



The Regenesis Report



Portland Edition

Innovative Homeowner Association Management Strategies

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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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HOA Budget Review

Fall is the time when most homeowner associations count last year's costs and crunch next year's numbers hoping to squeeze blood out of the community turnip. Often it's so dry, there isn't even any turnip juice left much less any O positive. But crunch you must. Here are some of the ways to make the cash flow more freely.

Adjust by Inflation. This is a no brainer. Check the Consumer Price Index - CPI at www.inflationdata.com and raise all budget items by at least that amount. An exception is utilities which often have a larger rate increase. Call all utilities and inquire about planned rate increases for next year.

Add a Contingency. A contingency of 5-10% of the total budget can cover those things you forgot to include or could not foresee.

Looking Back for Future Savings. Next year's budget should be based on prior years' actual expenses. Do a side by side comparison of the last three years' actual costs. You may learn something like seeing large and unnoticed utility cost variances. You may catch a cost savings that got passed over.

Leave Out Potential Income. Late fees may not happen so don't count on them. Besides, it's a bit insulting to plan on owner delinquency.

Assign Expenses by Category.

1. Administrative. Management Contract, Legal, Reserve Study, Accounting, Office Supplies, Postage
2. Utilities. Water/Sewer, Electrical, Phone, Gas, Cable & Internet
3. Maintenance. Landscape Contract, Gutter Cleaning, Pool Maintenance, Elevator Maintenance, Janitorial.
4. Reserve Contribution. To fund painting, roofing, fencing, etc. See Reserve Study for details.

Itemize Significant Expenses. It's important to know where significant money is being spent. For example, rather than lumping everything into "General Repairs" divide it among "Plumbing Repairs", "Electrical Repairs" and "General Repairs". If this hasn't be done in the past, start doing it in the future. In other words, when a significant bill is paid, assign it a proper description so that next year the Budget Committee can assess whether there is a trend.

Reserve Wisely. Reserves are funds collected to pay for periodic major maintenance and repair to roofs, siding, paint, pools and other common components. It's critical that these expensive events be forecast at least 30 years out so that this year's budget collects a fair share of future expenses. Failure to collect from all owners inevitably leads to special assessments. Since the cost and schedule can be predicted, why not let all share the expense rather than penalizing a few? A reserve study analyzes these future costs and provides a annual contribution recommendation that can be included in the budget. Reserving properly and adequately is one of the most fundamental of board charges.

Include Board Education. While the board members are unpaid volunteers, the HOA should invest in educating them to improve their performance. Attending seminars and joining Community Associations Institute www.caonline.org will all return enormous dividends as director competence improves.

Other Cost Cutting Hints:

§ Irrigation Water Costs. Does your system have a rain override that kills the sprinkling cycle when appropriate? You would be amazed how cheap this technology is. Budget for and get it installed before the next irrigation season.

§ Control Pool Temperature. A solar blanket can pay for itself very quickly. A 3-5 degree reduction in pool temperature heating can result in significant savings.

§ Solar Pool Water Heating. A pool is one of the HOA's biggest energy hogs. Solar heating can significantly reduce this cost and pay for itself in a few short years.

§ Lighting Conservation. Change common area lighting to LED or other higher lumen/lower wattage alternatives. Add solar or clock devices to control exterior lighting.

§ Check for unit leaky faucets/toilets. Even though fixing member plumbing is not an HOA responsibility, a common water bill is.

§ Install Programmable Thermostats. For common hallways and clubhouses, these inexpensive controls can slash heating and cooling costs.

§ Xeriscape. This concept reduces landscape turf area in favor of local, drought resistance bushes, plants and ground covers. Besides reducing or eliminating mowing costs, water savings are impressive.

Reviewing the HOA budget is not near as hard as you thought, now is it? 🗿

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Ask the HOA Expert

Q What is the definition of an “executive session”? Can a meeting begin as an executive

session and end as an open session or vice versa?

A If there may be a state statute that defines “executive session”, you need to follow it. If there is not a statute, the board generally is permitted to hold an executive session to discuss litigation, employee or contractor issues, or collection matters involving specific individuals. The board should not abuse this by using it to discuss controversial topics normally discussed in regular board meetings. As a rule, executive sessions should be rare.

Executive sessions can be announced at a regular board meeting when a topic arises that warrants it. The board then goes into private chambers to discuss and vote on the matter and then returns to the public meeting. An executive session can also be scheduled in advance but should disclose the general nature of the meeting so the members understand why the meeting is not public.

