



The Regenesis Report



National 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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Acting Transparently

All governments have problems. The elected leadership of city, state and federal governments is populated with people that are largely untrained in the broad variety of tasks they are charged to do. HOAs are a form of government like no other. The entire membership, including the board of directors, is directly affected by how well or poorly business is run. This isn't the case in the other forms of government where there is little individual voters can do to make changes. Not so with an HOA where the members can oust the board or vote in a new board.

There are other controls. The governing documents can only be amended by the members, not the board. That is real power. With other forms of governments, voters have little control over what their elected representatives do, so most don't pay much attention or develop an attitude that "I can't do anything about it anyway". Of course, that kind of thinking is exactly why elected officials get away with what they do.

HOAs have actually brought us much closer to the way things used to be when democracy was more accessible. An HOA board is only able to lord over the members if the members let it. But HOA members have a real and viable way to gain relief from oppressive government.

Fortunately, the majority of HOAs are relatively well run and the community harmonious, in spite of being run by amateurs. And the amateur boards that get educated on the process really shine!

But most boards still have room for improvement in the communication department. The core philosophy here is "Transparency". Do not operate behind closed doors or withhold information that every HOA member is entitled to see. (There are exceptions to this rule, but the list is short: ongoing litigation, employment issues, competitive contract bidding). Here are several ways to keep the body politic transparently in the know:

Annual Planning Calendar. This is a multi-use document that combines meeting, social and maintenance dates all in one place. Meetings should be calendared a year in advance and major maintenance well in advance so that residents can make alternate plans.

Email. Ten years ago, many were internet challenged. Today, even seniors use Facebook. Make use of this reality by communicating by email. Save time and money.

HOA Website. If your HOA does not have a website, RUN, don't walk, to one of the many providers that specialize in user friendly HOA websites. Basic websites which would work for most HOAs are available for less than a \$1 a day. (For a list of HOA Website Providers, see www.Regenesiis.net).

Open Meetings. All HOA members have the right to attend board meetings. The fact that most don't doesn't mean the board should not advertise them and hold them in guest friendly venues. The willingness to have open meetings is a trust builder.

Circulate the Meeting Minutes. All HOA members have the right to know what the board is up to. Make DRAFT minutes available within a week of each board meeting.

Make Financial Reports Available. All HOA members have the right to know how their money is being spent. Make them available upon request.

Have and Follow a Reserve Study. This 30 year plan charts a course for the board to follow for scheduling major repairs and a funding plan for accumulating the money to pay for it. If you don't have one, contact the **Association of Professional Reserve Analysts** www.apra-usa.com for a list of credentialed **Professional Reserve Analysts (PRAs)** that can provide this invaluable service. The HOA members are entitled to see the reserve study because, again, it's their money that will be paying for those repairs.

Newsletters. Publish at least quarterly newsletters to remind of frequently violated rules, contact information, upcoming projects and meetings. It doesn't need to be a major production. One or two pages will do. Send it by email to eliminate cost.

Board transparency will reap great rewards by building confidence and trust. This is one glass house that will clearly show that the board has nothing to hide because *this* emperor is fully clothed. 🏠

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Ask the HOA Expert

Q Our board president recently resigned and four board members remain. Our vice-president became our "acting" president until a new director is appointed and new officers ratified. Our former president only voted to break a tie. Our vice-president says he can vote on all motions, rather than only to break a tie vote. Is he correct?

A All board members, regardless of office held, are entitled to cast a vote. So the president is entitled to cast a vote but often doesn't unless to break a tie. However, when it comes to controversial votes, it is in the president's best interest to cast a vote, particularly when he/she is

opposed to the motion.

Q Do you recommend cleaning gutters twice a year? Some board members think it's a waste of money.

A It depends. If there is tree coverage, absolutely, at least twice a year and more often where there are regular clogs. If there is no or little tree coverage, once a year might suffice. However, even when there is no leaf debris, composite roofing sheds rock granules which wash into the gutters and create a sludge that impedes rainwater from draining. This sludge needs to be removed every year so the gutters are running to maximum efficiency.

Q For years, our board refused to put money away for projects like roofs, fences and painting. Well, now the roofs need replacing, the paint is peeling and fences are falling down. Home values have been compromised and special assessments to pay for the projects are routinely shot down by the membership.

A The concept of planning for future projects is called a "reserve study". It is a tried and proven way of dealing with predictable expenses and events. Moreover, a fairly funded reserve study shares these costs with all members that benefit along the, usually, 30 year time line rather than nailing the unfortunate ones at special assessment time. Special assessments are the product of poor or no planning since virtually all reserve events can be anticipated many years in advance.

