The Regenesis Report

Seattle 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 home-owner 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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Feng Shui HOA

Feng Shui (pronounced "fung shway") is the ancient Chinese art of placement. The goal of Feng Shui is to achieve harmony, comfort and balance, first in one's environment and then in one's life. Feng Shui translates literally to "wind-water", the two mediums where life exists.

Feng shui is used to create a living space in harmony with nature. Careful orientation of furniture can attract good karma or repel bad. While there is considerable skepticism about the validity of Feng Shui, the goals of harmony, comfort and balance are certainly those that to which every HOA should aspire. However, in the legalistic environment that haunt many HOAs, these goals may seem far away.

Many HOAs live under "The Rules". Whether spelled out in the governing documents or concocted by an ill or well meaning board, The Rules are there to establish lines which should not be crossed. Those that espouse the need for The Rules often believe they are ironclad and black and white. When it comes time to smite a rule breaker, there is no mercy.

There are various reactions to The Rules:

1. To some HOA residents, The Rules have little relevancy because they state the obvious: don't bug your neighbors or let your kids or pets run wild.

2. Others ignore The Rules because they don't apply (I don't have a dog, jet ski, RV or like to play loud music).

3. Others don't like rules in any form, so violating The Rules is a crusade. (You can't tell ME what to do!).

4. Then there are those that go about living the way they do, violating The Rules as they go, because IT'S MY GOD GIVEN RIGHT AS AN AMERICAN TO ENJOY MY PROPERTY ANY WAY I WANT TO!

But after all is said and done, the vast majority of HOA residents just want to live in harmony. Most have learned basic give and take behavior when very young and need little instruction as adult. Those that didn't learn then are slow to change if they change at all. Thus, the sticking point really is what to do with scofflaws which represent a tiny percentage of the whole.

Feng Shui instructs how to harness the mystical powers of nature. One aspect of Feng Shui that drives skeptics to distraction is that the same end can be achieved by different means. The same furniture arranged in different patterns can produce the same harmonious results.

In the same fashion, little used techniques by HOA boards are mediation, accommodation and compromise. The world is not black and white and neither is an HOA. The board actually has the latitude to make deals when it makes sense to do so. An example of this would be a resident (one of those #$%&*!!! scofflaws) that parks a junk car in his driveway which is in direct violation of the HOA's rules.

The board could do battle with this character and spend endless emotional and HOA capital to win the battle. But win, lose or draw, the guy is still a jerk and likely to engage the board on another battlefield on another day. You just can't win with some people. So, the board can just choose not to play and spend its time dealing with those that are more receptive. The board doesn't need to win every battle. Concession can be the greater part of honor.

With a situation like this, it's in the HOA's best interest not to fight. As the saying goes "Never wrestle with a pig. You both get dirty and the pig likes it." Let the record state: "The board informed the resident of the rule violation repeatedly, mediation was rejected and the board decided that compromise was in the best interest of the HOA."

So take the Feng Shui approach. Rather than putting up rule barriers that attract challenge, craft "harmonious living philosophies" that attract compliance. Most want to live in peace, so craft an environment where harmony can thrive. Then, simply deal with the occasional tough case. Even Feng Shui homes occasionally have to take the trash out, just not every day. Go you and do likewise.

Ask the HOA Expert

Q Our HOA board has some funds that we want to put into a CD to earn more. The funds are not going to be needed for about 3-5 years. We are currently getting a very low rate of return in a Money Market account but can improve our position by 2-3% by long term CD investing. What are the downsides?

A One of the big advantages of a well prepared reserve study is that the board can make informed decisions about investing reserve funds to maximize return on investment. For example, if the reserve study indicates that $75,000 of the $100,000 reserves are not going to be needed for 5 years, the $75,000 could be invested $25,000 in a 1 year CD, $25,000 in a 2 year CD and $25,000 in a 3 year CD. When the 1 year CD comes due, the money could be reinvested in a 3 year CD. In just two years, all excess reserve funds could be yielding the rates of a 3 year CD. This strategy is called "laddering".

Increasing investment return on reserves will reduce the level of owner contributions. It's a beautiful thing.

Q Is it advisable to allow the members to attend board meetings and work sessions? We try to hold a meeting on a monthly basis, some of the attendees can get quite windy, as we give then a chance to express their concerns and wishes. After they are finished, we allow them to sit and listen while we conduct the rest of the meeting discussing budgets, projects, delinquent homeowners, etc.

