



The RegenesiS Report



Portland 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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Fishbowl Management

Homeowner association boards are elected to rule over HOA business. Some do it better than others because of training or natural ability. But resources are readily available to train even novice board members on the art of HOA governance. RegenesiS.net has a vast collection of good HOA business practices and helps designed to keep the board pointed in the right direction. There is little excuse for mishandling this business other than neglect or intent.

While good business practices are fundamental to getting the job done right, “people” practices are equally important. While most HOA elections are not usually barraged with candidates, the membership *does* care what the board does. When the board doesn’t do it right, some members simmer at a slow boil, some bellow and others beat tar and feather drums. The picture isn’t pretty for well intentioned directors.

A truly effective and perceptive board understands the need to keep members in the loop and business open and transparent. This “fishbowl” style of management may seem cumbersome and intrusive. In reality, running business transparently is largely symbolic and requires little more from the board other than a few member-friendly practices. Here are a few of the most important ones:


- ▶ Board meetings should be open to members and held in guest friendly venues, locations and times.
- ▶ Allow members to express dissenting opinions and question board actions at the board meetings.
- ▶ The board should respond respectfully to dissenters.
- ▶ Have an HOA website for need-to-know information and to process maintenance requests.
- ▶ Distribute meeting minutes within a week of the meeting.
- ▶ Provide welcome packets to new members with need-to-know information.
- ▶ Distribute quarterly newsletters.
- ▶ Make sure all rules and design guidelines are written and readily available.
- ▶ Make sure your rules are few and truly necessary.

- ▶ Rules include the reason for enactment, a reasonable penalty and right of appeal.
- ▶ Board policies that affect lifestyle and ownership responsibilities are circulated to owners for comment *prior* to enactment.

Using these member friendly practices demonstrates that the board operates in the open plus respects the members and their opinions. Simply communicating that attitude will keep most members satisfied that the board is doing a good job. Failure to provide these kind of services results in discord and suspicion which promotes hassles that the board doesn’t need.

Another benefit of member friendly business practices is that they get the board organized and prepared to do business. With these systems in place, crisis management becomes rare and the directors can hang up their firefighter suits.

Still another benefit of this management style is that serving on a board that has a clear plan of action is personally rewarding. As others observe the rewards, they will volunteer to be part of a winning team. Getting things done attracts achievers. Success begets more success. Happy members means a harmonious community. (Do I hear a sweet refrain of “carefree living”?) When it comes to HOA business, keep it transparent by practicing Fishbowl Management.

For more, see RegenesiS.net “Planning Tools”. 

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Ask the HOA Expert

Q Some of our members would like the HOA to take on maintenance of windows, entry doors and garage doors. Is this advisable?

A It is common for replacement responsibility for these components to fall on the owner. The HOA can and should dictate the standard for window and door style to maintain a consistent look and insist that replacements only be done by licensed, bonded and insured contractors.

In rainy climates like the Pacific Northwest and the Southeastern seaboard, keeping buildings weather tight can be a real challenge. If windows or doors leak, resulting dryrot, structural damage and mold can be very expensive to repair or remediate. Owners are seldom prepared to deal with this level of maintenance. To properly secure building envelope integrity, it may make sense for the HOA to assume this responsibility.

Q Our board struggles with understanding how far the HOA should intrude in unit owner remodeling projects. We have assumed that the owners' contractors are getting proper permits to do the work. Should we verify this before giving the Green Light?

A There are many examples of owners and their contractors who have unwittingly compromised bearing walls or extended utilities in an illegal manner. Any time there is major structural work, utility renovation or demolition going on, a permit is required and the owner or contractor is responsible for getting them. If the proposed remodel includes utility or structural work, the plans and permits should be reviewed by the HOA's architect or structural engineer to ensure the work is in compliance with code and accepted construction practices. The owner should pay the reasonable cost and no work should take place until the architect or engineer approves the plans.

Q We have a resident with a car that leaks a lot of oil. She has been given several notices to fix the leaking and ignores them. The board is considering banning the car from the HOA. Too extreme?

A Cars leak oil from time to time. But if the leaking is considerable and the owner refuses to fix it, banning the vehicle is reasonable. However, charging the owner for cleanup costs may be enough to make the point and get her to get it fixed. Try the latter tactic first.

Q As board president, can I abstain from voting on a particular issue? There are several residents that could be offended by my vote.

