



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.



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

Regenesis, Inc.
PO Box 19605
Portland OR 97280

www.Regenesis.net

PH 503.481.7974

Old Ben Nailed It

One of the earliest advocates of preventive maintenance was Ben Franklin. He wisely wrote: "A little neglect may breed mischief...for want of a nail, the shoe was lost; for want of a shoe the horse was lost..." Old Ben nailed what happens when relatively small repairs are neglected. Little things have major impact on homeowner association assets. For example, a small lack of flashing can lead to major dryrot, structural problems and major expense. **KACHING!**

Preventive maintenance is critical to managing an HOA's assets. When executed properly, it extends the useful life of buildings, grounds and equipment. Stretching out useful lives means stretching member contributions and reducing downtime from component failures. Preventive maintenance involves fixing something *before* it breaks. Here are five objectives for a every preventive maintenance program:

1. To perform maintenance that keeps the property safe and functioning.
2. To promote the most effective and efficient use of resources.
3. To estimate the human resources needed for proper operation and maintenance.
4. To determine long range funding requirements and project scheduling.
5. To evaluate the effectiveness of the maintenance effort.

Preventive maintenance programs are common with elevators, HVAC and pool equipment, usually because there is a service contract. Other components, like paving, roofing, decks and paint require monitoring and planning.

Functional obsolescence is also a legitimate concern. Lack of parts, improvements in efficiency, technology and changes in fire and building code can make equipment obsolete even though it's working just as designed. This is particularly applicable to elevators, boilers, pumps and HVAC. Buying new equipment is often a great investment in reduced operating costs. For example, by replacing all common area lighting Light Emitting Diode (LED) bulbs,

the light level will be significantly increased, the energy consumption reduced by 70% and the useful life of each bulb extended by 10-15 times thereby saving an enormous amount of labor costs. Within 12-18 months, the cost will be recouped in energy savings and then, it's money in the bank.

So, what is the best way to address major preventive maintenance? Two words: Reserve Study. A Reserve Study identifies all common components that the HOA is responsible to maintain, assesses current condition, cost of repair/replacement and charts a 30 year schedule to keep the components in their best condition.

The Reserve Study can provide for cyclical preventive maintenance so components achieve their optimal lives. For example, if cracks, minor repairs and sealcoating are performed at least every five years on asphalt paving, major repairs will not be required for 20-30 years. If this relatively inexpensive preventive maintenance is not done, significant and costly major repairs will be required much sooner. Pay a little to save a lot.

A Reserve Study will also guide the board how to systematically accumulate funds *without special assessments*. A proper funding plan will have all owners contribute a fair share relating to the benefits received. A fair contribution plan means no one will get a better deal than anyone else and the money will be there when needed. The Reserve Study is absolutely the best way to prepare for a future which will certainly come to pass.

Remember Old Ben's nail analogy. Little things have a way of causing great things to happen. But rather than *fail* in the little things, *plan* for them and hit this nail right on the head.☀

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Ask the HOA Expert

Q Recently, one of the owners had a red metal roof installed over his front porch. He never submitted an architectural change request and metal roofing is not permitted by our governing documents. What's the best way to handle a situation like this?

A It's easy for architectural and design requirements to get buried in the governing documents which few read or remember even if they have read them. Does the board regularly remind owners of design standards through a website, newsletters and postings? If so, the case can be made that this owner simply chose to ignore the requirements. If not, it's easy to understand why a homeowner would think "my home is my castle and I decide how I want it to look".

Architectural standards established by the developer are not cast in stone. In fact, many developments are locked in a color and materials code that was hoped to trigger sales and profits for the developer. But tastes change. As new colors and materials come into vogue, it makes sense for the board to establish different standards or allow deviations within reason.

In this particular case, the simplest approach is for the board to inform the owner of the governing documents standard and request replacement with the standard. The owner may comply without question. However, it is more likely that the owner will protest loudly that he didn't know and shouldn't be penalized. The "didn't know" defense is more or less valid depending on how aggressively the board has enforced standards in the past.