A Board meetings should be open to members. The exception is an emergency board meeting that's required to handle urgent business that can't wait. For standard meeting, it's good to provide a homeowner forum prior to the meeting to allow homeowners to speak and ask questions of the board. It is also prudent to put a time limit on the forum of, say, 15 minutes. The president should ask in advance which members would like to speak and, based on the response, divide up the time among them. And, hold them to it. The board has important business and needs to get to it. Long board meetings is one of the reasons many won't run for election. Respect everyone's time.

Allowing homeowners to sit through the meeting is their right but there are certain topics (like homeowner delinquencies) that are best discussed anonymously (no names mentioned) or in "executive session". Executive session is a meeting closed to owners to discuss highly sensitive issues like litigation, delinquencies, employee personnel matters and contract proposals. If you do insist on discussing delinquencies in your board meetings with homeowners present, names should not be named to avoid libel and defamation of character issues. Same goes with recording names in the minutes.

Work sessions are another matter. As long as no business decisions are made and they are done only for discussion and gathering information, they can be closed to owners. Formal decisions need to take place at a regularly scheduled board meeting.

Q We have had problems with our management company in recent years. They do not respond to questions and have given us a grief over certain issues. How should we handle this?

A The management company is hired by and takes direction from the board. The board should do periodic reviews of the management contract which can always be terminated for just cause. The board, if dissatisfied with management's performance, should sit down with the manager and discuss specific issues and come to an agreement on how they will be handled in the future. If the manager won't or can't comply, it's time to find a new manager.

In most cities there are several companies that specialize in this kind of work. The board should develop a Request for Management Proposal which includes a detailed scope of work. (There is a sample Request for Management Proposal at www.Regenesis.net available to Gold Subscribers.) Always get references and exam the management agreement carefully before contracting. It's advisable to have a knowledgeable attorney review it.

Q I'm a new board member. Every time I want to talk about HOA business independently, the president tells me I can't because I'm on the board. I'm ready to quit so I can have my rights back.

A It all depends about what you mean by "talk about". If you are lobbying the homeowners regarding issues that the board has ruled on, it would not be appropriate for you to circumvent the board's authority. A house divided against itself cannot stand. The board has authority to make decisions and enact policy as authorized under the governing documents. If you are involved with matters outside the board authority, you have the right to do so as would any private citizen.

Q My neighbor made a verbal request for a fence installation and got a verbal approval from the board the next day. I wanted to install essentially the same thing at my home but was told I had to submit plans for approval. What should I do?

A Homeowner associations often have architectural guidelines that must be followed. Part of the approval process is to submit written plans, name of contractor and other details for review. If there are architectural standards, all should be given written approval so the record is clear that there has been no favoritism. The requirements should be in your governing documents. If you don't have a set, ask the board to provide you with one.

Rather than waste a lot of emotional energy on fighting the issue of whether verbal or written approval is required, you should submit a written request. The board is required to respond within a reasonable time like two weeks. (If there is no time limitation in the guidelines, ask that they respond within two weeks.) If they fail to respond in a timely way, move ahead with your plans making sure to have all permits required.

If you are denied by the HOA, get the reasons in writing. If you are denied unreasonably, you have the right of appeal.

Q One of our biggest problems is getting members to participate and pay their assessments. Any philosophy about these two issues?

A Few folks want to volunteer for a board that has no business plan and even fewer want to pay for something they're not getting. Essentially, it boils down to a philosophy of running the HOA like the business that it is. The board is often entrusted with millions of dollars of assets yet many manage those valuable assets by crisis instead of by design. Most HOA business can be planned for. If the board adopts a philosophy of long range planning, a realistic budget and regular communications with the members, harmony will result.

Achieving a Quorum

It's five minute until the Annual Meeting starts. The governing documents require at least 25% of the eligible voters to establish a legal quorum. With only 21% of the members represented, the meeting has to be canceled and rescheduled.

This is an all too frequent scenario for HOAs. Many members simply aren't interested or available to attend. It's like pulling teeth to get them to respond at all. Yet, annual meetings are required at every HOA so those in charge of organizing them must make an extra effort to achieve a quorum.

Here are the basic things that can be done:

1. The governing documents commonly require that the notice to be mailed out at least 21 days but not more than 30 days prior to the date of the meeting. So, be conservative and 30 days prior, send out the Notice of Meeting.

