approval needs to happen. If a majority do not approve the proposal, it dies on the vine like any other. However, sometimes a project is in keeping with the budget and can be approved by the board president. Speak to the individuals in private and insist that all projects need to be at least run by the president. If the president feels the board needs to weigh in, the project will need to wait until the board convenes.

Q We have a unit owner who is over a year delinquent. Our property manager took it upon herself to set up a payment plan to include the dues plus \$50 extra per month. It will take over *three years* to pay off the late assessments! Is it typical for managers to make this kind of decision without input from the board?

A No, the manager should not have made any special deal unless the board authorized it. If the manager was not authorized, the board can rescind the offer and tender a demand for payment in full.

Has your board adopted a formal Collection Policy? That policy should call for aggressive measures like filing liens against the unit, garnishing wages and foreclosure if allowed in your state. The policy should allow the use of an attorney to collect rather than a collection agency. The attorney will press for full payment of the delinquency, late fees, attorney fees and related costs so that the HOA gets all the money it's owed. Collection

agencies generally take a percentage of the proceeds. Waste no more time of this urgent matter. Collections are of prime importance.

Q Our current HOA fees have been the same amount for seven years. The proposed budget is calling for a 30% increase with an additional \$500 special assessment. I understand the importance of maintaining the property and providing adequate reserves for future capital projects. However, at what point do high HOA fees have a negative impact on unit market values?

A Your board is finally addressing a long overdue reality: HOA fees that don't keep pace with increasing costs and inflation will fall short of paying for adequate maintenance, repairs and services. Over seven years, inflation alone would cause a 30% increase in prices. Boards that fail to increase HOA fees each year usually pay for cost increases by starving or stealing from reserves. Over time, though, reserve projects like painting and fencing can no longer be avoided and the board is forced to address the deficit by increased fees, special assessments or both.

While the HOA needs to be competitive with similar HOAs, keeping HOA fees low is not how to do it. Too many HOAs keep their fees artificially low by ignoring the need for reserves. Because of this, future owners will be forced to pay for expenses that should have been partially subsidized by current owners. As a general rule, 25-35% of HOA fees should be dedicated to reserves which are only used to pay for major renovation work like painting, roofing and paving. (A professionally done reserve study will produce a funding plan specific to your HOA's reserve needs. See www.apra-usa.com for a list of qualified reserve study providers.) The balance of the HOA fee should be adequate to pay for operating expenses (management, landscaping, pool, etc.) without stealing from reserves. That means that HOA fees should increase a minimum of the current inflation rate each year, currently around 2½% .🚧

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HOA Right Wording

Communication is both a skill and an art form. When babies cry, the motivation is to get their needs met. Meeting the needs of others is nowhere in a baby's method. While infant communication is primitive, it is highly effective. A crying baby gets fed, diapers changed, burped, etc. With maturity and training comes more sophisticated and usually less self-serving ways to communicate. Homeowner associations are charged with communicating with the members. The reasons for communicating vary including:

Socialization. As moderns become more isolated from each other, the need to find connecting points becomes more important. HOAs can provide a platform to coax members out of their isolation by offering volunteer opportunities and social functions. Introducing the members to new residents through newsletters grows the connections as well. A Welcoming Committee not only provides the human touch, it can provide early warning about important HOA rules and regulations so that newcomers don't inadvertently get crosswise with the HOA from the get go.

Paying the Bills. There are few things more immediate and urgent than collecting HOA fees. Without money, HOA services suffer or are curtailed. Without money, maintenance lags and property values drop. So, getting 100% payment compliance is extremely important. While the hope is that it is done voluntarily, sometimes it must be coerced by legal means. But even when lawyers are brought into the matter, a carefully worded demand letter can produce quick results.

Getting Compliance. Every HOA has rules. Hopefully, those rules are few, necessary and not overly intrusive.

When a rule is made, explaining the need for it and the goal in having it can go a long way to encouraging compliance rather than defiance. Whenever a rule is being contemplated, the board should always, always, always solicit member input. This tactic reduces the likelihood of challenge.

