



# The Regenesi Report



Seattle Edition

Innovative Homeowner Association Management Strategies

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**Regenesi** means making new beginnings using eternal principles in innovative ways.

**Regenesi** believes that the goal of every homeowner association board should be to promote harmony by effective planning, communication and compassion.

**The Regenesi 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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## Surviving Each Other

Communication is a lost art in some HOAs due to lack of basic people skills. Board members often get more criticism than praise and then along comes an abusive owner who makes unreasonable demands. But it works both ways. Sometimes it's an owner that suffers at the hands of a domineering board.

The term "communication" has a warm connotation. It denotes a form of fellowship. However, if you believe the media, HOAs are police states with warlord boards. While there is always an element of truth in the stories, they are selected because they aren't the norm (like Elderly Owner Has Condo Foreclosed) but the stories give the impression that such is the norm. Often as not, homeowners with a "my-home-is-my-castle" mentality disregard rules and regulations to challenge the HOA. Boards that are confronted by these challenges can react with defiance. Anger begets defensiveness which invites retreat or counter attack.

Few boards have the ability to communicate "artfully". This art includes reining in outspoken directors, schmoozing vendors, soothing the ruffled feathers of feuding neighbors and enacting rules that invite compliance rather than evoke defiance.

What is communication? According to Webster, communication is "to have or hold intercourse or interchange of thoughts; to give, or give and receive, information, signals or messages in any way, as by talk, gestures, writing, etc." Here are some tips to improve HOA communications:

1. Take a class on dealing with difficult people. These are offered through various sources, such as local community colleges, where mediation skills are taught, web courses, and books in the local library.
2. Learn "active listening", which is actually listening and paying attention when a person is talking to you. This technique doesn't mean that you agree or disagree with what is being said it lets them know that you hear them.
3. Learn how to release the pressure. Visualize

an angry person like a balloon that is blown up to its maximum. It can't take any more pressure without popping. Now imagine letting some of that air out by listening to a belligerent person for a few minutes. Once people feel like they have "had their say", the more open they are to receiving and compromise.

4. Don't form assumptions about right or wrong. If you already have your mind made up, compromise is more difficult.

5. Respond to communications in a business like way and without anger. Ignoring communications from an owner who has an ax to grind often leads to more and stronger demands, and possibly personal attacks.

6. Count to ten. Take a walk, a break or a breather before you react. Answers given in anger rarely solve the issue and usually make the situation worse.

The art of surviving each other in an HOA environment has long term benefits which can help grow neighbors and friendships. This is an art worth perfecting, especially if you are in a position of leadership and authority.

*Excerpts from an article by Beth A. Grimm, Esq. ⚡*

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## Ask the HOA Expert

**Q** We have a very small HOA and are concerned with finding volunteers willing to serve on the board. We have decided to employ a property management company to assist us. However, what happens if no one is willing to serve on the board? The current directors do not wish to serve forever but are concerned that there is no one to carry on our legacy.

**A** "Don't worry about tomorrow because tomorrow will worry about itself". From a practical point of view, volunteers usually shy away because of fear of the unknown. The board job was not designed to be difficult or time consuming but it can be if you have some difficult owners who don't pay or won't obey rules. Getting professional management is a good move because it will reduce the amount of time the board needs to deal with things. Time involvement is a major obstacle to getting volunteers. Once management is hired, the board should need to meet no more than four times a year. In between board meetings, let the manager run the show according to the budget and governing documents.

From time to time, the manager will have a question that should be directed to the president. The president has the authority to make decisions between board meeting as long as the decisions don't conflict with the governing documents or board policy.

Having a qualified manager with adequate authority to manage will substantially reduce the board's day to day involvement and encourage volunteers.

**Q** My HOA charges for copies of documents. I thought all members were entitled to free copies. Can it do that?

**A** It takes time and money to make copies and the HOA is entitled to recoup reasonable costs. However, many HOAs post governing documents and other need to know information on the HOA's website which allows 24/7 self-help at

no charge.

**Q** Our HOA does not have much of a pet policy because it was never needed. But recently, more new owners have dogs (some multiple dogs). We do have a policy regarding cleaning up after pets in the common areas but nothing that specifically speaks to unit patios or decks which is becoming more of a problem. Also, we also have more dogs being left home alone and barking continually.