2. From this point on, ask every member that calls the office "Have you turned in your proxy yet?" If they have not, offer to email them a new one so they can send it right back.

3. 15 days prior to the meeting send an email blast to all members with a copy of the notice and proxy attached, encouraging them to print the proxy, sign and return it back ASAP. To alleviate any fear that they are "giving away their vote", provide an option that states "this proxy is to be used for quorum purposes only".

4. If the property has a facility like a clubhouse, pool or fitness center that members frequent throughout the day, you should too. Ask each member you run into to fill out a proxy form on the spot.

5. 10 days prior to the meeting, send out a second email blast with notice and proxy form attached.

6. 8 days prior to the meeting, begin making phone calls to all members that have not yet returned a proxy. This is where the rubber meets the road! If you can catch them at the office, you can suggest sending them a proxy form via email and having them email it right back. This is good for two reasons. About one-in-five that say that they will, do. Secondly, it gives you license to call back those that do not return it within 24 hours.

7. 4 days prior to the meeting, put out additional signage in prominent location reminding owners to turn in proxies. I have had good results using a sandwich board located at curbside in front of the clubhouse.

8. If you have not achieved a quorum within 48 hours of the meeting, enlist several volunteers to go door to door to collect proxies.

Now for the fun stuff:

Door prizes in the form of gift cards or certificates work well. Some examples include local coffee shops, fast food outlets and movies. $10 value will do. Some of the establishments may even donate a card or certificate to promote their business.

Give away items with the HOA's name and logo including coffee mugs, golf/tee shirts, reusable grocery bags and baseball caps. Make the same items available for purchase.

For the crème de la crème - A member need not be present to win. The prizes can be used as an incentive to return their proxy toward making quorum. In this case, you can offer an entry for the drawing to the first "so many" owners to return a valid proxy. If you use this option, make sure to include it in the meeting notice, newsletter, email blasts and all signage.

Provide food and non-alcoholic refreshments. It's easier to get a quorum when there are tasty morsels waiting.

Invite an interesting or controversial person to speak at the meeting. Possibilities range from local, state or federal government officials and elected representatives to attorneys, general contractors and engineers who can focus on HOA maintenance or construction issues.

Make the event the HOA's birthday celebration with the annual meeting a brief but necessary digression.

Achieving quorum can be fun. Try it!

By Neil E. Thomas CMCA®, PCAM®
Community Manager

Reserve Study Updates

A reserve study is a homeowner association's essential long range planning tool. It charts a schedule for the board to follow for major repairs and replacements (paint, roofing, etc.) and forecasts a budget for each event so the board can set aside money (reserves) each year so adequate funds will be available when the various events come due. It's an amazing tool that takes a lot of guess work out of the board's job.

Even though a reserve study makes funding projections up to 30 years away, the premises upon which those projections are founded are ever changing. Each year, the inflation rate changes as does the yield on invested funds and the starting balance in reserves. These three moving parts alone can have a dramatic impact of costs and reserve fund balances years away. But there are other forces at work. The cost of labor changes from year to year based on a hot or cold real estate market. Cost of certain materials changes from year to year. Oil based products are particularly volatile and pricing affects roofing and paint. Wood products fluctuate as well.

The reserve study typically predicts future costs based on current costs adjusted by inflation. Revising the reserve study when actual costs are incurred is essential since those costs are the most accurate available. If painting was predicted eight years ago to cost $1500/unit and the current year's actual cost is $1650/unit, the reserve study should be updated to that cost.

The question often comes up "How much money should we put into reserves each year?" The answer varies from HOA to HOA based on the number and age of components. But at each HOA, there is an amount of money which represents "fully funded" each year. Say your reserve study only has one component worth $10,000 that has a 10 year useful life. To be fully funded, $1000 should be reserved each year so, for example, in Year 3 there should be $3000 in reserves. If that same principle is used for each component according to its useful life, the HOA will always be fully funded and every member will have contributed a fair share based on time of ownership. If anything less is set aside, some member(s) in the future will be required to make up the shortfall. This is unfair to them and the board has failed in its fiduciary duty to protect the interests of all members current and future.

Due to the problems caused by sub-prime mortgage lending, major mortgage loan underwriters like FHA (Federal Housing Administration) require condominium associations to be FHA approved before FHA loans are processed. One of the many conditions of FHA approval is a reserve study that is current within 12 months. Certain states like California, Oregon and Washington have additional reserve study requirements that address annual updates.