Communication comes in many shapes and sizes. The common ones include signs, newsletters, meeting minutes, postings, emails and the HOA's website. These communications can have a variety of meanings: to inform, to warn (rule violations), to invite (summer social) and to congratulate (kudos for a job well done).

The more the words, the less the meaning. When it comes to effective communication, less is more. Use words economically. This takes thought. In conversation, many words are used to test impact on the listener. So, in conversation, it's not uncommon for the same thing to be repeated with different words in an effort to embellish or give greater impact to the meaning being conveyed. If folks write the way they talk, their writings, would rarely get to read because they are an unending ramble. Without a careful selection of words, communications can be misinterpreted or ignored. So, effective writing requires careful thought because "an arrow, once loosed, cannot be retrieved".

Words have both strengths and weaknesses. One weakness of the written word is that it may be read by an unintended audience which doesn't have the background the writer needs to be understood. Another pitfall is that some of the audience may be prejudiced against the writer and refuse to understand the communication the way it's intended. These folks will actually take the message, add their own spin and circulate the "real story". A war of words ensues. The time and emotional energy it takes for damage control may discourage future communication altogether.

The Bible says "In the beginning, there was the Word." Words are with us forever. It's what we do with those

words that make all the difference. Like blacksmithing, right wording takes hammering and shaping before the whole thought can take shape.🔨

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Checklists

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Bogged Down Board

"Now I saw in my dream that...they drew near to a very miry slough that was in the midst of the plain; and they being heedless, did both fall suddenly into the bog. The name of the slough was "Despond." Here, therefore, they wallowed for a time, being grievously bedaubed with the dirt."

The Pilgrim's Progress

An interesting phenomena that occurs from time to time in an HOA is a board's inability to break with the mistakes of the past. Longtime infighting and discontent has created malevolent stagnation. Recrimination abounds, credibility is lost and the board flounders in its own Slough of Despond. This HOA is stuck in quicksand that is sucking the life and joy out of the community.

To those so entrenched, it may just seem business as usual. Another Board Meeting, another shouting match and little gets done. Adrenaline pumps, hearts and fists pound. It's Friday night at Pro Wrestling. It's Gettysburg with brothers and neighbors locked in mortal combat against each other.

Okay, quick! Show of hands. Who wants to volunteer to serve on the board? [sound of crickets] No, really! We need you to step up. [sound of pin dropping] Nobody? I'll *never* get off the board!

Effectively, an HOA like this plays out a self fulfilling prophecy. And tragically, getting bogged down like this is not all that uncommon. Some folks love to dwell on the past to keep others off balance. It's a form of control that keeps things in a brouhaha. But who in their right mind wants to

play the game for long?

In this slough of despond, however, is a great opportunity. Learning from past mistakes is some of the best education there is. *Dwelling* on them is fatal. If the board is in a dwelling place, it will take a strong decisive action to break free. Here are some of the ways:

Mediate. Get some objectivity into the mix with a trained mediator. These folks can often sort out heated issues and personalities to forge compromise. There are usually a number of inexpensive mediation alternatives in every city, some are even free.

Board Retreat Having a retreat to discuss concepts can be helpful in getting repointed. It's advisable to include a facilitator who ensures that all get heard and that the discussion doesn't degenerate.

List of Goals Having written goals helps the bogged down Board stay focused on its mission.

Written Agenda If your board meetings have no agenda, they can easily be twisted into personal agendas. Have a written agenda and a tight time limit for getting it done. Stick to it and opportunities for disorder will vanish.

Purge the Old Guard. Some people simply are too inflexible to change. They should be encouraged to step down. If they refuse, a member recall can force removal. Or, start campaigning for the next Annual Meeting election.

The board has significant responsibilities to grapple with. Making them as pleasant as possible is the only way to attract and keep good volunteers. If your board is bogged down with infighting and personal agendas, it's time to redirect the action. Learn, not burn, from past mistakes.🔨

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No News is Bad News

Homeowner association newsletters are a great way to enlighten, inform, remind and encourage. Inviting the membership to HOA events and meetings helps neighbors meet neighbors. Frequent reminders of important rules or architectural policies helps build a friendlier and more harmonious community. Recognizing volunteer efforts encourages others to step up. Newsletters needn't be long and involved, just relevant. The more you do it, the easier it gets.

