



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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Sustainable Landscaping

The term "sustainability" is seen a lot these days when describing earth friendly techniques for managing landscaping. Sustainable has been defined as "maintaining ecological balance by exploiting natural resources." There are five key reasons to adopt sustainable landscape practices:

1. Improve soil and plant health
2. Save water, money and the environment
3. Create or improve habitat and biodiversity
4. Address child and pet safety concerns
5. It's the right thing to do

While options for sustainability vary in complexity and cost, there are several low-to-no-cost changes your homeowner association can make now to support these goals:

Water Conservation. This is the most accessible win-win in the effort to advance sustainability. An investment in Smart Controllers (weather-based watering) and new, more efficient sprinklers can cut water consumption *in half*. The return on investment is often just one to three years based on reduced water bills.

Reduce Electricity Consumption. Quiet, zero emissions, battery-powered landscape equipment is a reality! Find out what options are available.

Organic Weed Control. New organic or natural products for controlling unwanted plants are coming to the market like a "fatty acid" for non-selective weed control and another that is iron based for lawn weeds. No organic or natural product is as effective as traditional herbicides, so more time must be spent in their application. Also, there are no effective natural/organic materials for pre-emergent weed control. So, figure on a modest budget increase for this service.

Mulching Lawn Clippings. Leaving mowed clippings in place on the lawn is quite beneficial to the health of the turf. It amounts to a regular infusion of

nutrient-rich organic matter to the lawn. This organic matter feeds the beneficial organisms of a healthy biotic system. Although this technique should only be practiced when the grass is relatively dry, it should be a part of the plan.

Organic Insect Pest Control. The preferred position when it comes to landscape pests is simply to ignore them. Don't spray insecticides to control pests that will rarely become a serious problem. In fact, when pests do become objectionable, it is usually because the site is not suited for the plant species that attracts them. When it becomes necessary to treat for pests, replacing them with better-adapted species is the best route to take. When a pest control application is necessary, there are options which use organic materials and biological controls.

Gardens for Beneficial Insects & Pollinators. Butterflies, Hummingbirds, Honey Bees, Lady Bugs and Praying Mantis! Let beneficial insects take care of many common garden pests naturally while allowing pollinators to harvest pollen. With global populations of honey bees declining, it is important to keep them strong and doing their job. There are many native and adapted plants that will attract, harbor and provide the necessary food for all types of beneficial insects and pollinators. Add a few new plants each year to build a better future on a small budget.

Work with your landscape contractor to integrate sustainable techniques which either cost little or actually reduce your cost. Your homeowner association and Planet Earth will be better off.
By Randy McManus

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Ask the HOA Expert

Q What are homeowner rights regarding growing and selling marijuana out of their condo unit? What if homeowners don't want that in their community? What about the people that have health issues due to the smell coming from another unit?

A Most states still have laws against growing, distributing and selling marijuana and there are federal laws that restrict what you describe in virtually all states. There are exceptions to the rule in states when it involves a medical purpose approved by a doctor.

Like tobacco smoke, marijuana smoke is impossible to contain within a unit. Like tobacco smoke, if a neighbor's health is affected, the board needs to act. The right to engage in activities that negatively affect the neighbors, legal or not, must be contained to the unit. If they cannot be, the activity must cease.

Q We are updating the member directory for the first time in years. The board intends to print and mail to members and post it on the HOA's website. Our last member directory included the names of members' children. What do you think?

A Actually, nobody should be included in a member directory without their written permission. Children could be included but the parents should give written permission.

Q Our board makes rules "on the fly" and we don't know about them until someone violates them. Some seem arbitrary and capricious. We never know when to expect the latest.

A You have the right to know what the rules are. The board does not have the authority to make rules on the fly. If they are not formally enacted rules, you can ignore them as you can't adhere to what you know nothing about. Inform the board in writing to that effect.

Rules need to be reasonable, necessary and in keeping with the governing documents. And the board needs to follow an orderly process for enacting any rule. All rules should include preview and input from all owners. While owner review is not mandatory, it's well advised to prevent owner resistance that is bound to happen when they are not included in the process. The board that does not follow these guidelines is buying into trouble.