Whether for practical, banking or legal reasons, having and updating a reserve study each year will keep the board informed, help maintain the most financing options for the members and in compliance with state statutes that apply.

If your homeowner association has had a professional reserve study done, make sure it is updated every year and remember to include the cost of the update in your Operating Budget so it won't be overlooked.

The reserve study is one of the most indispensable planning tools that an HOA can have. Not having one is like steering a ship without a rudder. If your HOA has not had a reserve study done, put it on the Must Do List. For more information on Pacific Northwest reserve studies, call Michael Stewart michael@regenesisreserves.com or Phone 503.268.1789.

Annual Planning Calendar

This one page action plan assists the board in organizing and completing HOA business effectively. It also advises owners and residents in advance so they can plan accordingly.

1. Compile one in conjunction with the Annual Budget to list cyclical maintenance events like gutter cleaning and window washing.

2. Add time frames for major renovation like painting and roofing so residents can plan vacations around them.

3. Schedule meetings and other events a year in advance so owners know when they can petition the board.

This kind of long range planning tool gives the owners the feeling that someone is actually steering the ship rather than being keel hauled behind it. In also counteracts the notion that the Board is operating behind closed doors or in secret. Post the Event Calendar around the property, put it in your newsletters and on the association website. With an Event Calendar, there are fewer surprises, more gets done and there will be greater harmony in the community. Here's a sample:

JANUARY
8 Annual Homeowner Meeting
10 Get proposals: roof replacement,
11 Inspect decks
15 Year End Financials to CPA
20 Sweep parking lots

FEBRUARY
13 Board of Directors Meeting
~ Review roof, pool replaster proposals
Newsletter

MARCH
File tax return by the 15th
Annual fire extinguisher inspection

APRIL
1 Maintenance Committee Inspection
15 Pool replaster project begins
Dewinterize Buildings
Meet with Landscape Contractor
Clean Clubhouse and stairwell carpets

MAY
5 Work Party - Plant spring flowers
12 Board of Directors Meeting
25 Pool Opens
Newsletter
~ Send Pool Rules
~ Announce Summer Social
Clean gutters

JUNE
Roof replacement project begins
Deck repair project begins

JULY
15 Summer Social
20 Treework begins

AUGUST
15 Board of Directors Meeting
~ Appoint Budget Committee
Newsletter

SEPTEMBER
Order Reserve Study Update
10 Close Pool
12 Chimney Inspections & Cleaning
15 Budget Committee Meeting
~ Review manager's draft budget
~ Review insurance coverage
25 Wash windows

OCTOBER
5 Work Party - Plant fall flowers
Winterize Buildings
15 Mail winterization notices
22 Walkthrough with Landscape Contractor

NOVEMBER
1 Grounds Committee Inspection
22 Board of Directors Meeting
~ Review & approve budget
Newsletter
~ Request Board Candidates
~ Announce Christmas Party
25 Mail budget & fee notice

DECEMBER
5 Clubhouse Cleaning Party
12 Christmas Party at Clubhouse
15 Clean gutters

Questions? Call 222.222.2222

No Barking Zone

Homeowner associations often experience complaints about barking dogs. This one is a no brainer since virtually all dogs bark when left alone and sometimes when master is home.

According to experts, determining why the dog barks is the first step in training the dog not to bark. The typical causes for barking dogs are:

- Boredom
- People teasing the dog
- Hostile neighbors
- Separation anxiety
- Changes to a dog's life or lifestyle
- Health issues such as irritations or discomforts
- Distractions
- Lack of shade, food or water
- Breeding season

While dogs can be difficult to control, humans are ultimately in control of the situation, so:

Contact the Dog Owner. Make them aware of the problem. Discuss the situation calmly with the owner for the most effective way to resolve the problem. In many instances, a dog is barking when the owner is away from the home and the owner may not be aware of the problem. Owners tell animal control officers that they wished someone had talked to them before calling animal control. If you are hesitant about contacting the dog's owner in person, animal control suggests that you leave a polite note on the door with your name and number to discuss the problem.

Contact the Homeowner Association. If speaking with the owner does not work, contact the HOA and request intervention. Virtually all governing documents have a nuisance provisions or a rules regarding disturbing neighbors. If the dog owner fails to comply with the HOA's warning letter, the HOA has the right and duty to impose a reasonable fine which often has positive results. The fine should include an appeal process.

Contact Animal Control or Law Enforcement. The local animal control office has the authority to deal with noise issues. The police might be called if the animal in question is aggressive or dangerous.

