



The Regenesis Report



National

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.



RICHARD L. THOMPSON
EDITOR & PUBLISHER
rich@regenesis.net

Regenesis, Inc.
PO Box 19605
Portland OR 97280

www.Regenesis.net

Security Perception

Security is a vexing and elusive state of being. For crime victims, one minute, life seems warm and fuzzy and the next, the end of the world seems near. Homeowners associations are often called on to provide some level of security for the community. Some provide controlled entry, video cameras and other high tech gadgetry. Others build fences and moats. All of this is costly. Does it really work?

Security is mostly perception. Both residents and intruders perceive security from different points of view. For example, a resident may feel secure because of a new video surveillance system. The intruder may consider the same system laughable since it be neutralized easily or has major gaps in coverage.

One thing is crystal clear: the HOA should never preempt local law enforcement, particularly when break and enter or assault is involved. There have been a number of significant court cases that found the HOA responsible for facilitating violent crimes by failing to provide promised "security". In most of those cases, claims of security were boasted. Never make such boasts. They are a challenge to criminals and great fodder for lawsuits. Many security measures rarely work for long because, as the saying goes, "Locks only keep your friends out". Residents are often the worst gap in security. They leave gates open, hand out keys and codes, and rarely question strangers even if they see them breaking into someone's car.

For this weak link, a Neighborhood Watch Committee is helpful. If resident security laxness is detected, individuals can be reminded personally or periodic reminders sent or posted about specific security issues. The Committee's job is to keep residents aware, not scared. Information distribution and meetings are particularly effective following a crime. The Committee can also host meetings with guest speakers like police, detectives and security companies. We all know what we should do. Reminders help keep us better security focused.

While cameras and guards seem like a good idea, bad guys rarely parade in plain view. It's better to have residents make repeated calls to local police requesting more frequent patrols. Police do count the calls in determining where they should place patrols. Another cheap and effective security measure is posting highly visible "24 HOUR SURVEILLANCE" signs. If the bad guys can read, a fair number of them are deterred. Fake video cameras in visible locations with red blinking lights also work. The fact that there is neither 24 hour surveillance nor real cameras doesn't inform the criminal of that. If you can deter 3 out of 5, you've just reduce crime by 60%.

While the HOA could pay for expensive guard services, the guards can't be everywhere at once. And you can buy expensive security cameras and recorders but who's going to monitor the equipment? And even if you catch someone on camera, the chances of identifying the "perp" are slim.

On the other hand, the HOA should be conscious of the security issue and make the buildings and grounds reasonably safe and secure. There are many relatively inexpensive things that can be done such as:

1. Exterior lighting should be well placed and working.
2. Gates and locks should be industrial grade.
3. Landscaping should be trimmed to reduce cover and to allow light to disperse.

Get the residents' security perception in alignment with the intruder's. Once both are on the same page, security becomes closer to reality. ☹️

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Ask the HOA Expert

Q Should correspondence between board members be confidential? We have a board member whose spouse reads internal board discussions and shares them with other residents.

A The answer you were probably looking for was “No” but there is a bigger issue here. Unless your governing documents allow such “internal” correspondence, board business needs to be transacted in a meeting forum that is open to the members. This means using email and phone to transact business is usually not allowed. So, yes, this spouse and all other HOA members are probably entitled to read the board’s internal communications because they involve HOA business. And these communications should be handled in an open meeting.

Q Our rules enforcement resolution provides for a hearing before the board if the alleged violator contests the Violation Notice. We are currently facing the prospect of our first such appeal hearing. Is there a correct format or procedures for this type of hearing?

A The appeal hearing needn’t be overly elaborate. The accused should be granted a meeting with the board to appeal the ruling. If convincing evidence is provided, the board can and should rescind the violation. If not, the board should deny the appeal in writing.

Q Is it okay for a board of directors to determine who to exempt from monthly assessments and/or late fees based on claims of financial hardship? Should the other members be made aware of this policy?

A The board does not have the authority to exempt anyone from the collection policy. As a matter of fact, the board has the duty to enforce the collection policy on all members regardless of hardship. This may seem harsh but there is no free lunch and if all don’t pay, it puts the shortfall on the rest. If the board gets a member vote to waive the collection policy, that is permissible.

HOA members can do anything they are willing to pay for.

Q Our board recently appointed an Architectural Review Committee (ARC). The subject of retractable awnings has come up and the board is currently approving guidelines. However, one has already been installed illegally and does not conform in color and style to the standard. What should we do?