Q Recently, our HOA was cited for using the elevator equipment and electricity meter rooms for personal storage lockers. A suggestion was made to relocate locker spaces to the second and third floors consistent with the area available to those on the first floor. Since there are the same number of units on each floor, all owners would have the same storage space. Our by-laws say that each member owner will receive one storage locker but does specify size or location. Does a board have the right to relocate locker spaces?

A As long as the proposed space is common and available for this purpose, the board has the authority to make the change. Storage lockers constructed of chainlink fencing are relatively inexpensive to install and afford a reasonable measure of security.

Q I have requested financial statements from the board but my requests are ignored. I'm planning to withhold my HOA fees until I get them.

A Members are entitled to review the financial statements so the board should produce and distribute them regularly to all members for review or offer to make them available upon request. Those financial statements should reflect how money has been spent in a clear fashion together with additional notes if there are unexplained, unusual or larger than normal expenses. Also, you have the right as a member of the HOA to examine most financial records (owner payment records are an exception).

You should not withhold your fees just because you have unanswered questions. This tactic could be used by any owner for any reason, good or bad, and compromise the HOA's ability to pay its bills. But continue to press for the information to which you are entitled. If the board continues to obstruct, it's time to elect others to the board that understand how business should be run. Sounds like you might be a good candidate. 🗳️

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HOA Design Standards

In urban settings, homeowner associations have become a dominant form of construction. While HOA homeowners carry many rights and privileges, they often concede certain freedoms enjoyed in more traditional home ownership. One particular area of concession involves remodeling,

To control the look and feel of the community, many HOAs have material, color and architectural design standards. In common wall communities, structural integrity demands that changes made by one unit do not jeopardize the viability of the building. For these reasons, it is

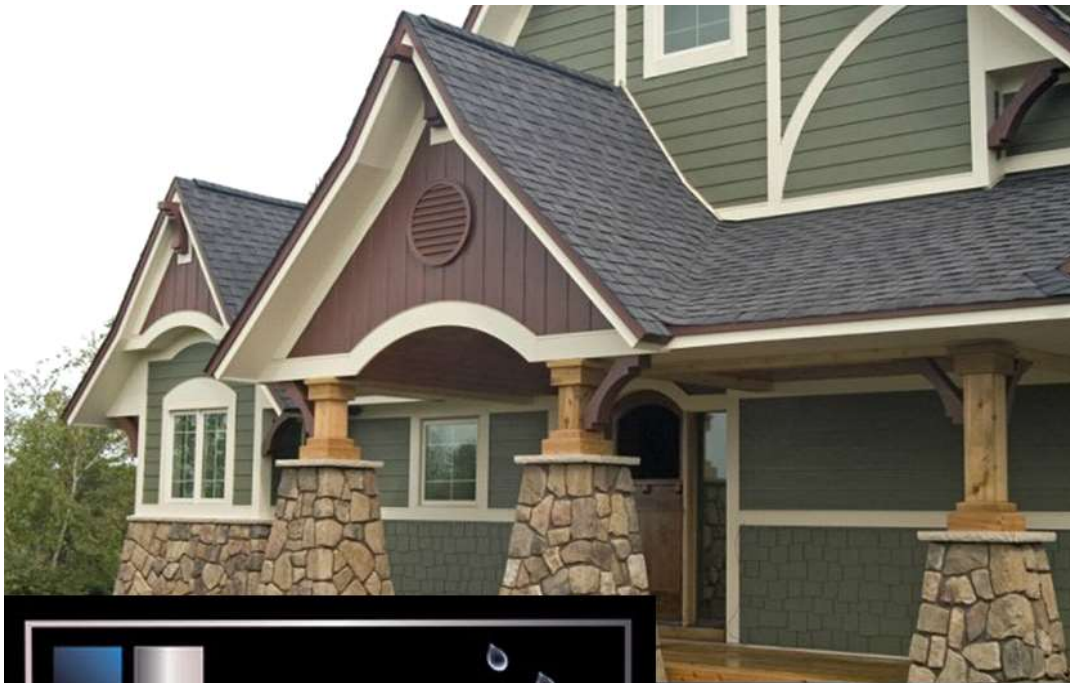
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important for the board to keep the owners informed and reminded of material standards and violation penalties. Here are a number of guidelines which can be included in a Design Policy as appropriate:

1. For aesthetic only projects (like painting, no structural or utility work involved), submit to the board for written approval prior to commencement a description of the work to be performed, who will do it and the schedule.