**A** Every HOA has a "nuisance" provision as part of the governing documents. Nuisances come in all shapes and sizes. In this case, barking dogs and failure to clean up after them is a nuisance that affects the neighbors. But pets are so pervasive, every HOA should have a Pet Policy which defines the basic issues and consequences for violation. There is a sample Pet Policy available to Gold Subscribers of [www.Regensis.net](http://www.Regensis.net).

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Once the Pet Policy have been adopted by the board, a formal letter should be sent immediately to violators outlining the breaches and details (what and when), the penalty (fines), action needed to correct (for example, must clean up, dogs cannot be allowed to

bark endlessly, etc.), consequences for failure to correct (like fines, removal of dogs from property and procedure for appeal). Send it certified and post the door so you know for sure it has been received.

If the letter fails to gain compliance, initiate the consequences. If the consequences fail to inspire correction, have the HOA's attorney file an action with the court to get an injunction. Your rules procedure should allow passing through attorney and legal fees.

**Q** Our lawyer advises the board that any gathering of directors that constitutes a quorum is a board meeting. It seems that there should be some exceptions to the rule.

**A** Attorneys deal in theory that often does not play well in real life. A board retreat is an example of a non-board meeting as long as HOA business items are not discussed and approved. Work sessions (like a budget meetings) can also be legitimate non-board meetings. Executive sessions are used to discuss specific matters like contract negotiation, litigation and personnel matters. The board must be careful to use retreats, work sessions or executive sessions appropriately and not to avoid doing business at board meetings open to the members.

In HOAs where there is a high degree of suspicion, any gathering of the board would be viewed as a meeting. It's best not to enrage the hostiles. Invite them to everything. Usually they won't come but if they do, the board will have nothing to hide anyway. ☹️

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## Car Wars

It's a war out there...Car ownership and land costs on the rise...street width and parking space on the decline. Where the two meet isn't pretty and battles

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erupt: parking committees posting dayglo orange violation stickers on vehicles, roving tow trucks with instructions to hook and tow on sight and neighbors duking it out over parking spaces.

In an effort to resolve the problems, the board often enacts a reserved parking system. If your board has invoked such a plan, is it in compliance with the governing documents? In condominiums, each owner owns an undivided interest in the common area parking spaces. In a homeowners association, every owner has an easement to use the common area parking. So, all residents have the right to use any parking space, provided the space is vacant. By assigning parking spaces to a particular owner, the board may be illegally precluding residents from freely using available parking. Read the governing documents carefully. The board must have specific power to enact reserved parking in the common area.

Assuming that your homeowner association's governing documents do provide the board with the authority to assign parking spaces, before embarking upon a reserved parking scheme for your community, there are a number of issues to consider:

1. How many parking spaces will be assigned to each unit or lot? After these spaces are assigned, are there enough spaces left to designate "Visitor Parking"?
2. Are the parking spaces situated so that each owner will have a reserved parking space close to the front door? What happens if there is only one space in front of two units or no spaces in front of a particular unit at all?
3. Do owners have the right to trade or sell reserved spaces?
4. What type of registration system will be implemented for tracking violators? And who will do the monitoring?
5. What is the policy for handicapped parking spaces?
6. How will the reserved parking

system be enforced? Fining? Towing? Make sure your towing policy is in compliance with local ordinances.

7. Has a provision been made for an electric car charging? The cost of the charging station and electricity can be user supported so the HOA does not incur extra expenses.

Car Wars. This is not a battle easily won. Americans believe parking is among the Bill of Rights. Before getting too radical with a parking policy, consider the practicality of monitoring it and the conflicts that could arise from enforcement. It may be more painful than leaving things as they are. 🌲

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### **Managing Difficult People**

Whether it's the neighbor who always complains about your yard or the boss who is never happy with your work, we all have to deal with difficult people. Some focus on what they don't like about a person (loudmouth, condescending tone, etc) and then hope they will change. Not surprisingly, this rarely creates the change we desire.

For many, personal experience of conflict moves through a series of phases that make up a recurring cycle. This cycle can be positive or negative depending on the beliefs about conflict that we developed at an early age.

What someone says or does can spark an automatic response based on our attitudes and beliefs. This, in turn, triggers a consequence that usually reinforces our belief systems and perpetuates our behavior pattern.