A Since no other awnings have been installed, the board could simply make this violation the standard style and color and kill two birds with one stone. If it is substantially different than the desired standard, then requiring removal and replacement with the standard is the indicated course of action. This is also a great time to communicate to all residents the purpose and authority of the ARC and that approvals involving new standards can’t happen over night. Any architectural approval request that involves establishing a new standard should require at least a 30 day review so that adequate thought and consideration can go into the decision.

Q The old board resigned and appointed a new board to replace it without a vote of the members. Can it do that?

A A current board can appoint someone to a board vacancy but it cannot appoint someone to a future vacancy. Or said another way, once the board has resigned, it has no authority to appoint anyone to anything. A new board needs to be elected by the members at a meeting called for that purpose.

Q The board bought one of our units with HOA funds without putting it to a member vote. Is that allowable?

A Unless the governing document specifically grant that authority to the board (extremely rare), the answer is “No”. Anytime common elements are expanded, it takes a vote of the members and possibly the member’s mortgagees and that vote may require a super majority (like 2/3, 3/4 or even 100%).

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Run Forrest Run

Serving on the board of a homeowner association requires understanding the scope of work. Here are eight questions all candidates should ask themselves if they have an inclination to run for election:

1. Do I have the time to devote to my responsibilities as a board member? Don’t volunteer if you don’t have the time to do the job right or can’t attend meetings.
2. Do I work well with others? A board of directors is not a place for loners or rebels. To function well, board members must work as a team.
3. What is the underlying reason I want to be on the board? While there is no one right reason, you should know what is motivating you to volunteer. Does it conflict with the goals of the board? Is it your desire to be a change agent?
4. Can I be sued personally while serving on the board? Do not run unless your homeowner association has Directors and Officers (D&O) insurance which protects HOA volunteers.
5. Have I examined the financial records? You need to be familiar with the operating and reserve budgets.
6. What are the expectations for board members? You may be expected to support something with which you do not agree.
7. Do I have thick skin? Serving on a board is not for the faint of heart or overly sensitive people. The

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board may be subject to criticism.

8. Am I committed to seeing my term through? Don't volunteer if you're not committed to serving your full term.☸

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Glass House Management

Homeowner association boards are elected to handle HOA business. Some do it better than others because of training and natural ability. While good business practices are fundamental to getting the job done right, "people" practices are equally important. In HOAs, clear and frequent communication goes a long way in keeping the peace and building confidence in the volunteers that serve on the board.

Even though HOA elections are not typically 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 the tar and feather drums. The picture isn't pretty for well intentioned boards.

A truly effective and perceptive board understands the need to keep business transparent. This "glass house" style of management is difficult for some directors to deal with since it seems cumbersome and intrusive. In reality, running business transparently is largely symbolic. Doing business this way usually reduces unwanted intrusions. Once an open door policy is extended, the suspicion of what's going on behind closed doors subsides. Here are a few of the most important glass house practices:

1. Board meetings are open to members and held in guest friendly venues, locations and times.
2. Members are allowed to express dissenting opinions and question board actions.
3. The board responds respectfully to

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dissenters.

4. The HOA has a website which stores need-to-know HOA information (See www.Regenesi.s.net HOA Websites section for recommended components).
5. Meeting minutes are distributed in draft form within one week of the meeting.
6. New owners receive "need to know" information.
7. Newsletters are distributed at least quarterly.
8. All rules and policies are written and easily available.
9. Rules are few and truly necessary. Each one includes the reason for enactment, a reasonable penalty and right of appeal.
10. Board policies that affect lifestyle and ownership responsibilities are circulated to owners for comment *prior* to enactment.

Using these glass house practices demonstrates that the board operates in the open and respects members and their opinions. 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 suspicion and hassles that the board doesn't need.

Another benefit of glass house management is that it gets the board organized and prepared to do business. With good communication and management systems in place, crisis management becomes a thing of the past. As the board becomes more proactive, the directors feel more personally rewarded. Successful boards attract achievers. Success begets success. Happy members mean a harmonious community. When it comes to HOA business, keep it transparent.☸

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Gitter Done Meetings

Meetings are the venues where homeowner association business decisions are made. Since these meetings are usually infrequent, their importance cannot be understated. However, some HOA meetings are challenged because:

- The meetings rarely begin on time and often run late.
- Discussions are endless and inconclusive.
- Issues decided at a previous meeting continue to be revisited.
- Disagreements frequently turn ugly.
- Meetings end when members are exhausted, not because they have completed the business at hand.