The board has a fiduciary duty to run HOA business in a business-like way. It also has a duty to protect the interests of current and future members. Any board that fails to plan for foreseeable events and expenses has failed in its duty.

Most governing documents obligate the board to budget for known (or knowable) expenses. Failure to plan for reserve events is usually indicative of a systemic problem like the

operating budget being underfunded and poor maintenance. The results are plain to see: erosion of the property and home values.

The board usually has the authority to set the budget and reserves at a level to take care of HOA business without approval from the members. If your board is required to get member approval, it could easily roadblock getting things done. But often, the board simply doesn't raise the issue because naysayers won't like it and the board doesn't want to get yelled at. However, naysayers are usually few and far between because most want to protect the value of their property and know it costs money to do it.

Take this message to the board: "You have fiduciary duty to reasonably protect and maintain common assets. Reserve planning and funding is an accepted and fair way to do it. Well?"

Q According to our governing documents "If a home owner desires to decorate the exterior in a color and finish other than that supplied by the builder at the time of construction, then the consent of 50% of the members of the association and all holders of first mortgages shall also be required prior to such change being effected."

We had an owner who wanted to paint their home a different color and the board told him to put together a written request and color samples for a member and lender vote as required. Instead, he wrote a petition and went door to door to gather signatures. One of the signatures belonged to the *board president*. Almost half of the members never saw the petition. He has started painting.

A I hope your board president has been removed from office for allowing and encouraging this violation to take place. HOA decisions should never be made by door to door petitions although petitions can certainly be used as the basis for holding a meeting. But the final decision should be made at a meeting where all owners are allowed to discuss the pros and cons and then

make an informed decision.

By the wording of your governing documents, approval of 100% of the mortgagees is required in addition to 50% of the members. No mortgagee approval was obtained so that killed the request. But realistically, getting any of the mortgagees to respond to such a request is impossible since there is no mechanism for such decision making.

The person that wrote this provision into the governing documents was ignorant about how the homeowner association system is designed to work and may have tied the members' hands forever from making a paint color change.

However, the board should require the offending member to repaint according to the standard. He was told what the procedure was and circumvented it. If the board allows the offense to stand, it will be difficult to enforce any standard at all.

Q What is the correct procedure to select officer positions? Historically, my board meets immediately following the annual meeting, someone nominates a director to the position of president, someone else "seconds" the motion, followed by a show of hands to determine if a majority vote exists. How do we get a second or third nominee considered in this procedure? We always wind-up with the old president serving another one-year term.

A It's up to the directors to select the officers so the scenario you describe is normal. If you want things to change, someone (you?) needs to campaign with the stated goal of becoming president. That strategy needs to include getting other directors to support that goal *before* the selection meeting. 🌟

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Meeting Mechanisms

Meetings are the mechanism for conducting homeowner association business. They should be properly choreographed to ensure that real business gets accomplished. While HOA meetings are typically less formal than those of Congress (and thankfully shorter), using parliamentary procedure goes a long way to turning endless discussion into done deals. Here are a few mechanisms on how to run an effective board meeting:

Schedule & Publicize the Meeting. Board meetings should be scheduled and noticed well in advance to avoid conflicts. Rather than schedule them on the fly, set dates, times and locations a year in advance. Strive to hold meetings consistently (like the second Tuesday of January, April, July and October, 6:30-8:30 pm at the Clubhouse). Post the schedule on the HOA's website, newsletters and common area posting. Distribute it by e-mail and/or regular mail.

Distribute Agendas & Supporting Material in Advance. Directors should receive the agenda and related information at least one week in advance. Include the most recent financial report, manager's report (if applies), details of delinquencies (who, amounts owed, how long, action taken to date), minutes of last meeting, requests by owners (architectural modification, petitions) and committee reports. Directors should review the information before the meeting and come prepared to discuss and take action.

Prohibit Use of Alcohol. Social events are great but HOA meetings are not social events and getting real business done requires clear headed focus. Save the wine tasting for after the meeting or for another time and place altogether.

Use a Location Conducive to Business. While meeting in someone's home may be cheap, it is generally not conducive to meetings or large enough for guests. Homes often have disruptions like phones, kids and pets. If your HOA doesn't have a meeting room or clubhouse, use a local church, library or community center which are often

cheap or free. The facility should have a table large enough for the board and additional room and seating for a reasonable number of guests. The room should be well lit and temperature controlled for comfort.