Q What can the homeowner association do with bank owned properties that go delinquent or let their tenants break the rules?

A Bank owned properties can become common in HOAs when the real estate market is not moving homes quickly enough. Foreclosed homes can remain vacant for long periods, may have yards full of weeds, maintenance issues and HOA fees may go unpaid for months.

If your HOA is having such problems with bank owned properties, here are several good options for solving these problems:

- Treat the bank like any other owner – don’t wait for a sale to get paid.
- Use liens to ensure payment of assessments and correction of rule violations.
- Aggressively pursue foreclosure if the bank refuses to pay. Since there is no longer a mortgage against a bank-owned property, any HOA lien will be in first position. This means it is extremely likely the HOA will be paid quickly after a foreclosure action

begins. If the owner-bank does not pay in full and a foreclosure sale is completed, the HOA would end up owning the property free and clear!

Q Our HOA prohibits guests from using the pool unless accompanied by a resident. We have a resident who is challenging this rule because of an injury which prevents him from doing so.

A Having residents accompany their guests is a standard that should be upheld. If it’s not in place, what’s to stop a resident from inviting their friends over to swim any time they want? In this special case, perhaps the disabled resident can ask another resident to stand in for him.

Q We have a resident couple and only the woman is the owner of record. Does her husband qualify to run for the board or serve on a committee?

A In most HOAs, only owners are allowed to serve on the board. You need to read your governing documents to see if that is the case in yours. On the other hand, committee members can be unmarried partners, renters and non-residents.

Q The board is thinking about circulating a survey to evaluate the manager company’s effectiveness. Any suggestions?

A Since the majority of members are disconnected from the day to day HOA business and have little understanding of the manager’s scope of work, most would not have an informed basis for evaluating the manager’s effectiveness.

An input form might be more effective. List the various tasks the HOA is responsible to perform in general categories like General Maintenance, Landscaping, Pool, Janitorial, Communications, Newsletters, Rules Enforcement, Financial Reporting etc. and ask for specific recommendations for improvement. If the suggestions are directly related to things the manager should be taking care of, the board has

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something concrete to discuss about job performance.

Q The Regenes.net HOA Websites section includes "HOA Website Recommended Content & Layout". One of the criteria states "No password protection except for member information." Why would the HOA not want to password protect information like the Reserve Study or the financial statements?

A Password protecting information that an informed buyer needs to know is unwise. There are few business matters that an HOA should conceal from potential buyers. The budget and reserve study are definitely high on the list of things to disclose. Protecting individual owner privacy is another matter and should be respected.

Q Can we publish the complete list of what each HOA employee makes or is this a breach of privacy?

A Disclosing this kind of information could create animosity between employees or prompt interference from members who feel someone is paid too much or too little. It is something the board should keep confidential. It is appropriate, however, to disclose the total amount of wages/salaries paid in the annual budget.

Q My son has a rare disease and a compromised immunize system. His doctor has recommended carefully controlled temperatures. I can control the cold part but need A/C to control excessive heat. During a week of 100 degree weather recently, I asked permission from the board to install a window air conditioner. I was denied. I read the governing documents and rules and window A/C units are not mentioned. Shouldn't I be able to get an exception due to health reasons?

A The board should make a reasonable accommodation for this medical purpose. Ask your son's doctor to provide a letter explaining the need for it so the board has the ammunition it needs to make an exception to the rule.

Rather than a window air conditioner, consider an interior portable unit that vents out a window. It doesn't make noise that bothers the neighbors or drip water as window models often do.

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Plantscaping

For many homeowner associations, landscaping is a major maintenance and expense item. This is especially true of older HOAs that were built when land was cheaper. That broad expanse of grass may be nice to look at, but it rarely gets much use and costs a bundle to maintain. If your HOA's landscaping is looking overgrown and tired, it's time to modernize. Here are some techniques for making it all that it can be:

Downsize Turf Area. HOAs that were built with large turf areas require intensive mowing, fertilizing, edging and watering. Turf is a landscaping black hole. Converting turf to hardscape or planting beds will have a huge impact on water and maintenance bills.

Simplify. When choosing plants and bushes, go for native species that are drought and pest resistant. Place them carefully according to sun, shade, space and pruning needs.

Turfscaping. Avoid planting grass in areas that are shady, too dry or wet, or too steep to be mowed. Use a ground cover and other plants better suited to these areas.

Mulches. Mulches around plants reduce weeds and conserve moisture. Gravel and bark mulches require little

care beyond pulling or spraying the weeds that grow through.