These meetings generally accomplish little if anything at all.

Some boards manage to conduct their business with a minimum of fuss and a measure of efficiency. These meetings don't happen by chance; they happen by design, and that design begins with an agenda.

If you don't have a destination in mind, any path will do. If a meeting lacks an agenda, it will go anywhere, everywhere and nowhere. The agenda provides a road map for the meeting, identifying the issues to be discussed and establishing the order in which business will be transacted.

Knowing what is on the agenda in advance allows board members to begin formulating their views before the meeting begins. It helps, of course, if board members actually review the agenda and any accompanying information in advance. But it takes more than advance preparation and an agenda to produce a successful meeting; boards also need a set of rules to guide their discussions.

Meetings don't have to be rigid or overly formal, but they do need to be orderly. Some boards use a simplified version of Robert's Rules of Order which includes such concepts like:

1. When a topic is brought up, a formal motion is required before it is discussed. This will ensure that more than one person thinks the issue is worth discussing.
2. Only one person is recognized to speak at a time by the chair.

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3. Standards of civility (no personal attacks or interrupting).
4. A time limit for the meeting and for each speaker on each issue. Otherwise, boards end up spending too much time on relatively minor issues and not enough time on more significant ones. If a majority of the board members think a topic requires more time, they can always vote to extend the discussion.

A reasonable agenda, advance preparation and rules of order provide the foundation for an effective meeting, like the tracks on which a train runs. But like a train, a meeting needs a steady hand on the throttle to keep it moving forward. Conducting both a train and a meeting require a certain amount of skill. The person in charge needs to control with a firm but not a heavy hand. In HOA meetings, this means giving all board members a chance to express their views, but also requiring them to stick to the topic and the time limits.

Some owners think they have an absolute right to participate in board meetings and some boards think it is best to hold their meetings behind closed doors. Both are wrong. Many states have specific requirements for most board meetings to be open to members (to listen but not participate). Some have exceptions for “executive session”, or a closed door session, which may exclude members which include:

1. Employment issues
2. Contract negotiations
3. Consultation with counsel or review of information provided by counsel.
4. Constitutionally or legally protected topics (such as medical records and attorney-client privileged information)
5. Privacy issues

If a board discussion item does not fall under one of these exceptions, it must be discussed at an open board meeting.

As far as member participation in board meetings, state laws vary. Colorado, for example, requires that members be allowed to speak to issues being considered by the board. However, regardless of state statute, it’s good policy to set aside time for an open forum so members can ask questions and express their views.

Homeowner associations are required to hold annual meetings, but many governing documents are silent on how often the board must meet. The board is generally free to meet as often as it chooses. The size and complexity of the HOA and the personal commitments of board members will typically dictate the meeting schedule. Another consideration is that managers typically charge for their time to attend board meetings. Since it’s important for the manager to be present at board meetings, the board needs to weigh the cost and benefit of more or fewer meetings.

When properly organized, smaller HOAs can usually suffice with quarterly board meetings while larger ones may need bi-monthly or monthly meetings. The more the meetings, the more important it is to have those meetings organized and efficiently executed. Volunteer time can only be stretched so far.

What happens after board meetings can be almost as important as what happens during the meetings. Some board members take votes against their proposals personally rather than of the suggestions they have made. They sometimes take their disappointment and anger outside of the meeting room, complaining publicly about the decision and even encouraging owners to overturn it. This behavior undermines the decision-making process, exacerbates tension and erodes trust. As long as the board action is legal and in compliance with the governing documents, board members should accept that “majority rules” applies to votes they don’t like as well as to those with which they agree.

All board decisions won’t be unanimous, nor should they be. Honest differences of opinion are healthy, encouraging an exchange of ideas that improves the decision-making process and contributes to the successful meetings boards want to have. While board meetings won’t always produce good decisions, they will almost certainly reduce the number of bad ones. To produce the likelihood of more good decisions, design your meetings to gitter done. 🗳️

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Best Practices
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Wait Watchers

Homeowner association boards are often guilty of failing to act in a timely manner even for urgent issues like roof leaks, termites and hazardous structural repairs. They can wait too long to pull the trigger while residents watch the inaction with growing impatience.

Deferring maintenance has negative and lasting effects. While postponing maintenance may seem to be a money-saving technique, the consequences are usually a much higher cost of total replacement versus minor repair.