Here are some creative solutions to reducing barking:

- The board can ask a professional to speak on the subject at the annual meeting.

- The complaining party could offer to walk the offending dog while the owners are away – a tired dog barks less.

- The owners can reduce the dog's barking stimulation by restricting its line of sight by covering openings in the gate and fence.

- Dog daycare helps prevent boredom and removes the barking issue when the dog is away.

- Hire a professional dog trainer like www.BarkBusters.com

- Citronella anti-bark collar. The collar sprays a light mist of citronella in front of the dog's nose when the dog barks–dogs do not like the hissing sound or the smell of the citronella.

- Anti-barking shock collars. The shock is not harmful but does get their attention to stop the barking.

- Electric devices such as "Bark Free" responds to a barking dog up to 50 feet away by emitting a high pitched tone that humans cannot hear and that dogs do not like.

- Debarking surgery (dogs have a fold of tissue on each side of the larynx which must tighten and vibrate to bark)–debarking surgery removes this tissue. After the operation, the dog only has a muted bark. This procedure is controversial and some experts claim that some or all of the barking returns over time. Since the surgery can be unsatisfactory, veterinarians seldom suggest debarking as a solution to barking problems.

Dogs will do what dogs do no matter how well you dress them up. If your HOA has a barking dog problem (and all do), take advantage of one or more of these solutions. WOOF! WOOF!

From an article by Beth Mulcahy

The Loneliness Within

It is lonely at the top. Leaders know they are ultimately responsible and that the well-being of so many rest in their hands. If they fail, many people will get hurt. Some leaders simply run faster to ignore the mounting pressures.

Who can they share their worries with? It can be difficult to talk with their boards of directors about their biggest problems and deepest fears. Friends outside the organization may not understand the challenges they are facing, and sharing their doubts openly may set off rumors. Sometimes it is even difficult to share these concerns with your spouse or mentor.

As a result of this loneliness, many leaders deny their fears. They shut down their inner voice because it is too uncomfortable to hear. Instead, the start listening to the external voices pressuring them, thinking that all will be well if they can satisfy them. But the advice of outsiders is often conflicting or too painful to face, so they choose to listen only to people who reinforce their views.

Meanwhile, their work lives and personal lives grow more unbalanced. Fearing failure, they favor their work life, even saying, "My work *is* my life." Eventually, they lose touch with those closest to them-their spouses, children, and best friends-or they co-opt them to their point of view. Over time, little mistakes turn into major ones. No amount of hard work can correct them. Instead of seeking wise counsel at this point, they dig a deeper hole. When the collapse comes, there is no avoiding it.

Who are "they"? They could be one of those executives facing prosecution for their actions or a former CEO forced to resign "for personal reasons". But "they" could also be you, me, or any one of us. We may not face a plight as severe as these leaders, but we can all lose our way.

*From **True North** by Bill George*

Wright's Wrongs

Steven Wright is an erudite comedian who once said: "I woke up one morning, and all of my stuff had been stolen and replaced by exact duplicates." His mind sees things differently than most of us do:

1. I'd kill for a Nobel Peace Prize.

2. Borrow money from pessimists. They don't expect it back.

3. Half the people you know are below average.

4. 99% of lawyers give the rest a bad name.

5. 827% of all statistics are made up on the spot.

