



# 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 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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## Strong or Weak?

Homeowner associations are unique entities, and the boards that lead them fill unique roles. Directors are elected to represent and protect the best interests of the owners. One of the board's most important tasks is to maintain the value of owner assets. The board is also charged with preserving and improving the quality of life by enforcing the governing documents.

So what constitutes a good board member? While any member is qualified to run for election, there are certain character traits or life experiences that benefit the HOA while some definitely do the HOA harm. In a nutshell:

### Traits of A Strong Board Member

- Good character
- Strong integrity
- Calm thoughtful judgment
- Willing to serve
- Strong communicator
- Committed to the HOA's best interests
- Relevant experience or background
- Strong "people skills"

### Traits of a Weak Board Member

- Unwilling to put the HOA's welfare first
- Undermines board decisions or policies
- Impulsive and quick tempered
- Has a personal or hidden agenda
- Poor with leadership and service
- Unwilling to work with others
- Ineffective communicator

How does a member of the board succeed with such a challenging assignment? Put your personal preferences and circumstances aside. When you make decisions as a board member, you have an obligation to work in the best interest of the entire community, regardless of how it affects you personally.

**Educate yourself.** Part of learning how to be a good board member will come from trial and error; but, you can reduce the errors and the time it takes you to get up to speed by attending seminars, reading books, networking with HOA board members, asking questions of your manager, accountant or attorney and getting free materials from the internet.

**Know the difference between the board and the manager.** Boards set policy and make policy decisions. Managers implement the board's directives and take care of operations.

**Stand united.** Once the board makes a decision, stand behind that decision even if you voted against it. Don't try to undermine board decisions.

**Don't allow personality differences to interfere.** Be cooperative, positive, and make every effort to stay focused on the needs of the community.

**Be reasonable.** Boards have a big responsibility and should avoid being over zealous or inflexible. Avoid snap decisions, act rather than react, and deal with real problems, not nuisance situations.

The role of the board is as much about building the social and civic well-being of the community as it is about maintaining common areas or enforcing rules. To do this, a board must:

- Provide leadership and inspiration.
- Instill a sense of caring, civic pride, and shared responsibility.
- Position the homeowner association as a wellspring of volunteerism both inside and outside the HOA's boundaries.
- Help transform the HOA into a vibrant neighborhood.

By placing an emphasis on community, boards transcend the legalistic nature of their governing documents. Happy communities have fewer rules violations and delinquent assessments.

In the final analysis, board members should be community builders. Each director should set a tone that is light-hearted and should strive to collaborate with HOA members, bringing worthy ideas to the board table and leaving the weak ones at home. Those that are able to step outside themselves and serve will shine.

*From The Board Member Toolkit by Community Associations Institute.* 

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### Ask the HOA Expert

**Q** We have a problem with residents illegally parking in our designated fire lane. Many do this because they are using their garage for storage and are too lazy to walk to a designated parking area. The curbs are painted red and stenciled with FIRE LANE.

**A** Add VIOLATORS TOWED WITHOUT WARNING to the curbs and notify all residents and owners that towing will become effective immediately. Once a few cars get towed, the word will get around and put a stop to violations.

Also, the board should adopt a Parking Policy that restricts using the garage for storage when that storage displaces vehicles to the street. Each resident should be restricted to the number of cars that will fit in the garage and driveway. Since HOA parking is usually sparse, it is important not to allow residents to commandeer visitor spaces.

**Q** Our homeowner association recently adopted an amendment to the governing documents limiting the number of rental properties. The board prohibited voting by members who were in arrears. Does the board have this

authority? And, if so, can the board discount those votes when calculating the votes required (75% in our case) to amend the governing documents? Our board has been very aggressive in issuing fines and penalties and declared 50% of the members ineligible to vote. So, the votes that were allowed constituted only 50% of total votes. Of those, 40 (90%) voted in favor of the amendment so the board declared the amendment passed. Is that legal?

**A** Taking away an HOA member's right to vote can only be done if the governing documents allow it. Since a member's right to vote is a fundamental owner right, this kind of restriction is rare. And the board never has authority to invoke voting restrictions on its own. From what you describe, this board acted improperly. If it is not held accountable for this kind of chicanery, who knows what kind of dictatorial behavior may follow?

**Q** We regularly publish in our newsletter to contact the property manager with questions or concerns, yet the president continues to get calls. What can we do?