Painting is one of the largest elements of routine common area maintenance for many associations. If ignored, a poorly maintained paint finish will lead to extensive costs for the homeowner association at the time such upkeep is eventually completed. The paint on the exterior of any building is a very important component of any maintenance plan. Wood trim should be painted every 3-4 years. The complete painting of buildings should be done every 6-8 years.

Gutter & Downspout Cleaning. Rain gutters are an important component of the common area 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.

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

Concrete Flatwork needs 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 Paving 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 Spring and Fall maintenance plan. They need to be inspected and serviced by a qualified roofing maintenance contractor.

Recreation Areas & Playground Equipment should be inspected and maintained frequently to ensure child safety. Wood playground structures typically splinter and are preserved with toxic chemicals. They should be replaced with metal and plastic versions to reduce injury.

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

Reserve Study. Completing and annually updating 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 Professional Reserve Analysts members of the Association of Professional Analysts (see www.apra-usa.com for a directory PRA members).

Don't be a wait watcher. Use these items 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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Reserve Planning
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Lights, Camera, Action!
A quandary that homeowner associations face is how implement security measures when a known violent resident exists. The board has a conundrum: Fail to inform residents about a violent resident who subsequently injures someone and the

board is held responsible. Inform residents of a violent resident who subsequently files suit against the HOA for libel and the board is held responsible. But failing to act is not an option. Besides taking and responding to complaints in this regard seriously, one way to monitor resident activity is by security cameras. If the board is thinking about it, consider:

1. Who is going to service the cameras to make sure they are functioning properly?
2. Who is going to monitor the cameras and sound the alert if something improper is occurring?
3. How many cameras and where are they needed?
4. Do security cameras actually stop criminal activity?
5. Is the homeowner association responsible for law enforcement?

Installing video surveillance cameras is a very expensive and an uncertain method for controlling crime. Security is more perception than reality. Many of the surveillance cameras you see with the blinking red lights are just that...fake cameras with blinking red lights. Using the same theory, inexpensive printed signs that read "24 Hour Surveillance" can be just as effective as cameras assuming that the bad guys can read.

Paying the cost of cameras should be carefully considered. These measures are often a knee jerk reaction to a recent security incident. Once the hysteria passes, the homeowners' desire to fund the ongoing costs is rarely there. Give the issue time to mellow.

Most security problems should be handled by local law enforcement. The HOA is not prepared to deal with real crime in an effective way. Defer to the pros. They are trained and paid to do the job.

The HOA can and should form a security committee and all residents should be given information about Neighborhood Watch and other self help security programs.

The board can also have local law enforcement attend a board meeting to discuss the issues and solutions. This is particularly important since it will be recorded in the minutes that law enforcement was formally put on notice of problems. Obviously, if law

enforcement suggests corrective measures, the HOA should take specific action to increase security (like improved lighting, fencing, reduced landscape cover, etc.). the board needs to act. But in the final analysis, leave playing cop to the cops. 🚓

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Attorney Issues
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Dealing with Difficult People
Dealing with difficult people in any setting can be a real challenge. But in volunteer-based homeowner associations, where there is none of the leverage managers have with employees, there is an entirely new level of difficulty. And, believe it or not, a new level of opportunity. The key is common interest.

Where we live means a lot more to us than any other physical environment. Our territoriality buttons are more easily pushed. Our investment is greater. We can easily get defensive of our personal space and quickly lose sight of community issues. It's worth recognizing that, to one degree or another, we all have this in common. What unites us seems to divide us and vice versa. In a community association we are challenged to balance our individual and collective needs.

Most of us believe it's a good thing to work toward achieving that balance, but some people seem oblivious to it. And some people seem downright determined to undermine it. It's easy to imagine that the folks who obstruct or dismantle our meetings have malicious intent, or at least thoughtless disregard.

Why are some people so difficult? Because they learned how -- and because they didn't learn how not to. The seriously difficult person is significantly dis-inhibited. He or she didn't learn the typical social inhibitors that make for balanced exchanges. Most of us know how to "make nice," even when we don't much want to. Some people simply don't know how.

We can name some of the more difficult behaviors and we can speculate about what motivates them. In general, fear is the prime motivator. Extremely difficult people are

extremely dis-inhibited in their response to fear.

Terrorist Behavior literally holds a group hostage. In extreme cases, this includes streams of abusive language, threats or emotional outbursts (yelling, crying, banging). There is frequently a relentless nature to all of this, so it's clear to the group that nothing else stands a chance of going on.