Ferti-little. Plants kept at minimum fertilization levels need less pruning, mowing and water.

Tree Beds. Tree beds speed mowing and protect the trees from damage.

Edging. Use edging between the lawn and gravel walks, drives and tree beds to reduce trimming.

Paths. Where foot traffic is heavy, pave areas with concrete or spread compacted crushed stone or gravel.

Fencing & Hedging. Hide unsightly views or gain privacy with a fences or low-maintenance hedges.

Tree Pruning. Selected pruning allows wind to pass through without causing damage. Prune lower limbs and thin branches to let more light reach the grass.

Quality Plants. A cheap plant is not necessarily an inexpensive one. Treating sickly plants takes time and money. Shop at reputable nurseries and garden centers and don't buy plants without inspecting them first.

Step-by-Step Improvement:

1. Use a Professional Landscape Architect. There is much to consider in plant selection and lay-out. Professionals know the flowers, plants, tree and bushes that work best in your location. If the objective is to lower maintenance and water costs, the landscape architect will design it that way.

2. Clean up & Removal. Remove debris, old flower beds and other unsightly material. Prune trees and overgrowth from shrubs and trees.

3. Install Paths & Walkways. Straight walks make mowing easier. Keep the grass border trimmed straight along the edges. Walkways that are flush with the ground with no edging material are easier to maintain than those with flower borders or other low edging plants.

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4. Install Turf First. If you are using seed, the turf needs to get started first. If you are using sod, it can wait.

5. Install Plants. Slow-growing plants and those needed to establish foundation plantings go in first.

6. Plant Trees. Trees, like lawns, are major landscape features and should be started early in landscape development. Plant trees to form a foreground and background.

Proper fertilizing, pruning, mulching, and caring for plants is very important from the beginning. Plantscaping involves a conscious plan to introduce draught tolerant native species, reduce turf areas and simplifying the design. Take advantage of reduced work, costs and increased beauty. 🌱

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10 Misconceptions About Robert's Rules of Order

There are a number of misconceptions being bandied about how Robert's Rules work. Here are ten of them as they apply to homeowner associations.

1. *The only time the president of a homeowner association can vote is to break a tie or in an election.* In the homeowner association context, the president is both an officer and director of the board. As a director, the president has a fiduciary duty to vote on all issues properly before the board.

2. *A director may abstain from voting on an issue.* In the homeowner association context, a director may only abstain from voting if there is a legitimate conflict of interest related to the issue being considered. An example of a conflict of interest would be if the board was considering hiring the director's spouse to be the HOA manager. When abstaining, a director must state the nature of the conflict for the record.

3. *An abstention counts as a "yes" vote.* An abstention does not count as a "yes" vote and is not counted at all. If the board is deadlocked because of an abstention then there is no majority and the motion fails.

4. *The board may use secret ballots to vote on any issue they deem appropriate.* The only time it is appropriate for secret ballots to be used is when the board is electing the officers.

5. *General members do not have the right to speak at board meetings.* While some states have statutes that affect this issue, generally speaking the board may adopt reasonable rules governing the frequency, duration, and manner of owner statements. It is recommended that the board provide for an owner forum so that owners can make statements and ask questions of the board.

6. *All motions must be seconded.* Most motions need a second in order to be considered by the Board. However, some motions do not need a second including: point of order (point out a rule violation to the chair), a call for division (requesting a voice vote be verified by having members raise their hands), point of information (requesting more information about a topic under debate), and objections to consideration of a particular matter.

7. *All motions are debatable.* Types of motions that are not debatable include motion to adjourn, motion to table an issue, motion to end debate on a main motion, point of order, a call or division and a request for information from the chair.

8. *All meetings must be run according to Robert's Rules of Order.* In most states, there is no law that requires HOA boards to use Robert's Rules. Sometimes, however, the governing documents will require it. But this does not mean that every technical rule must be followed to the letter. Robert's Rules provides that smaller assemblies may operate with less formality. Regardless of what degree of formality the board uses, it is important to be consistent.

9. *Without a quorum, nothing can be done.* In the absence of a quorum, the

board or the members at a members meeting may not transact business but they may take measures to establish a quorum, fix the time to adjourn, adjourn, or take a recess.

10. *The board can exclude members from attending the board meeting by holding an "Executive Session".* A board may meet in "executive session", exclude members and keep the proceedings secret but the subject matter is very narrow. Topics appropriate for executive session are discussion of competitively bid contracts, personnel matters and proposed or pending litigation. Using an executive session for other normal topics is not allowed.