Set a Time Limit. Most meetings should be limited to no more than two hours. Using a "timed" agenda actually puts time limits on each agenda item (like Review & Approve Minutes: 5 minutes, Landscape Contractor Review & Approval: 15 minutes) to help keep the meeting moving along.

Follow Parliamentary Procedure. Parliamentary procedure is designed so that business is handled systematically and to avoid rambling discussions. If a director wants to discuss some new business, it should be proposed as a motion, seconded and voted "aye" by a majority of the directors. If the motion fails, move on. Parliamentary procedure allows discussion as long as it presents new information for consideration. If a discussion of a motion is clearly headed for pass or fail, the Chair can terminate the discussion by asking for a vote. At times it's like herding cats but in the long run, getting business done within a set time frame will reward accomplishment, not talk. (For a simplified version of Parliamentary Procedure, see www.Regenesi.s.net Meetings section.)

Start on Time. Waiting for chronically late directors shortens available meeting time and encourages tardiness. If the meeting is scheduled for 6:30, start at that time. Avoid the temptation to bring straggling directors up on what they missed. This too encourages tardiness.

Start with a Member Forum. Let the members have their say, ask questions and criticize if they must. Limit the forum to 15 minutes or less. Ask how many want to speak, do the math and limit each to a set time limit. If only one wants to speak, five minutes is usually enough and move on to the agenda. This is not a time for members to ask for board action on any complex topic. If the topic requires

research, board response should be delayed until adequate information is developed.

Follow the Agenda. The agenda is the meeting map. Stray too far from it and you may not find your way back. The Chair should monitor discussions carefully and rein it in when it drifts far afield. Adding impromptu agenda items is rarely productive because they rob time from the set agenda and usually produce a rambling and uninformed discussion. Save the impromptu for a future meeting.

Both directors and general members will appreciate the results of productive meetings. Meeting mechanisms like these are designed to get business accomplished so volunteers can get back to their lives. Gear up and gitter done!🗡️

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The Shakedown

There's a gangster in the 'hood. He's rough, he's tough and he's gonna show the board who's boss. He's holding his monthly assessment hostage to extort action from the HOA. It could be something he wants fixed or some rule he wants changed but no change is going to come until he gets his way.

This kind of shakedown is fairly common in homeowner associations. It usually comes up when an owner's requests for maintenance have been ignored. Sometimes it's because of how the board is doing business: secret meetings, abuse of power, poor or unequal rule enforcement. So there is a demand for change which often includes an element of righteous indignation: "I'm not gonna TAKE it anymore!"

Sometimes the excuse for the shakedown is legitimate. Repeated maintenance requests *have* gone ignored. The roof has been leaking for weeks and damage is being done to

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their personal property. Or there's been a junk car with flat tires and a growing oil slick parked in front of their unit for months and yet still no action. So, one morning, Mr. Irritated wakes up and thinks "Hey! I pay my fair share. If I can't get service, I'm not paying any more!"

There are several courses of action that the board can take. Keep in mind that anyone that has withheld money has already had the last straw broken and is not likely to be very cooperative. There's going to be a certain level of resentment built up that must be overcome before communication can take place. So, rather than write a letter or email which can easily be misconstrued, a personal phone call or visit is the best first step. This will address the feeling of being ignored. Express concern and get to the bottom of the problem. This is a fact finding mission so get the facts: dates, places, he says and she says. Keep notes. Then ask what it will take to resolve the issue now. This is where it gets tricky. The answer you get may or may not be reasonable.

If the request is entirely reasonable, assure that steps will be taken to move it forward. Give a time line for getting the task done and ask that you be called personally if it isn't. Ask that the assessment be brought up to date in the meantime so late fees aren't incurred. Offer to waive any that may have already been assessed if the balance is resolved within 48 hours. This will allow a graceful way out and demonstrate that you sympathize.

If the request is not reasonable, not the HOA's responsibility, not budgeted or planned, explain that to make sure that it's understood. Maybe it has not been properly explained before. If it has and the response is "I could care less. I'm still not paying until it happens." then conclude the conversation by saying you understand what's being requested but can't accommodate the request for such and such reasons. Add that the request can be formally appealed to the board but that withholding money could negatively affect the board's decision. Ask that the hold back be paid so late fees and collection costs

aren't added to the balance.

Another scenario to consider. The hold back may be a cover up for a lost job or some other financial setback. That throws a different light on the issue and solution. Ask if there is something else, like a financial problem, that's driving it. You might be surprised how often it is and, when caught off guard with your question, an owner will 'fess up. If this is the case, focus on the truth of the matter. If there is a financial problem, maybe there is an accommodation the board can help.