A The president is entitled to vote but doesn't need to unless there is a tie. If there is a tie, you'll need to vote to break the tie unless you have a conflict of interest. The reason should be stated and recorded in the meeting minutes should the vote be questioned later on.

Q A newly elected board is taking over for directors that have been in charge for years. Is it time to audit the books?

A An audit is entirely appropriate by a CPA who is knowledgeable about HOA operations. An audit will not only expose improprieties and mistakes but offer advice for better practices and updates on tax law. Audits should be done at least every three to five years. Get several quotes since audit costs can vary a lot.

Q Our homeowner association charges "impact fees" related to construction traffic for new homes and the damage done to the roads by the heavy equipment. Is that acceptable?

A If there are documented costs for road repairs which can be attributed to construction, the HOA has every right to be

reimbursed.

Q Our current bylaws state a director can be removed for "just cause". What is considered as just cause?

A Here are a few situations that could be considered to be "just cause" for removal of a director:

- Guilty of criminal action involving the HOA business.
- Guilty of blatant conflict of interest (like funneling HOA business to a relative or friend).
- Undermining board actions and policy with the membership.
- Failing to attend meetings.
- Carrying out a hidden agenda.
- Disruptive behavior at meetings.
- Violation of important rules.
- Delinquent in HOA assessments.
- Embezzlement

Being aware of these conditions and catching them early is best for all. 🌟

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Unfeather Your Nest

When people are elected to positions of power, there is always the possibility that a conflict of interest will develop. As often as not, there is no intention to fall into one. However, anyone can find themselves in circumstances that lead to a conflict of interest. It's almost impossible to avoid them. But how they are handled is critical. They come in several shapes and forms:

Imbalanced Reserve Repairs. Due to poor planning, the board is called on to make judgment calls based on inadequate money. Invariably, some people get their building repaired and others don't. If the board president approves painting his building instead of others, there is an conflict of interest, even if that building clearly needs it more than the others. So, while good reserve funding and planning can help clear up the inequity, the question

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remains on which building gets painted today. Avoid the perception of self dealing by having an outside "expert" make the call. Rather than be exposed to criticism, why not ask a local paint company design consultant to make the call? This same principle can be used for many other kinds of repairs.

Voting. Another technique for dealing with conflict of interest is to abstain from voting when the outcome is self-benefitting. And make sure the secretary records in the meeting minutes that "(fill in blank) abstained due to a conflict of interest". That way, the written record will show no intent to sway the vote.

Disclosure. The idea behind disclosure is that any possible conflict is brought to the attention of the board up front. If the board has no problem with it, it *may* be okay. But beware. Technically, if you advise the board to hire your brother in law, the landscape contractor, you've provided disclosure. However, to an outside observer, there would still be a lingering suspicion of nepotism (hiring family members) or money kickbacks. The board fiddles while the HOA burns. While disclosure may explain away a conflict, look at the situation with a critical eye. If the issue is significant or costly, it's best to shy away from it rather than have to justify it.

Deal Openly. One of the best ways for the board to avoid self dealing is to hold open board meetings. Even if other members don't attend, minutes should be completed in a timely fashion and distributed to all. Regular newsletters (at least four per year) should advise of significant board business and upcoming events. Board business should be transparent...nothing to hide. If the board knows the owners are watching and aware, it's less likely to engage in self serving activity.

Ban Board Scofflaws. To have a director who is regularly violating the rules is unconscionable. And to allow this kind of conflict of interest to continue invites challenge from every member accused of rule infraction. Habitual rule breakers should be

encouraged to step down from the board.

Developers. Many HOA developers are shortsighted when it comes to conflict of interest. The goal to make a profit can cause them to set the operating and reserve budgets too low to attract buyers. This strategy will invariably backfire shortly after the association is turned over to the homeowners since there won't be enough money to properly cover HOA business. When the HOA runs out of money, guess who gets blamed? To avoid this problem, all HOA developers should use outside consultants to eliminate the conflict of interest. Using consultants keeps the developer "arm's length", more credible to buyers and defensible if the homeowner board ever raises the question of the developer under budgeting.

Conflicts of interest always feather someone's nest and raise suspicion. And no matter how hard you try, one will appear. Ask yourself if something the board is doing could be misconstrued by outsiders. Trust is a fragile thing so treat it like fine crystal. Find ways to "unfeather" your nest. 🦋

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Newsworthy Newsletters

A homeowner association manager complained that he spent hours each month preparing newsletters for his clients that "no one ever reads". Upon closer inspection, those newsletters were little more than a collection of rants about noise problems, pet clean up and parking violations. Considering the content, who would want to read or look forward to the next issue. So, what could he do to improve readership?