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Watering Wisely

During your HOA highest water demand season, there are several conservation techniques that will help you do the job a lot better.

Compost, mulch and barkdust hold water like a sponge, slowly releasing moisture when plants need it. In this environment, plants grow deeper roots, reducing how much and how often sprinkling and fertilizing is needed. If your planting beds are bare dirt, apply

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these recommended amendments to promote root growth, reduce water consumption and reduce weed infestation. Also leave grass clippings to build up mulched soil that uses less water.

Wash your plants Airborne urban pollution can leave a layer of residue on plants and soil that inhibits water absorption. One easy way to counteract this is by spraying the planting beds and turf down using a hose end sprayer filled with inexpensive liquid dishwashing soap. As strange as it sounds, it actually breaks up the residue and reduces water tension, allowing better water absorption.

Sprinkler Tune-Up Adjust all your sprinkler heads to irrigate living things, not walks and driveways. Replace leaky faucets and broken sprinkler heads. Water turf areas about 1" a week.

Sprinkler Enhancements Install a **rain sensor** to override the automatic sprinkling system when it rains. Where possible, install **drip irrigation systems** to trees, shrubs and flowers. It gets water directly where it's needed.

Xeriscape Your Plants Xeriscape refers to creative, attractive landscaping that provides a diversity of seasonal colors and textures while reducing outdoor water use by 30 to 50 percent. Nurseries carry numerous trees, shrubs, perennials and ground covers which are low water-using and pest resistant. Ask for suggestions.

Wildflower Extravaganza A typical landscape can be up to 90 percent lawn which can require up to 30 inches of water each growing season. Confine lawn to high traffic areas. Instead, wildflowers and native grasses make excellent lawn substitutes, especially in large open spaces and low use areas. Planting a variety of plants with different heights, colors and textures creates interest and beauty.

Watering wisely creates a healthier landscape and reduces one of the HOA's most costly budget items. This is one area where your investment will pay BIG dividends. Water wisely by using less water!☀️

Pick Me, Pick Me!

When it comes board election time or need for a committee member, are volunteers scarcer than snowballs in hell? This is a common frustration in many communities where the same few good women or men seem to shoulder the responsibility for life. So, how do you get others to raise their hand and step forward? Some suggestions:

Communicate Regularly.

Uninformed owners are uninvolved owners. If you don't tell them what's going on and give them a reason to get involved, they won't. A newsletter and flyer distribution box is an inexpensive and convenient way to get the word out.

Put'em on a Pedestal. Most people *love* recognition. Turn a "thankless" job into a position of honor. Hand out kudos and certificates, praise and congratulations. Do this at every opportunity...at meetings, in newsletters. Volunteers are attracted to uplifting environments.

Socialize. People like helping people they know but easily dodge commitment to strangers. The association should sponsor several socials annually to break the ice. Consider a spring clean-up party, pool party or just plain old potlucks. It will help create a real sense of "community" and desire to join in.

Encourage. Volunteers need to know they are doing the right thing. Remember to build them up and ask if they need help. Value their opinions.

Remember as a kid waiving your hand wildly to be recognized by the teacher? Age tempers that need to stand up and stand out. It takes someone to get the ball rolling. Pick me, pick ME!☀️

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Accelerate Collections

Every HOA relies on monthly assessments to pay for services and amenities. When a member doesn't

make his monthly assessment, he harms the entire homeowner association.

One strategy the board can use to cut delinquencies is adopting an "acceleration" policy. It works like this: if a member hasn't paid his assessment for, say, at least 90 days – the board has the right to declare all of that fiscal year's monthly assessments due immediately. Although some may consider this a tough measure, it is effective.

Before you adopt an acceleration policy, check the language in the governing documents to verify that the HOA has the right to do this. In order to accelerate assessments, they must be structured as an annual expense that's paid in (usually) monthly increments. You are accelerating the time frame for when the annual expense is due.

If the governing documents structure assessments as a monthly fee, you can only accelerate after you amend the declaration to structure assessments as an annual fee.

The language of an acceleration policy should:

1. Explain what triggers acceleration. For most HOAs, the trigger will be the failure to make a monthly payment after a period of time, typically, 60 days to 90 days.

2. Give board discretion in deciding whether or not to accelerate. Though the board should establish clear guidelines for what triggers acceleration, it's also smart to give the board discretion to decide whether to accelerate in each case. Just because a member has been chronically late with payments shouldn't compel the board to accelerate the debt.