If the owner resists changing, the ultimate decision by the board is based on how aggressive the owner is determined to be to defend his position (like going to court over it). The HOA is rarely well served going to court since it is usually either a Win-Lose, Lose-Win or Lose-Lose outcome. The board should make a decision that is in the best interests of the HOA. That decision may be to allow the roof to stay. This decision won't satisfy everyone but may be the most

financially practical one. Moreover, the board could press to remove inflexible standards from the governing documents. In the long term, that would allow the HOA to change with the times when it makes sense to do so.

Q We have a board member who has missed the last three meetings, all of which were very important. One was to meet the HOA manager candidates, another was to select our new manager and the last was to approve our annual budget. He has come in late on numerous occasions and never reviews the agenda and related material ahead of time. He has two years left on his term. What can be done to get him off the board?

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A The board president needs to have a heart to heart with him. When he ran for office, he agreed to serve the interests of the HOA members. He clearly is not fulfilling his obligation. Either he now is willing or he is not. If he is, great! He can do that by attending future meetings regularly and by making informed decisions. If he is not willing, he should voluntarily step down so the board can appoint someone that is. If he refuses to step down, there is little that can be done unless an appropriate number of owners (according to the governing documents) votes to remove

him. But most slackers, when properly challenged, will step down voluntarily.

Q Can the board call a meeting outside of the regularly scheduled monthly meeting, hold the meeting without a quorum of board members, without the management company and without taking minutes?

A Both special meetings and emergency meetings can indeed be called between normally scheduled board meetings. There is no requirement that the management company be present although it's generally desirable that the manager be there to advise the board. All board meetings require minutes be taken as a record of decisions made. The biggest sticking point in this particular situation is that without a quorum, no legal business can be transacted.

Q Our governing documents restrict unit occupancy to "single family". Our board interprets single family to mean "related" individuals. According to this interpretation, a girlfriend, boyfriend and a caregiver would violate that restriction.

A Having the board try to pass judgment on each living situation is a waste of time and possibly illegal under the federal Fair Housing Act. The real issue is not family status but how residents and their vehicles impact the neighbors and common area. In that regard, the board has the authority to enforce reasonable rules and standards that apply equally to both owner and renters. It should stick to rules enforcement and not relationship scrutiny.

Q If the board is meeting and agrees to an action, but does not follow Roberts Rules of Order (making a motion, seconding, and voting for the motion), is that action legal? In our particular case, the board discussed and all agreed to a rule change. The minutes also reflect that they all agreed to the action.

A If state statute or your governing documents require use of Robert's Rules, the board needs to use them in the board and member meetings. Otherwise, agreeing to something as you describe is okay. However, a simplified version of Robert's Rules is highly recommended to keep the meeting organized and to ensure a balanced and meaningful discussion with a purposeful outcome. Without it, meetings can easily become bull sessions with little accomplished.

Q We have a private clubhouse and pool open only to residents who are up-to-date on dues. We have an owner that lives elsewhere and rents out his unit. Can the owner rent our clubhouse for a party even though he doesn't live in here? Does the owner give up his amenity rights and privileges to his renter?

A When a unit is rented, HOA amenity use rights are transferred to the renter. However, the board could make an exception when it comes to renting the clubhouse since it generates revenue for the HOA.

Q Our manager is saying that no board member should contact the landscape company, ask questions, etc. I know that some boards assign certain members to a Landscape Committee which interacts with the landscape contractor.

A From a practical and operational standpoint, random directors should not be contacting and giving direction to vendors when you have hired a management company to do this. The vendors generally want to do their job right and it gets confusing when they receive contradictory or multiple instructions from different authorities. The board should either assign a director to that task, allow the manager to handle it or assign a board member to communicate landscape issues to the manager for execution.