2. For more involved projects (like structural, plumbing, electrical work, etc.) submit architectural plans, copy of permits and signed contractor agreements to the board for written approval prior to commencing work. If warranted, the board can seek the review and approval of an architect or engineer with related costs to be paid by owner.

3. If view is a consideration in your HOA, require disclosure of proposed structure height and whether removal of trees is involved for view purposes.

4. All power tool operation must be accomplished either in the unit or off property unless authorized by the board in writing and provided there is no unreasonable objection from the neighbors.

5. Contractors are permitted to work only from 9:00 a.m. to 5:00 p.m. Monday through Saturdays.

6. All demolition and construction material must be disposed of off property, not in HOA dumpsters.

7. Contractor must clean up any affected common area daily.

8. Owner will provide adequate parking for contractor. Contractor should not use guest parking or block fire lanes.

9. Common utility (electrical, water, gas, etc.) interruption must be approved and coordinated by the board.

10. If landscaping renovation is proposed and the HOA has a landscape standard, a comprehensive plan should

be submitted showing proposed changes.

11. Establish specific standards (brand, model, color) for paint color, roofing type/color, storm doors, screen doors, awnings and other common add-ons.

Since the desire to remodel can happen anytime the spirit moves the remodeler, the board needs to be proactive in keeping owners informed of expectations. Publish the Design Policy on the HOA website and reference it in all newsletters and periodic email updates. Since remodeling will happen, make sure you do all possible to direct a model outcome. 🏡

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Art of Recruitment

A common homeowner association board question is: "How do we get better participation from our members with board and committee work?" Many HOAs experience apathy from the membership when it comes to them volunteering. On the one hand, one of the reasons people buy into HOAs is to reduce personal responsibility, like for exterior maintenance. On the other hand, there are many willing and talented members that could and would participate if given the right set of circumstances.

There is an art to recruiting volunteers. Posting a notice is not the right approach. You must woo them on many levels and over time. Here are a couple of proven methods:

Communicate Regularly. A frequent complaint of members is not being kept informed. To draw out volunteers, it's critical that they know that there is an ongoing need. Also, some members develop a suspicious nature about board motives when kept in the dark and use it as an excuse not to be involved. Let them know what you're up to early and often! Repeated pleas

for help will have their effect. A newsletter and flyer distribution box (the kind used by real estate agents) is an inexpensive and convenient way to get the word out.

Give Credit Where Credit is Due. People love recognition. Make sure that directors, committee members and other volunteers are given formal recognition for their efforts by way of meetings, minutes and newsletters. Use every opportunity where there is an audience. Be specific in your praise. For example, point out members that show superior landscaping abilities. (They are obvious candidates for the Landscape Committee). Award Certificates of Achievement at the annual meeting. Remember to recognize faithful volunteers doing more mundane day to day tasks like light bulb replacement or trash pick up. It is a wise board that makes a point of recognizing mere effort for its own merits.

Socialize the Membership. People tend to want to help those that they know personally. However, many are shy and don't make friends easily. The HOA can promote several social events annually to facilitate the process. Consider a spring clean-up party, pool party or just plain potluck. It will help create "community" and break down barriers.

Assign Real Jobs to Do. It's been said, "A committee takes minutes and wastes hours." There is nothing more frustrating than a job with no job description or substance. There is real work to do at each homeowner association. Directors and committee members should have clear "marching orders" detailing exactly what the objectives are, the time frame and the money available to help get the task done.

Be an Encourager. It is incumbent on the board to take the lead in cultivating volunteers. The successful leader motivates by persuasion and not authority. Remember, "A servant does not lower himself but elevates others."

The Ask. This is a little used

technique. Many folks don't think they're needed or talented enough. A personal request can go a long way in getting these folks to step up. Something as simple as, "You know, you would be really good at (fill in the blank)." You will be surprised how many will respond with "yes".

Respect Their Time. Part of what keeps volunteers away is fear of over commitment. The board should be very sensitive to time demands on volunteers. Board meetings should be few and goal focused. Limit meetings to two hours. With proper scheduling and timed agendas, HOA business can get done with a minimum of time and fuss. When wooing volunteers, make sure to explain the time requirements for the job. The properly managed HOA should demand hours, not days or weeks of volunteer time each year.