For example, if a member is on the verge of bankruptcy, the board might decide not to push him over the brink by accelerating his payments. That wouldn't necessarily help either the HOA or the member. Another instance that the board might choose not to accelerate assessments is toward the end of a fiscal year, when only a month or two of assessments would become immediately due.

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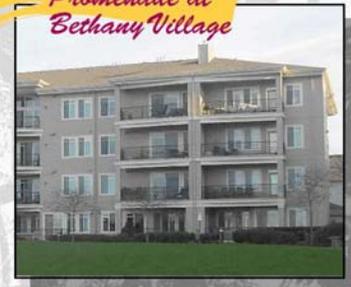
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3. Set notice requirements. The board should give the delinquent member notice before accelerating monthly payments.

4. Give the board the right to “decelerate” the debt after it has been accelerated. Deceleration is very important if a member files bankruptcy or if there is a foreclosure. 🗳️

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7 Tips for Persuasion

The statement "no man is an island" is an undeniable truth. We need the support and cooperation of other people to help us reach our goals. Successful people know that one of the most important abilities is persuasion. Here are some tips to do it effectively.

1) Enter Their World. Try to put yourself in the other's shoes and understand the situation from their point of view. Set aside your personal interests and concentrate on them. Ask yourself if you are them, what would you do? What would be your opinion? Then take the appropriate action that would be beneficial to them.

2) Mirror Body Language. People feel comfortable with those who are like them. Copy the person you are trying to create a connection with. Observe how they act, how they speak, and how they think. If they rub their forehead while they think, act like them. If they speak at a clear and slow pace, try to do the same thing. This is called mirroring.

In due time, the people you're mirroring will subconsciously feel more comfortable with you. It's as if they see themselves in you. Proceed with caution, however. Do not let them be aware that you are copying them. They might interpret it as mockery.

3) Be Cheerful. People like others who brighten up their day. Make a sincere compliment to raise their spirits. Little things like these go a long way to

breaking the ice and setting the relationship off to a good start.

4) Be Sincere. Make them feel that you'll be there to lend a hand. People tend to be more receptive to those they trust.

5) Provide Compelling Evidence. Explain how your ideas could be the most effective techniques to implement. Share testimonials and truthful comparisons with your competitors.

6) What's In It For Them? People tend to put their own self interest first. So when "What's In It For Them?" is compelling, it will be persuasive.

7) Genuinely Care. Focus more on their interests, desires and expectations so you can satisfy their need for attention.

By Priya Shah 🗳️

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Sample Rules

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Who's Listening?

Franklin Roosevelt got tired of smiling and saying the usual things at White House receptions. One evening, as each person came up to him with an extended hand, he flashed a big smile and said, "I murdered my grandmother this morning." People would respond with comments like "How lovely!" or "Just continue with your great work!" One foreign diplomat responded, "I'm sure she had it coming to her." Nobody really focused on his words.

Most of us have people we care about. However, we fail to demonstrate our care by listening to them. Instead, we exchange brief remarks and then do our own thing. The result: hurt feelings, painful conflicts, and broken relationships.

As "Mature Living" notes, "Talking to yourself isn't always a sign of old age. It may be the only way to be sure someone is listening."

Sir Isaac Newton reflected back on his life and said, "I seem to have been only like a boy playing on the seashore, now and then finding a prettier shell than ordinary, whilst the great ocean of truth lay all undiscovered before me." There is a great ocean of truth out there for each of us. Are you listening? Make a real effort and your relationships with others will improve significantly.

By Rich McLawhorn 🗳️

All Who Wander

As a bagpiper, I play many gigs. Recently I was asked by a funeral director to play at a graveside service for a homeless man. He had no family or friends, so the service was to be at a pauper's cemetery.

As I was not familiar with the area, I got lost and, being a man, didn't stop for directions. I finally arrived an hour late and saw the funeral guy had gone and the hearse was nowhere in sight.

There was only the digger crew left and they were eating lunch. I felt badly and apologized to the men for being late. I went to the side of the grave and looked down and the vault lid was already in place. I didn't know what else to do, so I started to play.

The workers put down their lunches and began to gather around. I played out my heart and soul for this homeless man with no family and friends. As I played "Amazing Grace", the workers began to weep. I wept. We all wept together.

When I finished, I packed up my bagpipes. Though my head hung low, my heart was full. As I opened the door to my car, I heard one of the workers say, "I never seen nothin' like that before and I've been putting in septic tanks for twenty years." 🗳️

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