Q For 20 years, our HOA has never been faced with snow removal until last winter. As a result, we spent \$3600 that was not in the budget. The board informed

the owners that a \$3600 Snow Removal item will be added to next year's budget. Many owners are up in arms over this. Is there a better way to handle it?

A If this is the first time in 20 years that snow removal has been necessary, it's unlikely it will be necessary next year. However, to be on the safe side, it is perfectly okay to establish a Snow Removal reserve. Set up a five year reserve fund based on the \$3600 recently spent and reserve \$720/year.

Q Can a non-board member go door to door asking neighbors to sign proxies for the Annual Meeting? The board has asked for all proxies to be returned to the Secretary.

A Proxies can be given by an owner to anyone, even someone that is not a member of the HOA. It is not uncommon for attorneys and relatives to be appointed. So, yes, an owner could go door to door and ask that each owner appoint him as their representative. If this person amasses many such proxies, his voting power may by itself control elections and other votes. 🗳️

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False Assumptions

The board of a homeowner association (HOA) has various and sundry tasks it is charged to perform. Some boards fall prey to false assumptions which drive their approach to handling these tasks. Here are some of the more important ones:

HOA fees should be kept low. False. The board is elected to maintain the HOA assets. 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 member 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 a business-like manner. This means taking care of things in a timely way, 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 the board want to save a few bucks and take on such disagreeable tasks for no pay?

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 a full-time job if the board is trying to do everything in-house. With professional management and 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 board. In both cases, there

are physical and human assets entrusted to the board's oversight.

Is your board operating under false assumptions about the true scope of its job? 🗝️

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Winning Newsletters

Communication with HOA members with regular newsletters is extremely important. The newsletter need not be extensive. A couple of pages will suffice. Here are some considerations for producing a great newsletter.

The Refrigerator Magnet Test. When a child brings home a great grade on a spelling or math test, it usually gets stuck on the refrigerator door with a magnet. A winning HOA newsletter should have the same appeal. It should look good enough to be worthy of the honor and the content should be relevant enough that members should want to keep it close at hand.

The Golden Rule. The Golden Rule of HOA communications is "Speak to others as you would like to be spoken to". If you are going to use the newsletter to admonish and threaten those who violate the rules, you can expect ineffective results. Every HOA has rules broken from time to time. The rule breakers usually represent a minority of the membership. Why not celebrate the actions of those that follow the rules and thank them for being such good citizens? A pat on the back feels better than a kick in the pants and is more enjoyable to read about.

Positive vs Negative. Think about some of the great communicators of our time. They know that a positive message is better received than a negative message. Use positive energy and you will produce a newsletter that is both readable and enjoyed by the members. Use negative energy and you will end up with a largely unread newsletter that does little more than

waste resources both in its production and effectiveness.

Content is King. To draw readers into your newsletter, you must provide something that they want. Members want to know what is going on, especially those items that affect their pocketbook. If the board is discussing plans for a major capital improvement project, members want to know how the improvement will benefit them and how much it will cost. Nothing draws readers in like learning about the new swimming pool they will be enjoying in one year's time or the new parking lot pavement project that will get rid of the potholes they drive through every day. The more interesting your content is, the more your readers will look forward to learning more in the next issue.

Human Interest. Members like to feel as though they are part of something more than a housing development. Don't be afraid to add some human interest by sharing knowledge that will intrigue your readers. Who is new in the community? Who just celebrated their 50th anniversary? Who has a new baby? These news items may seem a little trivial but they are interesting topics to the more social members.

Looks are Important. Making your newsletter look its best is critical to its effectiveness. If it looks like the person preparing the newsletter doesn't care about how it looks, it is likely to be received in the same manner. Spelling, grammar and design are all elements that require attention. Spend the money for color copies. It will carry a higher value by your audience.