Demystify the Job. While having special training or talent can be a bonus to a board or committee position, it isn't required. Encourage those that simply want to serve because they have the time and interest.

Aim High. Look for ways to pique interest of high achievers. If you aim too low, folks don't think you need them. Identify several projects that take real thought, planning and work but demonstrate visible results. Assign those special projects to members that like to "gitter done".

365 Recruiting. The month prior to the Annual Meeting is not the only time to look for board candidates and volunteers. New members often have an interest in getting plugged in and are ripe for the picking at move in. Whenever a special project or event materializes, look outside the board for someone to do it.

One Trick Pony. Provide options for "one project" volunteers. Some folks like the idea of a short term commitment to get one thing done. One project volunteers are the training ground for long term volunteers.

Getting the ball rolling to increase participation is one of the most

rewarding efforts a board can achieve. In a motivated homeowner association, a synergy develops with a result that far exceeds the sum of the parts. Use volunteer art to fill this void.🌱

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Saving Face

People involved in a conflict often know they are wrong but don't want to admit they made a mistake. They continue the conflict just to avoid the embarrassment of looking bad. In China, this is called "saving face". This face saving is often more important than the issue that began the fight in the first place.

From time to time, disputes arise between HOA members or between a member and the HOA. If left unchecked, these disputes can escalate into dueling lawyers duking it out in a pitched courtroom battlefield. However, there is never a satisfactory conclusion to this war. The time, emotional and financial cost of legal jousting is tremendous.

Judges are rarely schooled in how homeowner associations work so the verdicts are highly unpredictable. Thus, both defendant and plaintiff are often disappointed with the outcome. And after all is said and done, the parties are still neighbors who must figure out how to get along. But now, there is the additional barrier of a lawsuit which often proves too high to hurdle. Someone ends up moving.

Alternative Dispute Resolution (ADR) is gaining rapid acceptance in resolving homeowner association conflicts. It is now required in some states before lawsuits can be filed. The basic premise of ADR is that neither party is 100% right or wrong. A trained mediator can usually sort out the issues and forge a compromise that allow both parties to save face.

Mediation and arbitration are not the same. In mediation, a neutral third-party facilitator helps parties discuss issues and negotiate an agreement. The process includes gathering information, framing the issues, developing options, negotiating, and formalizing agreements. Parties in mediation create their own solutions and the mediator does not have any decision-making power over the outcome.

With arbitration, a third-party neutral, after reviewing evidence and listening to arguments from both sides, issues a decision to settle the case. Arbitration is often used in commercial and labor/management disputes.

Mediation-Arbitration is a hybrid that combines both processes. Prior to beginning, the disputing parties agree to try mediation first, but give the neutral third party the authority to make a decision if mediation is not successful.

There are a few things that are certain in this world: death, taxes and neighbors not getting along. It's only a matter of time before there is conflict. But HOAs have the advantage of a framework to deal with neighbor issues. Conflict resolution can be planned for just like preventive maintenance on the buildings. It's extremely important to have such a mechanism in place. Once conflict erupts without one, it's very difficult to get the parties repointed to an amicable settlement. Adopting an **Alternative Dispute Resolution Policy** is a quicker, cheaper and effective resolution. All ADR Policies should conform with applicable state statutes and existing provisions, if any, in your governing documents.

Saving face in an HOA is just as important as with battling warlords of old. With an ADR policy in place, neighbors are much more likely to remain neighbors instead of the Hatfields and McCoys. The beauty of mediation is that disputing parties can put the conflict in its proper perspective. That way, conflicts end up being a mere bump in the road and not a forever burned bridge.🌱

Pauses Between Notes

Opinions come naturally. Wisdom does not. Opinions are common. Wisdom is not. We form opinions quickly, but wisdom takes time to develop.

Given such clear-cut differences, it seems ironic that opinions should so often be mistaken for wisdom. Perhaps part of the reason is that as information increases, it overwhelms us. Making use of the information we need to form sound thinking takes time—time we often don't seem to have. The frantic pace of our lives therefore encourages us to elevate the value of opinions.