Aggressive Behavior is domineering, offensive, in-your-face and is easily triggered. In fact, the threat of aggression hangs over the group and creates an underlying tension. This behavior is more controlled than the first category in that it is less all-over-the-map and probably more directed at individuals than at the entire group.

Passive-Aggressive Behavior avoids full-blown confrontation but strikes out covertly. Hidden agendas and character assassination attempt to sabotage normal, above-board group process and interaction.

Unyielding Behavior is unable or unwilling to set a past issue aside. The issue or emotion keeps coming up, even when the subject is different and the cast of characters has changed. Everything is referenced to an unresolved past. While this behavior is less invasive and threatening than those above, its continued presence is an energy drain and source of frustration.

Persecuted Behavior is the victim response -- blaming, whining and complaining. Although most of us enjoy complaining and grousing about things from time to time, persecuted behavior stems from a non-stop, perennial point of view. And since the victim perspective predominates, it's easy for your group to join the list of persecutors.

Polarity Response is a behavior unfamiliar in name but not in most everyone's experience. Whatever the issue or opinion, the polarity responder takes the opposite view. Disagreement is automatic. This can include and goes past the devil's advocate role some people take on in groups. Most polarity responders seem unaware of their behavior and its impact on others.

What can you do? While you were reading the descriptions above you were probably thinking of specific examples from your own experience, and that may have left you wondering what you can do to stay focused and flexible in the face of such behavior. That's not surprising. A change of

focus is in order. Here are five things you can do:

1. Notice your response. Is the behavior one that really "pushes your buttons"? Your first step is to consider what's going on with you in this unpleasant situation. Be responsible for your own reactions -- after all, that's one of the things you wish that difficult person would do.

2. Change what you're doing. Since you can't really change someone else, change what you can. The results can be surprising and rewarding. First of all, it shifts you from being at the mercy of the situation. As soon as you begin to consider exercising new options, you step out of the problem frame and onto a larger canvas. This reframing is an important shift in perspective.

3. Ask the person "What do you want?" You may think you know but you may learn a few things you didn't know by asking. Of course, it's hard to ask the question after things have spiraled out of control. Hopefully you can find a good time to ask, because it's the ideal starting point for building rapport and trust.

4. Focus on outcomes. Your group needs to ask itself the "What do you want?" question. Spend whatever time it takes to generate a set of goals and objectives as well as how to meet them. Now comes the really important part of this formula (in bold italics): Once you have specified your outcomes, decide what behaviors will support getting them like: *Patience. Assuming Positive Intent. Willingness to Listen.* Generate your list of behaviors during meetings in a conspicuous place. This will be a great reminder for even the positive contributors in the group. And when the negative behaviors erupt, you can point to the list, not at the person. Stay focused on what you want. If the difficult person is unwilling to change behavior, you will also need to specify how the group will respond.

5. Consider Alternatives. What will you do if the difficult behavior persists? One option could be to take a five minute break. (This is sort of like pushing the group re-set button). During the break, clarify for the difficult person what the goals for the meeting are and which behaviors support those goals. Then state what the next step will be if the difficulties arise again. Be prepared to quickly adjourn your meeting if the behaviors continue. For the extreme behaviors, it

may be the only useful choice. Consistently applied, it will send the message that certain behaviors aren't acceptable.

Common interests are the basis for improving cooperation. The more clearly you identify how your interests overlap and become shared, the stronger you'll be in your response to the whole range of difficult behaviors.

By Ken Roffmann. 🌱

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Books
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Davebarrisms 3

- ☺ It is a good idea to "shop around" before you settle on a doctor. Ask about the condition of his Mercedes. Ask about the competence of his mechanic. Don't be shy! After all, you're paying for it.
- ☺ It is a scientific fact that your body will not absorb cholesterol if you take it from another person's plate.
- ☺ It is a well-known fact that although the public is fine when taken individually, when it forms itself into large groups, it tends to act as though it has one partially consumed Pez tablet for a brain.
- ☺ Public Art is defined as art that is purchased by experts who are not spending their own personal money.
- ☺ Karate is a form of martial art in which people who have had years and years of training can, using only their hands and feet, make some of the worst movies in the history of the world.
- ☺ Life is anything that dies when you stomp on it.
- ☺ Magnetism, as you recall from physics class, is a powerful force that causes certain items to be attracted to refrigerators.
- ☺ My therapist told me the way to achieve true inner peace is to finish what I start. So far today, I have finished two bags of M&Ms and a cake. I feel better already. 🌱