**A** A number of suggestions:

1. The president should not take or respond to calls or agree to pass them on to the manager. A simple, "Thanks for your call but please contact our manager directly with your request" works well.

2. Remove board member phone numbers and email addresses from newsletters, notice boards, etc.

3. Get a free HOA email address like [board@nottacare.com](mailto:board@nottacare.com) to route inquiries to the manager.

**Q** We have a grounds committee that has broad authority regarding the landscape contractors. Are committee members covered under an HOA's Director and Officers insurance policy?

**A** All HOA volunteers are covered under Directors & Officers insurance.

**Q** Since our HOA has no reserves, the board asked the members to approve a sizeable loan for new roofs and painting. To repay the loan required an increase in monthly fees of 25%. Those that voted against the loan were livid about the fee increase and presented a letter to the board which they wanted included with the board meeting minutes and distributed to all the members. Are we required to do this?

**A** The letter should not be made part of board minutes. Board minutes should only reflect business decisions made by the board. The fact that some want their opinion memorialized in the minutes is immaterial.

That said, it is usually a very bad idea for an HOA to borrow money since the loans are very expensive and the HOA guarantees the bank payment with its cash flow. If some owners don't pay their fees, the rest must make up the shortfall. If a special assessment is necessary, each owners should be required to come up their share from savings, home equity loan, credit card or whatever source they choose. The HOA should stay out of the banking business. There be dragons there.

Your board should also take immediate action about the lack of reserves so this situation does not have to be repeated. Having a long range repair and replacement plan (reserve study) is essential for proper planning and budgeting. The reserve study includes a Funding Plan which informs the board how much money should be set aside each year so adequate money will be available for future renovations. The best funding plan collects a fair share of those future costs from each member along the 30 year time line so that no one has to pay more than they should. For a list of credentialed reserve study providers, see the **Association of Professional Reserve Analysts** website at [www.apra-usa.com](http://www.apra-usa.com)

**Q** I have often wondered where the pet pound limitation came from in HOA pet policies. I have always considered small, yappy dogs to be more of a nuisance than larger dogs that don't have the usual frenetic personality of smaller dogs. The only vicious dog I've ever witnessed was a miniature dachshund. Wouldn't it make more sense to control the behavior and not size of the dog?

**A** Most pet restrictions have more to do with noise and wear and tear of the common area and less about aggression. But when it comes to aggression, dachshunds may bite but larger dogs can kill. So there is a deadly difference when it comes to size. Certain breeds have a reputation for aggression. While it's not true of every dog within a breed, pet policies often err on the side of caution. Pets are a politically charged issue so the board should consider opposing views before enacting any pet policy. 🐾

### What is a Proxy?

A proxy is a legal authorization for one person to act on behalf of another. It is commonly used in homeowner association Annual Meetings to achieve the quorum required to hold a legal meeting. The normal routine is to mail proxy forms along with the meeting notice and ask that they be filled out and returned to the secretary or manager by a certain date *whether an owner plans to attend the meeting or not*. While the person designated by the proxy could be anyone of legal age, usually a relative, friend or board member is chosen.

Proxy returns can be notoriously poor due to disinterest or apathy. However, if a meeting quorum is not achieved, HOA business cannot be legally transacted. So getting proxies to ensure a quorum is *extremely* important. So what is the secret to getting them? Here are several ways to improve proxy returns:

**Self Addressed Stamped Envelope.** Something as simple as a postpaid envelope gets results. Most folks have an inborn thriftiness that prompts them not to waste a stamp. Just make sure to mark the envelope "PROXY" so they don't use it to pay their HOA fees instead.

**Include "Special Assessment" in the Meeting Agenda.** Most HOAs need money for expensive renovation projects. Unfortunately, some boards wait too long to reserve money for what is needed. Raising the specter of a special assessment usually brings people to the annual meeting that ordinarily might not attend. Of course, there may not actually be an urgent need for a special assessment but it's always good to discuss it as an option.

**Email Reminders.** The vast majority of members have email addresses. If you haven't already, gather them for HOA communication purposes (notices, newsletters, etc.). It will save the HOA a bundle in office supply and mailing costs. After the Annual Meeting notice goes out, send a

reminder email to all members each week that have not responded to the proxy request. Attach the proxy form to each email.

**Eleventh Hour Phone Calls.** In the week just prior to the Annual Meeting, make personal phone calls to those that have not responded. Offer to pick up the proxy in person if they live locally.