Refrigerator Magnet Test. When a child brings home a great spelling or math test, it often gets stuck on the refrigerator door with a magnet. An 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 a member wants to keep it close at hand.

The Golden Rule. The Golden Rule of HOA Communications is "Speak of others as you would like to be spoken of yourself". If your HOA newsletters simply admonish and threaten those who violate the rules, expect a poor result. Every homeowner association has rules broken from time to time. The rule breakers usually represent a very small portion of the whole. Instead of focusing on the bad players, 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.

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 one. Use positive energy throughout your publication and you will end up with a newsletter that is both highly read and enjoyed. 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 its effectiveness.

Content is King. If you want to draw readers to your newsletter, provide something that they want. They want to know what is going on, especially those items that affect their pocketbook. If the board is discussing plans for a major renovation project, members want to know how it will benefit them and how much it will cost. Nothing draws readers in like learning about the parking lot pavement project that will get rid of the potholes they hit every day. The more interesting the content is, the more the readers will look forward to learning more in the next issue.

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

very interesting to members who are more social in nature.

Looks are Important. Making your newsletter look its best is critical to making it effective. Spelling, grammar and design all require close and careful attention. If your HOA can afford color printing for its newsletter, it will carry a higher value by your audience.

Creating a newsworthy newsletter requires attention to detail and knowledge of how to create a winning publication. If your publication highlights only negative items and does little more than provide a platform to admonish readers, don't be surprised if few read it. If you take the time and effort to create a positive experience for the reader, you will be rewarded with an effective tool for communicating and members will actually look forward to each new issue.

By Bob Gourley of
www.MyEZCondo.com 🌟

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Not So Average Joe

Every now and then, I am honored to receive a note from a thankful reader. It keeps me motivated to continue. The following letter, originally handwritten, raised the bar in many ways.

Rich Thompson - The HOA Expert

Dear Sir:

First off, I want to say that we are a small association of 12 units. It's tough but we're doing okay. Second, on my behalf and the rest of the board, we say many thanks for **The Regenesis Report**. We find it very interesting and educational. The Q&A section provides answers to many questions. After I go through the Report, I pass it on to the board, so they all can review it.

Now, the main reason of my letter. I will be leaving the association. I am

forced to sell. Hopefully it will close by the end of the month. Please continue sending the Report to our treasurer starting next month.

PS Please excuse my writing. I am 98 years old. Still pretty active but slowing down pretty fast. My wife has dementia and is in a home. I am forced to be in assisted living but still active in the association. A new president will be elected soon.

Joe
President

What a remarkable letter! Consider the valuable messages it points to:

Maintain a positive outlook. Life can be tough. But there is sunshine just above the clouds trying to break through. And given time, break through it will.

Have a plan. HOA boards sometime simply react to crisis after crisis like a fire fighter. This is not only stressful, it's expensive since things always break after hours and on holidays. Fund your budget adequately and have a proactive plan to maintain the valuable assets under your care.

Stay the course. Winston Churchill said long ago "Never, never, never give up." At an age when many aren't around to talk about it, Joe expressed regrets that he will no longer be president (let alone a board member). But he still plans to stay involved!

Never stop learning. There are always better ways to handle difficult problems. Remain inquisitive. Consider alternatives. Speak short and listen long.

Prepare for succession. Some boards complain that they feel stuck since no one will ever step up to board service. Always be looking for volunteers. Appoint committees (budget, landscaping, parking, social, etc.) which provide valuable service to the HOA and potential board members.

Give thanks. When someone has done something kind or productive, let them know. Thank your volunteers for their service. A kind word is more valuable

than gold.

Get others involved. Joe shared information with others to keep them in the loop. When it got time for him to step down, they were better prepared to step up.

Finish the race strong. "Do not go gentle into that good night. Rage, rage against the dying of the light." *Dylan Thomas*.

The next time you're feeling down or need inspiration, think about this not so average Joe. If he can stay committed, enthusiastic and effective at his age, anyone can. Even you! And, by the way, **The Regenesis Report** is available for free. Just email rich@regenesis.net And don't forget to share. 🌟

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Thanksgiving Day Gentlemen

There is one day when all Americans go back to the old home and eat a big dinner. Bless the day. The President gives it to us every year. Sometimes he talks about the people who had the first Thanksgiving. They were the Puritans. They were some people who landed on our Atlantic shore. We don't really remember much about them. But those people ate a large bird called turkey on the first Thanksgiving Day. So we have turkey for Thanksgiving dinner, if we have enough money to buy turkey. That is a tradition.