Creating an winning newsletter requires attention to detail. If your newsletter highlights negative news and admonishes rules violators, don't be surprised if it doesn't get read. Create a positive experience for your reader and be rewarded with a winning communication tool. 🗝️

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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 

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Sample Policies
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Parking Policy

Parking is a common homeowner association issue that requires a comprehensive policy. The following sample resolution should conform with applicable state statutes and association governing documents. Prior to implementing one, have it reviewed by a knowledgeable HOA attorney.

(Name of Association)
Policy Resolution # _____
Parking

Whereas, Section ___ of the Nottacare Condominium Bylaws grants the general power to conduct the business and affairs to the Board of Directors, be it resolved that in order to assure equitable parking and an attractive community, the Board of Directors establishes a policy as follows:

Permissible Vehicles. Vehicles that may be parked within the community include conventional passenger vehicles in good repair and which are currently registered, licensed and in regular use. Each resident is permitted to park no more vehicles than can be accommodated by garage, driveway or assigned parking.

Prohibited Vehicles & Equipment. The following vehicles may not be parked within the community:

1. Commercial Vehicles (delivery trucks, vans, trailers or vehicles adapted to a business use, like a pickup truck

that has been fitted with special racks to hold material and tools).

2. Buses
3. Recreational vehicles (RVs)
4. Utility trailers
5. Campers
6. Boats
7. Recreational equipment like snowmobiles and jet skis.
8. Stored, broken down or wrecked vehicles.

Prohibited vehicles and equipment may be parked in a garage, provided there remains adequate room to park residents' passenger vehicles in the garage and/or driveway. Loading or unloading of prohibited vehicles and equipment is permitted subject to a 24 hour time limit.

Moving Vans & Service Vehicles. These vehicles shall not remain parked in the community longer than a 12 hour period.

Garage Use. Garages are to be used for vehicle parking. No personal property storage or conversion to living space is allowed if vehicles are displaced to the driveway or street.

Guest Parking. If guest parking is limited or unavailable, residents must provide room in their own assigned parking area so that guests are not required to park in other residents' spots. Guest parking should only be temporary and infrequent so that available parking is not overburdened. It is extremely important that residents neither offer or expect special parking privileges for guests. Guests are subject to the same penalties, including towing, if parking guidelines are violated.

Enforcement Procedures
Written Notice of Violation. The Board or Managing Agent shall notify the vehicle owner in writing of the specific violation and include a copy of this resolution. If the offending vehicle is owned by a renter or guest, the property owner shall be notified. The notice will allow 10 calendar days to cure the violation.

Towing. If the offending vehicle remains after the deadline indicated in the written notice or is a repeat offender within a period of one year, the vehicle is subject to tow without further notice at the expense of the vehicle owner.

Towing charges shall not be considered a fine. Vehicles parked in a marked fire lane or tow-away zone will be towed without warning.

Fines. The Board of Directors shall levy a fine of \$___ per occurrence against the property owner who has violated this resolution (or his renter or guest).

Right of Appeal. The vehicle owner has the right of appeal. Such appeal must be received in writing by the Board or Managing Agent to the regular business mailing address before the notice deadline. If the vehicle belongs to a renter or guest, the appeal must be made by the property owner or the owner's management agent. Once an appeal is received, the Board will hold an appeal meeting within 7 days. If the appeal meeting does not take place within 7 days, the matter is considered dropped. The Board's decision on the appeal is final. If the appeal is rejected, towing and fining provisions become effective immediately.

Collection Provision. All fines, costs and expenses necessary to enforce the Parking Policy will be levied against the property owner and shall be an assessment against the owner's property and subject to all lien and collection powers of the Association.

Recorded in the Minutes on [Date]
Signed [Date] [Signature]
President - Board of Directors 

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Prune Plants Perfectly

Landscaping is one homeowner association asset that can and should improve with age. However, diligent attention is required in order to make this happen. Skilled maintenance work, along with occasional and ongoing improvement work are essential.

Skilled shrub pruning is one of the most important requirements of a sound maintenance program. Selective cutting

sustains a natural form while removing twigs and branches that are getting too large or overcrowded. Careful pruning will actually allow plant size reductions with improved vigor in most cases.