While getting proxies is important, what really matters is getting folks to participate in the homeowner association that controls the value and destiny their homes. Keep trying until you get their attention. To quote a famous cigar smoking politician, "Never, never, never, never, NEVER give up". 🐾

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### Symphonic Meetings

A well conducted meeting is like a symphony. The Chair cues, directs and closes the meeting much like a symphony conductor. Conducting successful meetings doesn't happen by chance. There is a combination of clear purpose coupled with ground rules. Here are some tips that can make your meetings like music to the ears.

**Lay out the ground rules.** Without ground rules, small issues become major time wasters and important matters do not receive the attention they deserve. Ground rules discourage an individual from monopolizing the meeting with personal concerns or issues previously discussed. Ground

rules should be fair, easily understood and encourage a courteous and intelligent exchange.

One of the best known guidelines is **Robert's Rules of Order**. The degree of detail and formality described by Robert's Rules can be reduced to some basics:

1. One person may speak at a time.
2. The Chair decides who that person will be.
3. The speaker may speak only to the issue.
4. All are given an opportunity to speak.
5. Decisions require a motion, second and vote.
6. Once voted upon, no further discussion is permitted.

When everyone understands the ground rules, it is easier for the Chair to direct the discussion, to keep speakers on track, and to move the discussion toward an orderly decision. The board has been elected to make decisions, not merely to discuss issues.

Each meeting should have an agenda and related distributed in advance to the board members. An agenda is the meeting map. Everyone knows where they are going and what the final destination will be. Without an agenda, any topic is fair game. While it is conceivable that every topic might be of interest, the ability to act on each is limited due to time constraints. An agenda prioritizes issues the board needs to act upon.

Every agenda item that requires action needs a vote. The Chair asks for a motion. Once a motion is made, another person seconds the motion and discussion follows until the board is ready to vote. The vote is then recorded in the meeting minutes either as failed, passed unanimously or passed with dissenting or abstaining directors listed by name. (Recording votes by name is particularly critical if the issue is

controversial). If someone is disgruntled about the vote outcome, that's unfortunate. Votes do not have to be unanimous.

Set a time frame for the meeting as a whole and for specific topics on the agenda. A time limit focuses everyone's attention and adds to the clarity of the discussion. It also helps the Chair in preventing an aimless discussion. Two hours or less is a good goal.

The purpose of the board meeting is to transact HOA business. Sometimes, this is not how it works. Some view it as an opportunity to discuss issues like the sales price of some unit. This information may be interesting to some, but it is immaterial to the HOA's business. These topics should be culled from discussion.

The Chair plays an important role as "The Gatekeeper". The job of the gatekeeper is to "guard" the discussion by enforcing the ground rules, maintaining order, and calling a particular topic inappropriate. The Chair prods the discussion along or brings it to a close when all of the facts have been identified and it is time to make a decision.

The Chair must also control dissenters using "bully tactics". Bully tactics succeed by discrediting information or interruption. If the Chair makes it clear that bully tactics will not be tolerated, the behavior usually diminishes. Most meetings have a time when owners may speak, sometimes called an Open Forum. The Open Forum is an extremely important part of the meeting, even if participation is small. It will help diffuse rumors and gossip and demonstrate that the board wants to communicate and receive feedback.

The Open Forum happens just prior to the board meeting so each owner may speak and leave if they have no interest in the business portion of the meeting. Each person speaking should be limited to, say, five minutes so they get to the point and allow time for others.

Speaking of public relations, *never* hold closed or secret board meetings unless they qualify as a topic for "executive session". Executive sessions are closed meetings to discuss litigation, contracts, employee issues and other highly sensitive topics which should not be aired in public. Executive sessions should happen infrequently and be used judiciously. Otherwise, members have a right to be present at all board meetings as visitors and not participants. To shut them out invites challenge.

With this in mind, all board meetings should be announced to all owners in advance and held in visitor friendly locations. Holding a meeting in someone's living room where there is seating for board members only is the same as telling members they are not welcome. Even if members don't generally attend, *always* leave that door open. It will make the board job much more pleasant. Conduct business transparently.

Additional success tips include:

1. Distribute minutes of the last meeting in advance so that they can be reviewed prior to the meeting.
2. Use a degree of formality in the meeting so the mood is "businesslike".
3. Principles of courtesy apply: Only one person speaks at a time. No interrupting, ridicule, sarcasm and innuendo.
4. Adjourn the meeting on time.