Shaking down the HOA can be based in exasperation, a hidden agenda or personal finances. It's important to understand the underlying motivation so that reasoned action can be taken. Getting to the bottom of it will help you make nice.🗡️

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Paradigm Shift

Homeowner associations across the nation have discovered the advantages of planning ahead for major repairs by following a well executed Reserve Study. A Reserve Study identifies the building and grounds components that the HOA is responsible to repair and replace that have useful lives of, typically, up to 30 years. These cyclical repair costs are often enormous and not included in the annual Operating Budget. So, if funding is not accumulated in advance over a period of years, you guessed it, Special Assessment Time!

A properly funded Reserve Study is fair to all members along the 30 year time line. By dividing up the costs into 360 monthly fees (the case with condominiums and other common wall

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communities), each member pays only the part of the 360 months applicable to their time in ownership. If all members are paying monthly, no member will get stuck paying for someone that didn't. A special assessment means some just got nailed because those that bought and sold skated on paying their share of the costs.


But your HOA is different, right? Even if these costs have been handled by special assessments in the past, your board won't continue this clearly unfair method...right? Sadly, many boards keep trudging the same path because "that's the way it's always been done". Progressive states have realized that special assessment funding is irresponsible and have enacted reserve funding requirements for their HOAs. In those states that haven't, it's incumbent on the board to plan for these events without being told to. It is simply the right thing to do and to do otherwise is irresponsible.

Adopting a fair and adequate reserve funding philosophy is what the business gurus call a "paradigm shift". There is often resistance from some HOA members who view reserve funding as an added cost. These folks like to live on the edge and often have more month left over than money. While individuals have the right to live on the edge withfor personal finances, this does not work in a homeowner association where the finances are inextricably linked. Responsible reserve funding recognizes this reality and charts a course where all participants pay their share.

While a Reserve Study charts the course, it doesn't establish the policy. A funding plan without a policy is like a ship without a rudder. It may sail straight for a while but then change course because a new captain is at the helm. A Reserve Study & Funding Policy holds future boards to the original course. It identifies what will be included in the Reserve Study, how it be funded and restrains a future board from deciding not to follow it. Since boards do change, having a clear policy is critical. Adopting one will help stop the boom and bust cycle of

one board putting money away and the next one spending it.

If your homeowner association has not had a professional Reserve Study performed, do yourself a favor and do it. Having large numbers of units/homes is not the determining factor whether to do it or not. Actually, the smaller the HOA, the more critical a Reserve Study is because the cost per member goes up. So, get it done and adopt a Reserve Study & Funding Policy so this paradigm shift shifts into high gear.

For a list of reserve study providers which carry the Professional Reserve Analyst (PRA) credential, go to www.apra-usa.com 

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Debog the Commons

In wet climates, boggy soil conditions can hamper use of turf areas. Normal soil makeup consists of small pieces of rock, organic debris, water and air. In many soils (especially clay soils), the air content is highest in the upper 24 inches. As you go deeper into a soil, the weight of the overlying material compresses the soil and squeezes out the air.

When it rains, water enters soil and pushes the air to the surface. Gravity then takes over. If the yard slopes, the water within the soil begins to flow downhill. Level yards suffer as the movement of the water through the soil is minimal. You can accelerate the movement of water or intercept and redirect subsurface water by installing gravel covered perforated drainage pipes in narrow trenches. Water, just like most things, takes the path of least resistance. Subsurface water would much rather travel through gravel and pipes than force its way through soil.

A linear french drain is a moat that

protects the yard or buildings from subsurface or surface water. It is constructed by digging a 6" wide by 24" deep trench. To intercept subsurface water to dry out the yard, install the trench along the highest part of the yard and extend it to the lowest part of the yard. If the intent is to protect buildings from water, construct the trench approximately 4-6 feet away from the foundation. In many cases the trench system is U shaped as it passes around the building.

If the yard is nearly level, a series of inter-connected trenches will be needed. IMPORTANT: Before trenching, make sure to perform a utility line locate to ensure you don't cut gas, water or electricity lines. Cutting utility lines could be extremely hazardous. To excavate the trench, use a trenching machine capable of 6" wide by 24" deep trenching. Use a builder's level to determine how deep to dig the trenches.