Yes. Thanksgiving Day is the one day of the year that is purely American. And now here is the story to prove to you that we have old traditions in this new country. They are growing older more quickly than traditions in old countries. That is because we are so young and full of life. We do everything quickly.

Stuffy Pete sat down on a seat in the

New York City park named Union Square. It was the third seat to the right as you enter Union Square from the east. Every Thanksgiving Day for nine years he had sat down there at one in the afternoon. Every time, things had happened to him. They were wonderful things. They made his heart feel full of joy—and they filled another part of him, too. They filled the part below his heart.

On those other Thanksgiving Days he had been hungry. It is a strange thing. There are rich people who wish to help the poor. But many of them seem to think that the poor are hungry only on Thanksgiving Day.

But today Pete was not hungry. He had come from a dinner so big that he had almost no power to move. His light green eyes looked out from a gray face on which there was still a little food. His breath was short. His body had suddenly become too big for his clothes; it seemed ready to break out of them. They were torn. You could see his skin through a hole in the front of his shirt. But the cold wind, with snow in it, felt pleasantly cool to him.

For Stuffy Pete was overheated with the warmth of all he had had to eat. The dinner had been much too big. It seemed to him that his dinner had included all the turkey and all the other food in the whole world. So he sat, very, very full. He looked out at the world without interest, as if it could never offer him anything more.

The dinner had not been expected. He had been passing a large house near the beginning of that great broad street called Fifth Avenue. It was the home of two old ladies of an old family. These two old ladies had a deep love of traditions. There were certain things they always did. On Thanksgiving Day at noon they always sent a servant to stand at the door. There he waited for the first hungry person who walked by. The servant had orders to bring that person into the house and feed him until he could eat no more. Stuffy Pete happened to pass by on his way to the park. The servant had gathered him in. Tradition had been followed.

Stuffy Pete sat in the park looking straight before him for ten minutes. Then he felt a desire to look in another

direction. With a very great effort, he moved his head slowly to the left. Then his eyes grew wider and his breath stopped. His feet in their torn shoes at the ends of his short legs moved about on the ground. For the Old Gentleman was coming across Fourth Avenue toward Stuffy's seat.

Every Thanksgiving Day for nine years the Old Gentleman had come there to find Stuffy Pete on his seat. That was a thing that the Old Gentleman was trying to make into a tradition. Every Thanksgiving Day for nine years he had found Stuffy there. Then he had led Stuffy to a restaurant and watched him eat a big dinner.

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They do these things more easily in old countries like England. They do them without thinking about them. But in this young country, we must think about them. In order to build a tradition, we must do the same thing again and again for a long time. The Old Gentleman loved his country. He believed he was helping to build a great American tradition. And he had been doing very well. Nine years is a long time here.

The Old Gentleman moved, straight and proud, toward the tradition that he was building. Truly feeding Stuffy Pete once a year was not a very important tradition. There are greater and more important traditions in England. But it was a beginning. It proved that a tradition was at least possible in America.

The Old Gentleman was thin and tall and sixty. He was dressed all in black. He wore eye-glasses. His hair was whiter and thinner than it had been last year. His legs did not seem as strong as they had seemed the year before.

As this kind Old Gentleman came toward him, Stuffy began to shake and his breath was shorter. He wished he could fly away. But he could not move from his seat. "Good morning," said the

Old Gentleman. "I am glad to see that the troubles of another year have not hurt you. You continue to move in health about the beautiful world. For that blessing you and I can give thanks on this day of Thanksgiving. If you will come with me, my man, I will give you a dinner that will surely make your body feel as thankful as your mind."

That is what the Old Gentleman said every time. Every Thanksgiving Day for nine years. The words themselves were almost a tradition. Always before, they had been music in Stuffy's ear. But now he looked up at the Old Gentleman's face with tears of suffering in his eyes. The snow turned quickly to water when it fell upon his hot face.

But the Old Gentleman was shaking with the cold. He turned away, with his back to the wind, and he did not see Stuffy's eyes. Stuffy had always wondered why the Old Gentleman seemed sad as he spoke. He did not know that it was because the Old Gentleman was wishing that he had a son. A son would come there after he himself was gone. A son would stand proud and strong before Stuffy, and say: "In remembrance of my father." Then it would really be a tradition.