Time and information have become our enemies. Without the time to think about the onslaught of information that is paraded before us each day, we have become, by and large, what social psychologists call *cognitive misers*, preferring emotional reactions and one-dimensional opinions to considered examination. While these mental shortcuts can help us reduce our complex world to something more manageable, they can also result in critical errors in thought and behavior. The consequences can be monumental, both for individuals and in the collective lives of organizations, communities and nations.

The pressure of this challenging situation has created a society that encourages decisive and sometimes dismissive thinking; a society drawn to sound bites, summaries, and the plausible opinions of others. But information needs context—the context that only critical, reflective thinking can bring.

The persistent nature of this problem is suggested by a comment attributed to U.S. President Calvin Coolidge: “Some people are suffering from lack of work, some from lack of water, many more from lack of wisdom.” James Howell, a 17th-century writer, put it even more simply: “Some are wise, and some are otherwise.”

Most people would agree that we need more wisdom, but as already noted, it does not come naturally to us. If it did, we would all have it. So how do we

gain wisdom? The answer will help us better define this elusive quality.

Opening the loop. We might think that with adulthood would come wisdom, but this is not automatic. When people are not trained to think or encouraged to grow up, it isn't uncommon for them to get stuck somewhere between childhood and adulthood, functioning as adults yet holding on to the childish belief that the world revolves around them. With adulthood should come the understanding that the world is not how we first imagined it. Specifically, it is not about us. Chronically self-centered people cannot be wise; their outlook is too narrow. Selfish people are closed-looped in their thinking, and closed-loop thinking perpetuates immaturity, often leading to frustration, shallowness and misplaced anger. The selfish let in little that would conflict with their view of the world. Lacking the perspective that an outward-looking person possesses, they can't perceive reality. The selfish see life and situations only as they affect themselves. Thus their actions and thinking tend to be unreasonable—and short on wisdom.

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Isn't it time we all deepened our perspectives and brought some form of balance into our lives? We must rescue ourselves from superficiality and the automatic thinking that blindly guides us. Adulthood is about growing up and looking at things differently. It is only with the expanding perspective that maturity brings that we can begin to develop wisdom.

Wisdom in the balance. Sometimes we confuse not only opinions but intelligence for wisdom. It's easy to assume that abundant knowledge results in wisdom. But wisdom is not knowledge. Yale University professor Robert Sternberg suggests in *Why Smart People Can Be So Stupid* that

foolishness (defined as the opposite of wisdom) “often results from knowledge acquisition gone awry or poorly utilized.” He suggests that foolishness is the result of a lack of balance in our thinking. Wisdom requires that we balance “intrapersonal, interpersonal, and extrapersonal interests of the short and long term. . . . Foolishness always involves interests going out of balance.” While this formula can be easily stated, it requires time and practice to make it a part of our thinking.

As German novelist Hermann Hesse said, “Knowledge can be communicated, but not wisdom.” We do not gain wisdom from reading a book. On the other hand, we can begin to develop it from the knowledge gained from careful observation of the lives of others, from critical examination of our own life, and from purposeful meditation. It's how we connect and employ knowledge that counts. Wisdom is what makes knowledge effective. Without it we cannot benefit from what we know.

Wisdom seeks to know how life works. It can provide us with the moral direction to determine specific actions. It is concerned with consequences. More specifically, it seeks to know what is right. Thus, the means to the end are critical.

It might be stated that the ultimate goal of wisdom is to help us make better choices and, by our example, to encourage others to do the same. This is why understanding consequences is so important. We cannot circumvent cause-and-effect. Sternberg reveals that one reason smart people are sometimes inexplicably stupid is that they think they have overcome the problem of consequences. Cause-and-effect, however, rules our lives, so we would be wise to be guided by it. As American essayist Norman Cousins put it, “Wisdom consists of the anticipation of consequences.”

A word from the wise. How do we use our knowledge to create more than mere opinions? How does our thinking become wise? This is a problem with moral and ethical implications. With so

many counterfeits of wisdom in our culture today, the search for this vital quality becomes even harder.

It might be wise to look at what King Solomon had to say about wisdom. After all, he has been called the wisest man who ever lived. He certainly was a powerful man—not only a king but also a successful entrepreneur, businessman and patron of the arts. He had a trading company with its own network of shipping lines that some speculate was worldwide. In addition, Solomon was a real estate magnate. He undertook the greatest building program his nation had ever seen. He even built an extensive system for bringing water into his thirsty, growing capital, Jerusalem. Under Solomon, money and finance were introduced into society like never before. Israel was obsessed with them. Jerusalem was a thriving cosmopolitan marketplace.