The key to dealing with a difficult person is to change your attitudes and behaviors in order to change your relationship with that person. You can do this more successfully by:

- Taking the responsibility to examine your own thoughts and feelings about the difficult person.
- Understanding what kind of relationship you would like to have with the person who is giving you a difficult time.
- Taking notice of the behavior that you observe rather than making assumptions about what that behavior means, and
- Examining your approach to communicating with that person.

The next time you are confronted by a difficult person, what do you see them doing that causes you to react negatively? Consider the following:

- Facial expressions
- Eye contact or lack of eye contact
- Gestures
- Tone of their voice
- Screaming or whining
- Words and/or the meaning of the words

Pay close attention to their behavior patterns. What is working and what is not? Have you made assumptions about what these actions mean? Next, pay attention to your behavior patterns. What is working and what is not? What do others do that works better? If you don't set aside your assumptions, you may never realize what are you are responding to.

Now, take the time to consider how your actions may affect the other person. Consider the message you may be sending them. Finally, decide what you would like the relationship to be and make a plan that will move you toward that goal. What do you want them to understand? How will you present yourself? What will you say?

Treat every interaction with a difficult person as an opportunity to improve your relationship. Allow yourself to see the larger patterns of behavior, both theirs and yours. Imagine yourself to be a third party observing your interactions with the difficult person. If your approach to conflict isn't working, exchange it for one that will move you toward a better relationship. 🌲



## Ahead of the Curve

Deferring maintenance in a homeowner association has negative and lasting effects. While postponing maintenance may seem to be a money-saving technique, the consequences are usually a much higher cost over time.

**Painting** is one of the largest elements of routine common area maintenance for many HOAs. Poorly maintained paint will fail prematurely. Touchup should be done annually. Wood trim should be painted every 3-4 years. The complete painting of buildings should be done every 6-8 years.

**Drainage.** Rain gutters are an important component which need twice annual cleaning (more often where there is heavy tree coverage) to help insure proper water run-off. Clogged and overflowing gutters cause premature trim and siding rot.

**Light fixtures and poles** need to be serviced regularly. Salt air, in particular, can rapidly deteriorate and short-circuit light fixtures.

**Concrete sidewalks and slabs** need to be inspected annually for cracks and raised areas, as well as degradation of the surface. Raised areas create a trip hazard which can be corrected by grinding or removal and replacement.

**Asphalt** needs to be repaired and seal coated every 3-5 years to properly protect it so it will achieve its maximum useful life of 25-30 years.

**Roofs** need to be part of a Spring and Fall maintenance plan. They need to be inspected, repaired and cleaned by a qualified roofing maintenance contractor.

**Roof Gutters & Downspouts** should be cleaned at least twice a year, more often in "hotspots". Failure to do this causes backups and overflow that damages paint, siding and landscaping.

**Recreation Areas.** Playground equipment should be inspected and maintained to ensure child safety.

**Directional Signage** should be in good

repair and easily readable in order to assist emergency response services like police, fire and pizza delivery (joke). Directories with name and addresses also facilitate emergency response. The directory should be regularly updated for accuracy.

**Reserve Study.** This is a 30 year plan to manage and fund (usually) large projects. A Reserve Study will help the board to schedule, budget and properly maintain the common elements. It is highly recommended that the study be done and updated by experienced professionals like PRA (Professional Reserve Analysts) members of the Association of Professional Analysts. See [www.apra-usa.com](http://www.apra-usa.com) for a directory PRA members.

Use these hints to help craft your own Preventive Maintenance Plan. Deferring maintenance is a sucker bet that will come back to bite. Stay ahead of the game. 🍀

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## Defective Construction

When home building activity increases, builders and contractors are put under greater pressure to complete construction and stay below budget. While professionals can achieve good results with expertise and efficiency, sometimes budget cutting is accomplished by using low grade materials and marginally trained labor. Added to this is failure to adhere to critical waterproofing details, building codes and manufacturer installation protocols. The end results are wasted materials, resources, time, energy, money and a great deal of frustration.

What are construction defects?

- Builder deviated from approved building code, site plans and specifications
- Builder used materials that were other than what was specified
- Improper installation and flashing of building materials on the exterior wall

assembly

- Due to poor quality materials or installation procedures, water intrudes through the exterior envelope, destroying wood and creating an environment for mold growth which results in property value and livability loss.

What are the signs of construction defects?