Yards that appear flat often have sufficient slope that allows installing the pipes so that they will extend to daylight at the lowest portion of the area. An optical or laser builder's level will reveal the high and low portions. The bottom of the trench can be level or it can follow the contour of the land much like a fence. Daylighting the pipe exit (terminating the pipe at the surface) will obtain the best drainage results.

Once the trench is completed:

1. Compact any loose soil in the bottom of the trench. A 6-foot 4x4 works well for this purpose.
2. Install commercial grade landscape fabric to line the trench overlapping it 6" starting at the exit end of the trench. Leave an extra 6" of fabric at the top of the trench on both edges. To hold the fabric in place, weight down the exposed fabric with 2x4s or rocks.
3. Install a 2" layer of washed gravel in the bottom of the trench.
4. Install perforated drain pipe with holes facing down. The reason the

holes should point down is that the water table builds from the bottom up. If the holes point down, the water enters the pipe sooner than if the holes are pointed up. During wet periods, water is already up to the bottom of the holes and if it rises higher than the holes, the water flows into the holes and is carried away by the pipe.

5. After the pipe is installed in the trench, cover it with washed gravel to within 1" of the surface tamping down the gravel with your 4x4 to compact it.
6. Fold the 6" tails of landscape fabric to overlap the gravel.
7. Place sod over the gravel to disguise the trench. Or, to control surface water better, allow the gravel to be exposed to the surface. Widen the trench in the upper few inches of the soil to disguise the drainage system. Use colored stones, gravel or large stepping stones to create a walkway. To further enhance the illusion, install the trench with gentle curves as it traverses the lot.

From www.AsktheBuilder.com 🌟

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I Am A Corporal

During the Revolutionary War, a group of soldiers was ordered to raise a heavy timber which the enemy had used to block the road. The soldiers could scarcely lift it yet a young corporal stood by, urging the men to lift hard, shouting, "Now boys, right up!"

With each subsequent failure to move the immense timber, the corporal's commands became more and more severe.

A superior officer passing by observed the efforts of the men and the sharp commands of the corporal. He rode up to them, dismounted, and lent his own

strength to the task, lifting with the men.

When the timber was in place, the officer asked the corporal why he did not help with the task.

"Why, I am a Corporal," he replied.

"And I am a General," responded George Washington. 🌟

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Forgive & Forget

Basic human nature causes us all to offend others from time to time. Sometimes it's done unintentionally while other times with malice and forethought. But regardless of intent, if we are to coexist in peace, making amends is essential. Here are seven "A's" to go about it:

Address everyone involved. If your offense was perpetrated in a group setting, you should make amends to everyone that was there, both the target and the audience. The audience part is important because onlookers may not have been personally offended, but may carry the impression that you're a jerk until you disabuse them of the notion.

Avoid if, but, and maybe. Don't rationalize what you did. ("You made me mad"). Take responsibility for your actions.

Admit your mistake. Say that you lost your temper, you misunderstood or whatever it was that triggered your inappropriate behavior.

Acknowledge the hurt. Admit that damage was done.

Accept the consequences. If there is something that needs to be restored (stolen, broken, etc.) restore it and pay the price.

Alter your behavior. Promise to do better in the future.

Ask for forgiveness. This may be the toughest part because you may not get the forgiveness you ask for. You can't control the response but you can control your desire for it. Expect the worst and hope for the best. Accept whatever response you get. Either way, it doesn't change your part of the process.

Forgiveness is a life changing event for those that forgive and for those that ask for it. We're all guilty of offending our neighbor. Forgive, forget and be set free. 🌟

Stain Removal Guide

Here's a handy guide to getting out those pesky fabric stains:

Blood. Spill more blood around area of stain so it won't stand out as much.

Ink. Fall to knees and plead, "Why, God, why? Why do you test me so?"

Grass. Write the name of your liquid detergent on the stain using the product. Wash item. Hold up to camera and show off the unbelievable results.

Mud. Place large iron-on NASCAR patch over stain. Apply heat for 60 seconds.

Grape Juice. Rub stain vigorously with wet paper towel while saying "Oh, s**t..."

Coffee. Rub cream and sugar into stain. Apply oral suction. Enjoy rich, robust, coffee stain flavor.

Tomato Sauce. Take out the person responsible in Mafia style execution.

Wine. Apply mixture of 1/2 rum and 1/2 cola to self until you no longer care.

Chewing Gum. Using permanent marker, draw dotted line around stain. Cut carefully on dotted line.

Nail Polish. Nail polish stains are actually quite lovely. Why not leave them in for a pleasing "homecrafted" look?

Bleach. Insoluble. Burn down house.

From *The Onion* 🌟