Plant shearing (shaping, hedge trimming) by contrast, ignores plant growth habit with the net effect of destroying branch structure. "Carving" a sheared form into any shrub increases twig density at the surface, thereby shading out, and in many cases killing interior growth. The sheared shrubs still continue to get larger and "woodier" with each passing season, until ultimately the only realistic option remaining is to remove the monster and start over with something new.

Shrub pruning could have hugely different returns depending on the quality of care over time. On the one hand, the opportunity exists for maturing shrubs that contribute more each year to the aesthetic appeal, enjoyment and value of your grounds. On the other hand, a situation can be created that leads to unnecessary corrective expenditures.

Similar quality of care issues impact every element of your landscape. Interview prospective service providers at length to learn more about quality care, as well as to determine the qualifications and the intentions of each bidding firm. 🌱

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Solving Problems

"It is in the whole process of meeting and solving problems that life has meaning. Problems are the cutting edge that distinguishes between success and failure. Problems call forth our courage and our wisdom; indeed they create our courage and our wisdom. It is only because of problems that we grow mentally and spiritually...It is through the pain of confronting and resolving problems that we learn. As Benjamin Franklin said, "things that hurt, instruct."

"Fearing the pain involved, almost all of us...attempt to avoid problems. We procrastinate, forget them, pretend they do not exist. We even take drugs to assist us in ignoring them, so that by deadening ourselves to the pain we can forget the problems that cause the pain...This tendency to avoid problems and the emotional suffering inherent in them is the primary basis for all human mental illness." (*The Road Less Traveled* by Scott Peck, M.D.)

The tragedy is that the substitute itself ultimately becomes more painful than the legitimate suffering it was trying to avoid. And the avoidance of legitimate suffering means we also avoid the growth that problems demand of us.

Do you have a problem? Several dozen? If you listen to the voices around you, you'll search for an escape route. If you make that choice, you'll miss an opportunity to stretch and grow. Meet your problems head on and watch your life gain meaning and prosperity.

By Chuck Swindoll 🌱

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Seasons & Reasons

People come into your life for a reason, a season or a lifetime. When you know which one it is, you will better understand how to benefit from the experience.

When someone is in your life for a reason, it is usually to meet a need. They have come to help you through a difficult time, to provide you with guidance, to support you physically, emotionally or spiritually. They are there for the reason you need them to be. Then, the relationship may come to an end. Sometimes they die. Sometimes they move. Sometimes they force you to take a stand. Regardless of the reason, their work is done.

Some people come into your life for a season to help you grow or learn. They bring you peace, make you laugh and give you joy. Believe it, it is real. But only for a season.

Lifetime relationships teach you life lessons, things you must build upon in order to have a solid emotional foundation. Your job is to accept the lesson and put what you have learned into practice and other relationships.

Friends made for seasons and reasons help guide us to good and Godly ends. When they knock at your door, answer the call. 🌱

Politiques

Democracy must be something more than two wolves and a sheep voting on what to have for dinner. *James Bovard*

Giving money and power to government is like giving whiskey and car keys to teenage boys. *P.J. O'Rourke*

I don't make jokes. I just watch the government and report the facts. *Will Rogers*

If you think health care is expensive now, wait until you see what it costs when it's free. *P.J. O'Rourke*

The inherent vice of capitalism is the unequal sharing of the blessings. The inherent blessing of socialism is the equal sharing of misery. *Winston Churchill*

The only difference between a tax man and a taxidermist is that the taxidermist leaves the skin. *Mark Twain*

The ultimate result of shielding men from the effects of folly is to fill the world with fools. *Herbert Spencer*

There is no distinctly native American criminal class save Congress. *Mark Twain*

What this country needs are more unemployed politicians. *Edward Langley*

When buying and selling are controlled by legislation, the first things to be bought and sold are legislators. *P.J. O'Rourke* 🌱

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