- Water intrusion into the building in any area, especially around windows, doors and decking
- Signs of moisture and discoloration of siding and trim around windows and doors
- Damaged and rotting trim on window and door trim
- Flashing omitted above windows, doors, transition bands, decking, stone or brick
- Siding cracking or missing pieces at the ends of the boards; face nailing exposure in joints
- Caulking failing in joints of siding or framework and leaving open spacing for water entry
- Discoloration of paint in various areas, typically due to excessive moisture in walls
- Visible signs of dryrot, mold, and/or fungus (mushroom) growth on siding, joints or the trim around windows and doors

Construction defects that result in water intrusion are urgent repairs. The sooner repairs are made, the better. Use repair professionals that use only quality materials, proper flashing details and professional workmanship.

*By Jay Mainella 🍀*

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## Proaction in Action

One of the biggest traps for common wall homeowner associations like condominiums is that their insurance coverage often permits payment of claims that rightly belong to homeowners. This is due to the broad

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or "blanket" coverage nature of the policy. In effect, the insurance carrier looks to the board to determine whether it should pay a claim or not. If given no direction, the carrier usually errs on the side of the homeowner.

The problem is that if the board allows all insurance claims regardless of their source or cause, soon the premium would skyrocket or worse, the policy would be canceled. To protect the HOA insurability, the board should develop and enact a policy concerning insurance claims and put the HOA's insurance carrier on notice. Each owner would then be responsible for notifying his own insurance carrier of the HOA's policy.

Barring conflicting insurance requirements in the governing documents or state statute, here are reasonable guidelines for the HOA to follow in developing a policy for handling insurance claims:

1. The HOA is responsible for repairing only those things for which it has maintenance responsibility.
2. If the HOA is negligent in performing maintenance that results in unit damage, like failing to repair a leaking roof in a timely manner when notified, the HOA is responsible to repair the unit damage.
3. Each unit owner is responsible for insuring his own unit and personal property. For example: If a washer hose breaks in Unit A on the 3rd floor, damaging that unit and its two downstairs neighbors, each unit owner would be responsible for insuring damage suffered within his unit. The HOA's insurance would not be involved.
4. If HOA common area property is damaged by an event that originates within a unit as described in Item 3, the HOA may hold the unit owner liable for the damage and seek recovery under the liability portion of the unit owner's insurance. This is based on the principle that the HOA has the authority to define who is responsible for repairing common area damage

according to the source of the damage. If the damage originates from an HOA maintained source, the HOA is responsible. If it originates from an owner maintained source, the owner is responsible. Owners do not have the same policy making authority as the HOA and can only make claim against a neighbor's policy if negligence can be proven.

5. To help clarify these principles, the board should adopt a Maintenance and Insurance Areas of Responsibility Policy. This policy eliminates gray areas in maintenance and insurance. It provides a quick reference for the board, property manager, owners and insurance carriers. It also expedites maintenance requests and insurance claims. A sample Insurance & Maintenance Areas of Responsibilities Policy is available to Gold Subscribers of [www.Regensis.net](http://www.Regensis.net)

Since insurance is such an important element of the HOA's well being, it behooves the board to formalize a comprehensive policy. Why wait for an accident to happen? An HOA policy on insurance claims is proaction in action.🔗

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### **Board Operations Manual**

Managing a homeowner association is similar to driving a car: From time to time, you need to consult the manual. Cars come equipped with one but HOAs don't, and for a very good reason: Each HOA is unique. So, create a custom Board Operations Manual to have the "need to know" information on hand. Information to include:

- Site Map: include streets, buildings by address, common area utility valves and controls, equipment
- Resolutions & Policies
- Rules & Regulations
- Board Members & Contact Information

- Property Manager & Contact Information
- Vendor List & Contact Information
- Vendor Contracts
- Approved Annual Budget
- Current Financial Report
- Meeting Minutes for previous 12 months
- Newsletters for previous 12 months
- Insurance Coverage Profiles
- Committees: duties, members and contact information
- Architectural Design Criteria
- Copies of Forms (Architectural, etc.)
- Maintenance & Insurance Areas of Responsibility List
- Owners & Residents & Contact Information

Each director should be provided with a Board Operations Manual that can be passed on as directors step down and new ones step up. The information can be compiled in a durable three ring binder in a logical sequence with sections identified by tabs. As new information is available, directors are given pre-punched pages to insert, removing outdated pages.