Now, do you hear the orchestra starting to warm up? The discord will soon turn into beautiful harmony. Hold on to that mental image and conduct your meetings like a symphony and sweet music will spread through out your HOA. 🎻

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## Sharing the Good News

Do you have proactive ways to get information to your HOA members quickly and accurately? Do you request suggestions and feedback? These are all signs of a proactive management style. Proactive managers welcome communication because it lets them know whether they are on track or derailed. As the saying goes, "The light at the end of the tunnel may be the headlight of an oncoming train." Better to know sooner than later.

On the flip side, reactive communications keep the board on the defensive and are indicative of a crisis management style. With crisis management, nothing gets done unless the smell of tar and feathers is in the air. Under these circumstances, it's unlikely that the end result will be good. If this is the kind of style the board has been practicing, consider what kind of environment this creates.

Failure to communicate makes fertile ground for rumor mills. While it's best to head rumors off at the pass, they can sometimes be a way for the board to address issues. Consider a newsletter article "Rumor Has It..." and dispel the rumor with the facts.

Here are eight great ways to share the good news:

**The Internet.** Bar none, the internet is the fastest and cheapest way to interact with the membership. Most folks now have email addresses so why continue to waste time and money on copies, labels, stamps, envelopes and the US Snail Service if you don't need to? For about \$1/day, your HOA can have its own website with key information posted and a turbo charged communication system.

**Newsletters.** These can be as small as one page. Pick a format and catchy name and stick with it. Make the information interesting. Decide at budget time how many newsletters there will be and when they will be produced. And rather than print them, use PDF and email them. For more Newsletter Basics, go to [www.Regensis.net](http://www.Regensis.net)

**Flyer Boxes.** Flyers distributed at the mailbox, clubhouse and other common points are a quick and cheap way to get the word out. Don't forget to mail to non-resident members.

**Message Board.** Very effective if properly located and managed. Don't let messages stay for more than a week as they blend into the landscape. Keep the board neat and sectioned according to topic.

**Member Open Forum.** Always give the members a voice at board meetings by way of a pre-meeting Open Forum designed to let them speak their mind, ask questions or offer suggestions. To facilitate this, always hold your meetings in a location that is large enough to accommodate guests.

**Automated Phone Trees.** There are great options available on the internet that allow you to communicate a voice message to a list of phone numbers. See [www.voiceshot.com](http://www.voiceshot.com), [www.onecallnow.com](http://www.onecallnow.com) and others.

**Welcome Packets.** These can include things like the governing documents, budgets, rules and regulations and other need-to-know information. The message should be, as the name implies, "Welcome to the neighborhood!" Include architectural guidelines, maps, clubhouse and pool schedules, management and emergency contact information. To save paper, deliver this by email in PDF or, even better, direct them to the HOA website for the latest and greatest.

**HOA Phone Number.** This essential tool is often overlooked. Since board members and managers change, why not have a permanent phone number with voice mail that will alert the right party?

Clear and frequent communications build trust and allay fears that grow when folks don't know what's going on. Rather than get ground up in a rumor mill, share the Good News and watch harmony grow. 🏡

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## Write Rules Right

One of the functions of a homeowner association (HOA) is to enforce certain rules and regulations. It's good to periodically review old practices to confirm that your HOA has effective rules.

It is the board's fiduciary duty to enforce the rules. But the board has some latitude when and what to enforce. The key is for the board not to be capricious, selective or arbitrary in how it handles enforcement. It is impractical to expect that a board can maintain absolute vigilance and catch every rule violation. Instead, the board should react appropriately when informed of a violation by a reliable source.

Here is a list of the typical remedies available to enforce rules:

**1. Impose a Fine.** This power is typically derived from the governing documents. A fine can be monetary or a suspension of privileges, like pool or clubhouse. Monetary fines can be escalating, like \$25/day until cured. Suspension of privileges is only effective if the member actually uses the amenities.

**2. Impose a Lien.** If a fine is not paid, the HOA usually has the right to file a lien against a member's HOA property. This may not immediately get the fine paid but in most cases, the *threat* of filing a lien alone will. The HOA is entitled to attorney, collection and related fees as well which will increase the amount owed which is a great incentive to getting the fine paid early.