If a man like this were to write a book today, it would be an instant best-seller. Fortunately for us, Solomon did write a book: the book of Ecclesiastes in The Bible. By paraphrasing his words and so summarizing this book, we can put in a nutshell the most important lesson he learned. He wisely began by observing that there is nothing new under the sun. We know from other literature and from history itself that there are recurring themes in life and that only the players change.

Solomon continued with some thoughts on the attainment of wisdom. "I thought that maybe money was everything," he said. "But money isn't so great. You spend all your life accumulating money and things, but you're never satisfied; and when you die, you can't take it with you. Worst of all, after working all your life, you don't know whether the person you leave it to will be a fool and squander everything you built—your life's work down the drain."

He went on to comment: "You may think climbing the ladder is great, but it's not so great. There's always someone above you."

"So," he continued, "I tried women. I tried food. I had all the best entertainment. But these things aren't

the best things about life."

He described a world turned upside down, where things made no sense and common sense wasn't so common. Sounds familiar. By the end of the book he revealed, "Finally, I discovered what the best thing about life is."

He then boiled down all of his experience to one thought: "After all my observing, trying, testing and sampling of everything that life has to offer, I learned that the best thing about life is to fear God and keep his commandments."

That's it, simplistic though it might sound. In this world of complex questions, we may not feel we've got the real thing unless the answers are also complex.

Search for Truth. If we could see the end of all things, we would be considered all-knowing and all-wise. This would require, of course, a perspective nothing short of superhuman. In that we are human, such a perspective is something we can only hope to approach, but perspective is the key. Wisdom requires a higher perspective. When life is viewed from a higher perspective, above the self, we can see that wisdom is not in the details. Psychologist William James reminds us that "the art of being wise is the art of knowing what to overlook."

Concert pianist Artur Schnabel was once asked how he was able to handle musical notes so beautifully. "The notes I handle no better than many pianists. But the pauses between the notes—ah, that is where the art resides."

To gain wisdom we must look at the spaces between events. Only then does a meaningful, complete picture emerge. Wisdom is a quality of mind, a way of looking at life. It is to see life both horizontally and vertically. It is equally to see the holes between the threads in the fabric of life. As we look deeper we see that all life is connected to everything else. That, in turn, causes us to take in more, to see more widely. Wisdom requires that we arrange what we observe and know, and create

meaning from it. It embodies the kind of integrative thinking that can successfully guide and direct our lives.

Think about it. Of necessity, this is a process that takes time and thought. Coming to understand how a principle connects to events and the resulting consequences is key. The concern is that knowledge is increasing faster than man is able to think about it. Could we destroy life as we know it before we even realize that it's happening?

Acquiring wisdom is a lengthy process. Wisdom is cumulative and, like trust, is a matter of degrees. It recognizes and magnifies the interconnectedness of everything. The correct connections can be made when they are grounded in a right foundation. By understanding or knowing God, we are able to make the connections that the attainment of wisdom requires. Wisdom is a personal quest that must be based on the right perspective. Knowing where wisdom begins is the first step.

By Michael McKinney 🌱

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Special Nails

Two carpenters were working on a condominium. The one who was nailing down siding would reach into his nail pouch, pull out a nail and either toss it over his shoulder or nail it in.

The other, figuring this was worth looking into, asked, "Why are you throwing those nails away?"

The first explained, "If I pull a nail out of my pouch and it's pointed toward me, I throw it away because it's defective. If it's pointed toward the building, then I nail it in!"

The second carpenter yelled, "You moron! The nails pointed toward you aren't defective! They're for the other side of the building!" 🌱

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I have to say over the years that I was in the HOA your insightful, thoughtful and precise information got used more than you will ever know. I got the other members of the board to sign up and use your information as a way to run our group.

Stacey Frank

The Regenesi s Report is a must read cover to cover every month.

Michael Gallagher - Oregon

I love The Regenesi s Report! Very useful information. I cannot wait to get next month's edition.

Jan Simon - Washington

I love, love, love The Regenesi s Report! It seems like you're peering into our HOA every time you write it!

The Regenesi s Report

Rich Thompson

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