Since almost everyone uses the internet now, the board is likely populated by tech friendly folks. So a Board Operations Manual could be compiled in PDF which can be stored on a computer, laptop, pad or smart phone. Files can easily and quickly be updated and distributed, saving the paper shuffling altogether.

With a current Board Operations Manual, all directors can respond to information requests or assist in an emergency. Much of this same information can and should be placed on the HOA's website for easy access by the owners. Privacy issues are the exception. The Board Operations Manual is a powerful tool that will keep the board on track. Compile one today.🔗

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## Habits of Likable People

Likable people are charming. They're genuine. And they can make an entire room full of people smile. But when you meet someone, after "What do you do?", you're out of things to say because you're shy and a little insecure. But you want to make a good impression. You want people to genuinely like you. If I show you I'm genuinely happy to meet you, you'll instantly start to like me. And when you do, it will help calm my nerves and let me be myself.

Here's how likeable people do it: They lose the power pose. This is the one your parents may have taught you: To stand tall, square your shoulders, stride purposefully forward, drop your voice a couple of registers and shake hands with a firm grip. It's great to display nonverbal self-confidence, but go too far and it seems like you're trying to establish your importance. That makes it seem like it's more about you than it is the other person.

No matter how big a deal you are, you pale in comparison to South Africa's Nelson Mandela. Mandela stepped forward with a smile and bent ever so slightly forward as if to bow. This is a clear sign of deference and respect. So, the next time you meet someone, relax, step forward, tilt your head towards them slightly, smile and show that you're the one who is honored by the introduction, not them.

Touch can be very powerful. It can influence behavior, increase the chances of compliance, make the person doing the touching seem more attractive and friendly. Go easy. Pat the other person lightly on the upper arm or shoulder. Make it casual and nonthreatening. Mandela touched the forearm a second before he shook hands. When combined with his posture and smile, it came across as genuine and sincere. It is a key component in liking and being liked.

Likable people are masters at Social Jiu-Jitsu (SJJ), the ancient art of getting you to talk about yourself without you ever knowing it happened. SJJ Masters are fascinated by things like how you transformed a tedious PowerPoint into

a TED Talk-worthy presentation. SJJ Masters use their interest, politeness and social graces to cast a spell on you. And you like them for it.

Social Jiu-Jitsu is easy. Just ask the right questions. Stay open-ended and allow room for description and introspection. Ask how, why and who. As soon as you learn a little about someone, ask how they did it, why they did it, what they liked about it, what they learned from it or what you should do if you're in a similar situation.

No one gets too much recognition. Asking the right questions implicitly shows you respect another person's opinion and, by extension, the person. We all like people who respect us, if only because it shows they display great judgment (wink wink).

Everyone is better than you at something. Let them be better than you. Don't try to win the "getting to know someone" competition. Try to lose. Be complimentary. Be impressed. Admit a failing or a weakness. You don't have to disclose your darkest secrets. If the other person says, "I just closed a big deal" say, "That's great. How did you pull it off?" Likeable people focus on what they can do for you, not for themselves.

The standard conversation close is "Nice to meet you", nodding as you part. It's totally forgettable. Instead, shake hands again, use your free hand to gently touch the other person's forearm or shoulder. Say, "I am really glad I met you" or "I really enjoyed talking with you". Smile. Not the insincere salesperson smile that goes with, "Have a nice day!" but a genuine, appreciative smile. Making a great first impression is important, but so is making a great last impression.

All these techniques take practice. Accept that being a little more deferential, genuine, complimentary and vulnerable means putting yourself out there. Accept that at first it will feel risky. But don't worry. When you help people feel a little better about themselves, which is reason enough, they'll like you for it. And you'll like yourself a little more, too. 🌱

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## Go Drop Dead

Six condo board members were playing poker in the clubhouse one night. Fred lost \$500 on a single hand, clutched his chest and dropped dead at the table. Out of respect for their fallen comrade, the other players completed the hand. At the conclusion of the game, the board president looked around the table and asked, "Who is going to tell Fred's wife?"

They drew straws and Steve picked the short one. They told him to be discreet and not to make a bad situation any worse. Steve then went to Fred's condo and knocked on the door. His wife Norene answered and asked what he wanted. He politely told her that her husband had just lost \$500 in a poker game and was afraid to come home.

According to neighbors in the adjacent unit, she yelled, "TELL HIM TO DROP DEAD!"

Steve responded, "I'll go tell him." 🌱

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