Here are some tips to make your newsletters good news:

Focus on Building Community. Get HOA members to become participants rather than observers. Offer opportunities to do that on committees and social events.

Understand Your Audience. How old are they? What is their financial status? How do they like to spend their time? Find out by getting feedback from your readers with a questionnaire.

Inspire Your Readers. Make sure events, activities and volunteer opportunities are well publicized. Create headlines to grab the reader's attention.

Be Consistent in Layout and Content. If you have a "Rules & Regs Corner" which highlights a particular HOA rule or policy, publish it in every issue.

Archive Your Newsletters and Articles. Many articles bear repeating and as time passes will have new eyes that see them for the first time. Repeat seasonal reminders. Create folders on your computer for the months that you publish the newsletter and put article files in the months they fit best. In time, you can build a reservoir of content to draw upon that will make newsletter writing much simpler and quicker.

Lead With Your Strong Suit. Organize the strongest points of an article before you write it. Put the most important information up front.

Keep Articles Short. If an article is long or complicated, readers will move

on. If there is simply too much good content to abbreviate, break the article into several articles.

Give Credit & Contact Information. Include the newsletter committee, writer and editor names and contact information as well as board and management contact information.

Be Positive & Uplifting. While criticism has its place, too much of it is a downer and chases most readers away. Strive for the positive. Be upbeat.

Proofread. Editing is a rewording experience. Carefully review your work for grammatical and spelling mistakes or get a detailed oriented person to do it for you. Make sure your facts are straight.

Reprint with Permission. Search the internet for content that would be of interest to your readers. If you find an article that includes author and contact information, be sure to get permission before reprinting and give credit where credit is due. *(For an archive of over 1800 HOA related articles sorted by subject, see www.Regenesis.net Article Archive.)*

Have Fun With It. Give them a giggle or two. The internet is full of jokes, puns and cartoons.

Include Pictures. Folks love to see themselves in the paper. Share event pictures, photos of board members, the manager, committee members, new residents and volunteers.

PDF It. Programs like Adobe Acrobat make it possible to convert newsletters into Portable Document Format (PDF) which can be posted on the HOA website or emailed to those that do email. PDF was designed with HOAs in mind since it can save printing, supplies and postage costs plus countless hours required to process paper newsletters.

Get Advertisers. If your HOA is large and newsletter distribution monthly, it may attract advertisers like real estate agents, insurance agents, painters, remodelers, etc. and help pay for itself.

Newsletters are a wonderful way to

bind your HOA in a custom way. Keep your residents and owners in the know at least four times a year. No news is bad news. 🏡

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Your Own Money

In recent years, the importance of accumulating reserves has become a long overdue reality for many homeowner associations (HOAs). Proper long range planning drives an HOA's ability to adequately care for the common assets by having both adequate reserve funds and a realistic renovation schedule to follow. A well executed reserve study calls for a funding plan that systematically grows reserves to address future renovation without the need for special assessments which are unfair to many and difficult to collect.

As a rule of thumb, the average garden variety condominium has 15-20 common components to maintain. Based on that, the HOA should have around \$8000 per unit in reserves. (Do the math for your HOA.) However, there are many HOAs that should have much more than that because of deferred maintenance or more common elements. For example, high rise condominiums can easily have 50 or more common components.

Even the most modest homeowner associations should often have hundreds of thousands of dollars socked away in reserves. Larger, more complex properties should accumulate reserves in the millions. To truly know what level of reserves applies, a reserve study must be performed by an experienced and qualified reserve analyst.

The board should only invest in guaranteed and insured investments unless the *entire membership* (100%) votes to be more aggressive. In either case, there should be a clear and written investment policy for the board to follow.

As reserve funds grow, it's extremely important to have an investment plan.

Wisely investing reserves can reduce owner contributions by many thousands of dollars over time. While your friendly banker always has some investment options available, the board should explore other options. For example, opening an account in an investment advisory company like Edward Jones will give the HOA access to the highest yielding Certificates of Deposit (CDs) available. Buying CDs with different maturities like 3, 5 and 10 years (called laddering) will create an average return that is significantly higher than any savings or money market account. By synchronizing CD maturity dates with reserve renovation events, the HOA will have liquid cash when needed.