But the Old Gentleman had no family. He lived in a room in one of the old houses near the park. In the winter he grew a few flowers there. In the spring he walked on Fifth Avenue. In the summer he lived in a farmhouse in the hills outside New York, and he talked of a strange bug he hoped some day to find. In the fall season he gave Stuffy a dinner. These were the things that filled the Old Gentleman's life.

Stuffy Pete looked up at him for a half minute, helpless and very sorry for himself. The Old Gentleman's eyes were bright with the giving pleasure. His face was getting older every year, but his clothes were very clean and fresh.

And then Stuffy made a strange noise. He was trying to speak. As the Old Gentleman had heard the noise nine times before, he understood it. He knew that Stuffy was accepting. "Thank you. I'm very hungry." Stuffy was very full, but he understood that he was part of a tradition. His desire for food on

Thanksgiving Day was not his own. It belonged to this kind Old Gentleman. True, America is free. But there are some things that must be done.

The Old Gentleman led Stuffy to the restaurant and to the same table where they had always gone. They were known here. "Here comes that old man," said a waiter, "that buys that old nogood fellow a dinner every Thanksgiving."

The Old Gentleman sat at the table, watching. The waiters brought food, and more food. And Stuffy began to eat. No great and famous soldier ever battled more strongly against an enemy. The turkey and all the other food were gone almost as quickly as they appeared. Stuffy saw the look of happiness on the Old Gentleman's face. He continued to eat in order to keep it there. In an hour the battle was finished.

"Thank you," Stuffy said. "Thank you for my Thanksgiving dinner." Then he stood up heavily and started to go to the wrong door. A waiter turned him in the right direction.

The Old Gentleman carefully counted out \$40 and left \$10 more for the waiter. They said goodbye, as they did each year, at the door.

The Old Gentleman went south, and Stuffy went north. Stuffy went around the first corner, and stood for one minute. Then he fell. There he was found. He was picked up and taken to a hospital. They put him on a bed, and began to try to discover what strange sickness had made him fall.

And an hour later the Old Gentleman was brought to the same hospital. And they put him on another bed, and began to try to discover what his sickness could be. After a little time one of the doctors met another doctor, and they talked.

"That nice old gentleman over there," he said. "Do you know what's wrong with him? He is almost dead for need of food. A very proud old man, I think. He told me he has had nothing to eat for three days." ☹️

How Do You Know?

How do you know what you know...not in some deep philosophical sense, but on a practical everyday level? On any particular day you might tell someone that your living room is painted green, that the Chicago Cubs are going to win the World Series, that the earth goes around the sun, that democracy is the best form of government and that you know the way to San Jose. These are different assertions based on different ways of knowing.

The first way to know something is through personal experience. You know your living room is painted green because you've been there and saw it. Similarly, you know what a bird is and how to get to the mall, all by direct experience.

The second way to know things is by authority. That is, you rely on some source of information, believing it to be reliable, when you have no personal experience of your own. Most people believe the earth goes around the sun even though no one can really detect the motion. Many people believe democracy is superior to other forms of government even though they haven't lived under any other type. They rely on the authority of textbooks and politicians. Of course other societies do the same and their defenders rely on authority too. You know the way to San Jose because you can consult a map that informs the way.

But how about those Cubs? How do you know they are going to win this year? You are not basing it on their recent record which has been abysmal. In fact, you don't know that they are going to win. "Knowing" in this sense is just a figure of speech.

You can also know by faith. This means you know that there is a power that is in control of processes and events that you can't comprehend. Is this form of knowing blind or uninformed? It can be. Taking someone's word for the inexplicable without question or reflection can lead to tragic results like the Heaven's Gate cult of 1997, the Branch Davidians of 1993 and the Jonestown mass suicide in 1978. Even faith should be based on reason and empirical evidence. Blind faith relies on the integrity of others that "interpret" it. All too often that integrity is lacking and self servers lead

the blind faithful off the edge.

So really knowing what you know takes careful consideration. Do you know because you really know or do you know because you have blindly taken someone's word for it? One thing is clear: The universe is immense, yet carefully crafted. We live in a complex matrix of cause and effect. Those that claim to understand it, know very little and those that admit they know very little are wise beyond measure.

From Darwin's Black Box by Michael Behe. ☹️

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Thursday: Toot my own horn. Climb the ladder of success. Pull out the stops. Add fuel to the fire.

Friday: Open a can of worms. Put my foot in my mouth. Start the ball rolling. Go over the edge.

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