



The Regenesis Report



National Edition

Innovative Homeowner Association Management Strategies

March 2010

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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Committees 101

While the board has the authority to control homeowner association business, enlisting the help of other volunteers is a great way to spread the work around. Committees are a structured way to organize volunteers for long and short term projects. A committee can be defined as "an organized group that researches specific issues and then provides recommendations to the board of directors."

There are three types of committees: mandatory, standing and ad hoc.

Mandatory committees are "mandated" in the HOA's governing documents which means if they state that "there shall be a Nominating Committee", the board must appoint a Nominating Committee that complies with the functions detailed in the governing documents.

Standing committees exist indefinitely or until the board decides their purpose is no longer needed. Standing committees have ongoing and often repetitive tasks to accomplish. These committees may be mandated in the governing documents but typically are created by the board to fulfill a continuing need, such as a landscape or maintenance committee.

Ad Hoc committees are established and appointed by the board of directors for a specific purpose or a project. These committees are usually dissolved after the task is accomplished.

Standing committees and ad hoc committees are formed by board resolution which states the committee's powers and responsibilities. The powers of a committee are generally advisory only and limited to research, investigation, obtaining proposals and submitting recommendations to the board. An exception to this rule is the Architectural Review Committee (ARC) which is often authorized to make decisions on behalf of the HOA concerning architectural and design requests.

The board is not obligated to accept a committee's recommendations or decisions (in the case of the ARC) although should consider carefully before rejecting recommendations or overturning a decision (in the case of the ARC). Rejecting or overriding a committee can have a demoralizing effect if not handled with tact.

No matter which type of committee is developed, it is important for the board to establish guidelines (also known as a committee charter) which describe each committee's marching orders which include:

Structure: how many members, who they are and who is the chair

Tasks and responsibilities

Goals and objectives

Reporting schedule

Meeting schedule

Budget, if applicable.

Some examples of committees and (type) are:

Governing Document Review (ad hoc). If the documents are old and conflict with federal or state statute, this committee can work with the HOA's attorney to bring them into compliance. If there is a proposal, say, to add rental restrictions, this committee can research the issue, poll the members and present recommendations to the board.

Architectural Review Committee (mandatory or standing). This committee is often created because of a mandate in the governing documents to review and control new construction or renovation projects to ensure compliance with HOA design and material standards. The responsibilities can be substantial and complex.

Education (standing). This committee is charged with educating the members about HOA functions, responsibilities, rules and regulations. It could arrange programs or communicate by way of the HOA's website and newsletters.

Research & Development (ad hoc). Researches a specific project assigned by the board.

Maintenance (standing). Screens maintenance requests from owners before authorizing the work to be done; quality checks work by contractors.

Financial/Budget (ad hoc). Formed annually to review and recommend the coming year's budget.

Social (standing). Often given a budget to execute a number of events each year which draw members together.

Communication (standing). Creates or oversees the newsletter, website and informational flyers to keep the members informed.

Landscape (standing). Quality checks the landscape contractor; makes recommendations concern landscape improvements, tree pruning/removals.

Welcoming (standing). Contacts new residents and provides need-to-know HOA information.

Rules & Regulations (standing). Recommends rules for better control or enforcement; issues rules citations.

Nominating (mandatory or ad hoc). Reviews and recommends board candidates for elections.

Neighborhood Watch (standing). Educates and organizes residents for improved security.

Pool/Clubhouse (standing). Supervises use or rental of facilities; sometimes does maintenance and cleaning.

Community Relations (standing). Communicates to media to promote the HOA.

The board's choice of committee chair is very important. The chair should be organized and have leadership skills to guide the committee toward its stated goals in the time frame allowed.

As volunteers, committee members are covered under the HOA's Directors & Officers liability insurance. This coverage is most likely needed for the Architectural Review Committee when its decision is legally challenged by a member whose proposal has been denied. Most other committees typically make only recommendations to the board and let the board make final decision.

Besides benefitting the board by assisting in the work load, committees are an excellent training ground for future board members. The structure and goal orientation of a committee is similar to that of the board. Effective committees are run by goal oriented leaders, the kind of folks every board

needs. Committees create a structure for those volunteer efforts which benefit the board, manager and community.

Adapted from an article by Joanne L. Willoughby 🐾

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Q One of our members is refusing to pay his annual dues. He has sent us NSF checks and simply does not seem to care. His property is unkempt and no longer lived in. What are our options?

A You need a Collection Policy which complies with your governing documents and that details the specific collection steps that will be taken in the event of non-payment. Typically, those steps should start when a payment is no more than 30 days late. After several written notices, the matter should be turned over to an attorney who specializes in HOA collections. Attorneys can file liens against the property and get personal judgments against the creditor. But often, an attorney's letter outlining the possible penalties is enough to prompt payment. There is a sample Collection Policy available at www.Regenesis.net

Q Recently the board enacted a Move-in/Move-out fee which only impacts landlords. Is this in compliance with the

governing documents?