**3. Use the Court.** The HOA is always represented by an attorney since these

courts have rules and procedures which only lawyers understand. Court litigation is expensive and should not be undertaken lightly. Make sure the expense and effort fits the crime. We've all read about emotion and money squandered on "matters of principle". The board has the power to compromise when it's in the financial interest of the HOA.

**4. Self-Help.** The HOA can often self-help by correcting the violation directly. Examples include hauling a junk vehicle and cleaning up an overgrown lot. Rather than ratcheting up collection costs, it sometimes makes sense to take action and bill the offender. Collecting the bill may require legal action but at least the offending issue is dealt with. If self-help is contemplated, make sure to keep copies of all correspondence that warns of remedies available to the HOA and take photos for the record.

**5. Mediation.** Mediation can be very cost effective and less confrontational way to cure a violation when a member has dug in their heels. Mediators are trained in the art of compromise. Many jurisdictions provide mediation services in the public interest that is free or inexpensive.

**6. Use the Police.** All municipalities have ordinances against disorderly conduct, illegal drug activity, disturbing the peace, etc. The HOA is not responsible to deal with every violation. Sometimes the police are better able to deal with it, especially when violence and substance abuse is involved. Let your tax dollars work for you.

**7. Use a Manager.** Enforcing rules on neighbors is one of the two best reasons to hire a property manager who does this professionally (the other reason is collecting money from neighbors). Managers are granted authority to identify, notify and fine. Being a third party helps since managers are less prone to favoritism.

Rules, either hate them or love them but they're with us to stay. Figure out which ones you really need, get rid of the rest and enforce the ones that remain. Write rules right. 🌟

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### **It's Not About You**

Homeowner association managers exist to serve the needs of their clients. How does service become leadership and how do actions bring about a positive result to those served?

Author Rick Warren in *The Purpose-Driven Life*, starts with a simple, yet profound statement: "It's not about you." Some 35 years earlier, Robert Greenleaf wrestled with similar issues. In the 1960s, he observed the great institutions of our country – businesses, governments, universities and churches – and noticed a disconnect between service and those being served.

The culmination of his soul searching was an essay entitled *The Servant as Leader*. "The servant-leader is servant first... It begins with the natural feeling that one wants to serve, to serve first," explained Greenleaf. "Then conscious choice brings one to aspire to lead."

He offered the following test to determine whether leaders are operating as servants first: Do those served grow as persons? Do they, while being served, become healthier, wiser, freer, more autonomous, and more likely themselves to become servants? What does all of this have to do with the HOA industry? EVERYTHING!

Servant Leadership addresses two key issues that exist in homeowner associations - motive and intent. Motive often has its first thought toward "me", self-interest and expediency while intent, if misguided benevolence, may actually harm those served. How each of us approaches motive and intent are colored by genetics, upbringing, life experience, cultural and gender differences. So, what can we do? In a world where "what's in it for me?" rules, it's unlikely that the resulting

actions will effect positive change for those served.

Insanity has been defined as doing the same thing again and again expecting a different result. Different outcomes require different approaches. The simple statement "to lead, serve first" points HOA managers in the proper direction.

When positive behavioral change is undertaken, it affects everyone around us, helping focus on true servant leadership. The true test of this change is whether our service results in the betterment of those being served.

The HOA management industry's ability to serve can only be manifested through participating board members, vendors and others – who are willing to check egos and personal agendas at the door and say, "What can I do to make this a more serving institution?" This requires enormous courage, vulnerability, discipline and sacrifice. Remember: "It's not about you".

*From an article by Rolf Crocker 🌟*

### **Larry the Cable Guy**

1. A day without sunshine is like night.
2. On the other hand, you have different fingers.
3. 42.7 % of all statistics are made up.
4. 99% of lawyers give the rest a bad name.
5. Half the people you know are below average.
6. He who laughs last, thinks slowest.
7. Depression is merely anger without enthusiasm.
8. The early bird may get the worm, but the second mouse gets the cheese.
9. Support bacteria. They're the only culture some people have.
10. A clear conscience is usually the sign of a bad memory.
11. How many of you believe in psycho-kinesis? Raise *my* hand.
12. OK, so what's the speed of dark?
13. When everything is coming your way, you're in the wrong lane.
14. Hard work pays off in the future. Laziness pays off now.
15. How much deeper would the ocean be without sponges?
16. Life is like a jar of jalapeños. What you do today, might burn your butt tomorrow. 🌟

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