A word about depositor insurance. FDIC Insurance is currently limited to \$250,000. But some banks catering to homeowner association business have additional private depositor insurance that protects a much larger amount of HOA funds. While this addresses the depositor insurance question, the board still needs to consider whether the bank offers the best rates.

When considering your HOA's reserve funds, treat it like your own money. Invest in things that don't risk principal yet return interest at levels that keep pace with inflation. 🗿

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Best Practices
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Calling It Like It Is

Harry S. Truman was a different kind of United States President. He probably made more important decisions than any of the other President preceding him. However, a measure of his greatness may rest on what he did after he left the White House.

The only asset he had when he died was the house where he lived in Independence Missouri. His wife had inherited the house from her parents. Other than their years in the White House, they lived there their entire.

When he retired from office in 1952, his income was a U.S. Army pension of

\$1351 a year. Congress, in 1958 enacted the Former Presidents Act later granting a pension of \$25,000 per year which he collected until he died.

After President Eisenhower was inaugurated, Harry and Bess drove home to Missouri by themselves. There was no Secret Service following them.

When offered corporate positions at large salaries, he declined, stating, "I turned down all of those offers. I knew that they were not interested in hiring Harry Truman, the person, but what they wanted to hire was the former President of the United States. I could never lend myself to any transaction, however respectable, that would commercialize on the prestige and the dignity of the office of the Presidency."

In 1971, the House of Representatives was considering awarding him the Congressional Medal of Honor. He refused to accept it maintaining that the Medal of Honor was for combat bravery and that changing the requirements in his case would detract from the merit of the award. He further wrote, "I don't consider that I have done anything which should be the reason of any award, Congressional or otherwise."

Today, some in Congress have found ways to cash in on the Presidency. Many have become quite wealthy. Political offices are now for sale. Harry Truman was correct when he observed, "My choices in life were either to be a piano player in a whore house or a politician. And to tell the truth, there's hardly any difference!" 🗿

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Two Cows

Democrat: You have two cows. Your neighbor has none. You feel guilty for being successful. You vote people into office who put a tax on your cows, forcing you to sell one to raise money to pay the tax. The people you voted for then take the tax money, buy a cow and give it to your neighbor. You feel righteous.

Republican: You have two cows. Your neighbor has none. So?

Socialist: You have two cows. The government takes one and gives it to your neighbor. You form a cooperative to help him manage your cow.

Communist: You have two cows. The government seizes both and provides you with milk. You wait in line for hours to get it. It is expensive and sour.

Capitalism American Style: You have two cows. You sell one, buy a bull, and build a herd of cows.

Democracy American Style: You have two cows. The government taxes you to the point you have to sell both to support a man in a foreign country who has only one cow, which was a gift from your government.

Bureaucracy American Style: You have two cows. The government takes them both, shoots one, milks the other, pays you for the milk, then pours the milk down the drain.

American Corporation: You have two cows. You sell one, lease it back to yourself and do an IPO on the second one. You force the two cows to produce the milk of four cows. You are surprised when one cow drops dead. You do a press release stating you have downsized and are reducing expenses. Your stock goes up.

French Corporation: You have two cows. You go on strike because you want three cows. You go to lunch. Life is good.

Japanese Corporation: You have two cows. You redesign them so they are 1/10th the size of an ordinary cow and produce twenty times the milk. They learn to travel on unbelievably crowded trains. Most are at the top of their class at cow college.

German Corporation: You have two cows. You re-engineer them so they are all blond, drink beer, give excellent milk and run a hundred miles an hour. Unfortunately, they also demand (and get) 13 weeks of paid vacation per year, stock options and free housing in Austria, Poland, etc. etc.

Italian Corporation: You have two cows but you don't know where they are. While ambling around looking for them, you see a beautiful woman. You break for lunch. Life is good. 🗿

Regenesis Service Directory

ATTORNEYS

Vial Fotheringham LLP 503.684.4111
Jason Grosz jlg@vf-law.com
Greg Coxe gbc@vf-law.com
www.vf-law.com
17355 SW Boones Ferry Rd
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