6. A conscience is what hurts when all your other parts feel so good.

7. A clear conscience is usually the sign of a bad memory.

8. If you want the rainbow, you got to put up with the rain.

9. All those who believe in psycho kinesis, raise my hand.

10. The early bird may get the worm, but the second mouse gets the cheese.

11. I almost had a psychic girlfriend, but she left me before we met.

12. OK, so what's the speed of dark?

13. How do you tell when you're out of invisible ink?

14. If everything seems to be going well, you have obviously overlooked something.

15. Depression is merely anger without enthusiasm.

16. When everything is coming your way, you're in the wrong lane.

17. Ambition is a poor excuse for not having enough sense to be lazy.

18. Hard work pays off in the future; laziness pays off now.

19. I intend to live forever... So far, so good.

20. If Barbie is so popular, why do you have to buy her friends?

21. Eagles may soar, but weasels don't get sucked into jet engines.

22. What happens if you get scared half to death twice?

23. My mechanic told me, "I couldn't repair your brakes, so I made your horn louder."

24. Why do psychics have to ask you for your name.

25. If at first you don't succeed, destroy all evidence that you tried.

26. A conclusion is the place where you got tired of thinking.

27. Experience is something you don't get until just after you need it.

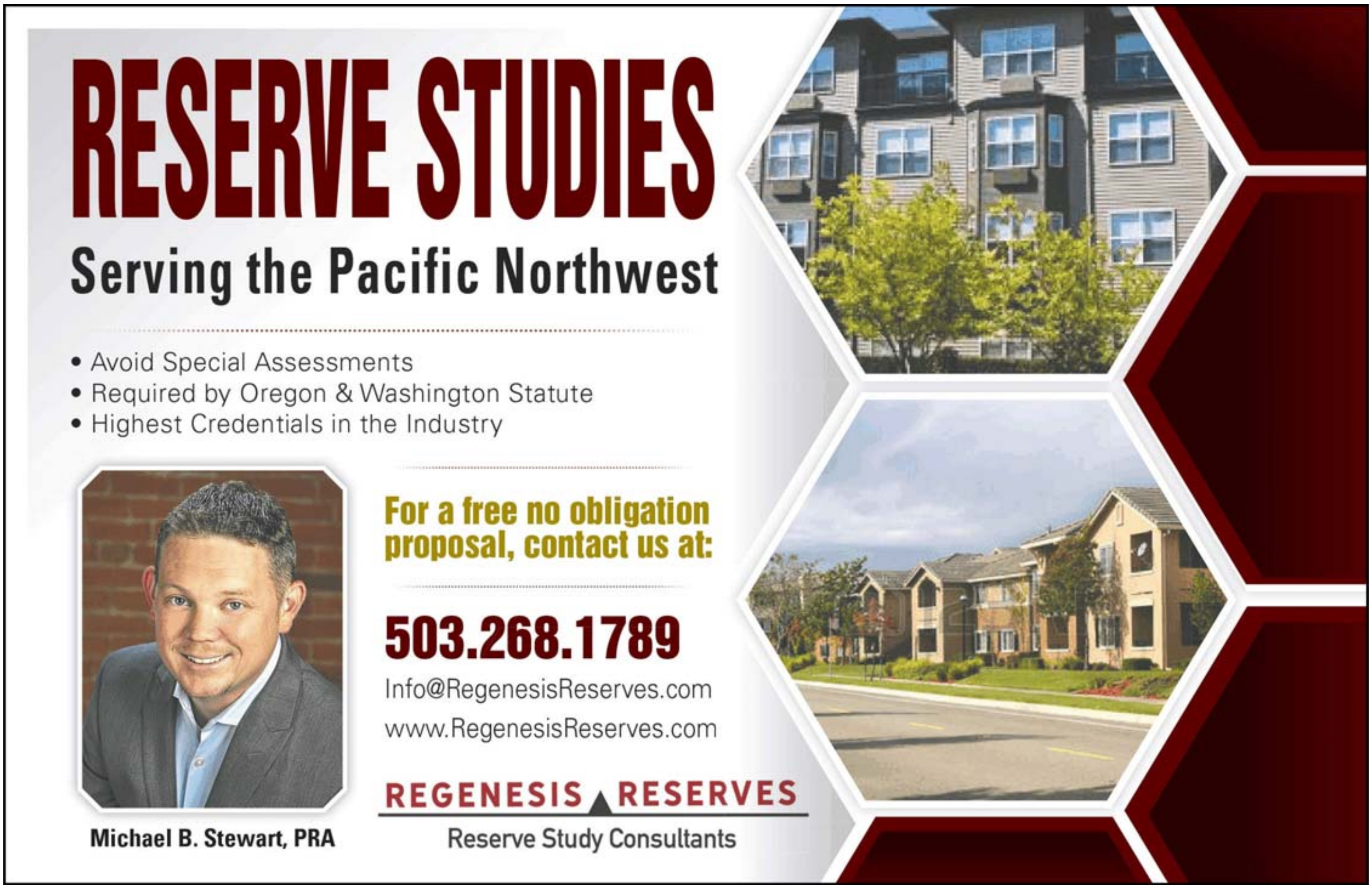
28. The hardness of the butter is proportional to the softness of the bread.

29. To steal ideas from one person is plagiarism; to steal from many is research.

30. The problem with the gene pool is that there is no lifeguard.

31. The sooner you fall behind, the more time you'll have to catch up.

32. The colder the x-ray table, the more of your body is required to be on it.



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