A While the board can impose certain use fees and rule penalty fees when they apply, Move-in/Move-out fees that only affect rentals can and should be challenged by landlords. If the HOA actually incurs costs when a resident moves, *all* residents, whether owner or renter, should pay the charge. But too often Move-in/Move-out fees are a not-so-subtle way of penalizing landlords.

On the one hand, the member majority (as defined by the governing documents) can restrict or eliminate rentals with a proper vote. But the board's singling out of landlords for special fees is discriminatory. Further, the board does not have the authority to modify the fee/dues structure defined in the governing documents by invoking a special fee on certain classes of owners.

Q How do management companies determine the fees charged to homeowner associations? Is there some standard rate or is it based on a percentage of revenue?

A HOA management companies generally charge a base monthly fee which is expressed as a "charge per door" (the fee divided by the number of units). However, that charge varies a lot depending on the number of units and the scope of management work. The base fee takes care of *routine* tasks like managing the HOA's money, responding to member requests, managing maintenance and contractors, attending regular meetings, etc. Non-routine tasks like writing a newsletter, transcribing meeting minutes, billing and collecting a special assessment, managing a renovation project and processing insurance claims often carry an additional charge which varies depending on who is executing the task (manager, bookkeeper or clerical).

Condominiums and other common wall communities usually pay substantially more for management than non-common wall communities that contain single family homes with very little common area. In the latter, bookkeeping is the primary task with relatively little if any time needed to maintain common areas.

Q Our HOA board currently has three members and we are considering getting approval from members to increase to five members. What are the advantages or disadvantages of doing that?

A The number of directors that serve on a board is typically odd like 3, 5 or 7 so that voting ties can be more easily broken. The prescribed number of directors that serve on a board is usually related to the total number of owner members. It's common to see three member boards in small HOAs with, say, up to 20 members. For larger HOAs, five and seven directors is more common. It all has to do with the size of the pool from which candidates can be drawn. The larger the pool, the greater the potential for candidates.

Whatever the magic number, the directors that serve need to be available to attend board meetings. It makes little sense to increase the size of the board unless all directors are ready, willing. Without a quorum (majority of directors), business cannot be legally conducted.

Some governing documents allow flexibility in the number of directors, say, "up to seven" which would allow fewer if candidates were few and more if they were plentiful. If your governing document set the number of directors, then a vote of the members is required to raise or lower that number.

Q Our local jurisdiction has imposed storm water management requirements that affect our HOA. While there is currently no penalty for failing to comply, it seems that the board should be proactive in this regardless.

A If the board or HOA has been given specific direction from the local government in this regard, the board is obligated to follow it. Waiting for a citation to force compliance is not good business and it's every citizen's duty to help manage and protect the water supply.

Q We have a problem with people speeding and running stop signs. Our roads are private so we are self enforcing. Our setting is country so people do not want a city look to our roads. Can you offer suggestions? Also, what is our

responsibility and liability if an accident occurs due to speeding or running a stop sign?

A In general, the board should take reasonable action when confronted with a controllable issue in the common area, particularly when safety is involved. I suggest the board engage a traffic control consultant to study the issue and to make recommendations which the board can consider.

Start with your county government which should have a department in charge of roads and road safety. You might also consider moveable or permanent radar speed signs like those sold by www.alltrafficsolutions.com and a series of speed humps in areas prone to speeders. Installing roundabouts at intersections is also an effective speed deterrent. Camera systems can be employed to identify offenders although violation enforcement could only work on HOA owners. ☹️

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8 Components of a Rule

When writing rules, homeowner association boards should use simple concepts and words. If residents understand rules, they're more likely to comply with them. Some boards members may try to lend authority to their rules by using "legalese". Though rules should have a solid legal basis,

those who read them must be able to understand them. Few residents would understand the meaning of "Section 35.641 of the Code of the City Municipality of Pleasantville is hereby incorporated by reference."

The following eight characteristics of good rules will help board members avoid the traps of complexity and misunderstanding.

1. Good rules are transparent. Rules should require people to do what they would have done naturally without the rule, after merely thinking about it. When Dwight Eisenhower was president of Columbia University, there was a great deal of study as to where to place paved paths through the huge quadrangle of grass within the campus. Dwight suggested that they merely pave where the grass was worn. Thus, if rules require what reasonable and decent people would do anyway, then rules only have to be enforced against the few who aren't reasonable and decent.

2. Good rules are few rules. Good rules are the minimum necessary to provide for the comfort and safety of the residents and the equitable use and enjoyment of facilities.

3. Good rules are easy to obey. Residents must understand the need for the rule and comply with it voluntarily. Neither the board nor the manager is in a position to police the community.

4. Good rules are efficient. Good rules accomplish exactly what the board intended them to accomplish. Unfortunately, some HOAs try to solve a problem by passing rules that are either too harsh or too broad. Such rules may set off a number of chain reactions including situations in which:

- Residents ignore the rule and call the board autocratic or dictatorial.
- Residents ignore other rules.
- The newsletter adopts a scolding tone.
- Residents complain about the board to the manager.
- Residents complain that rules aren't uniformly enforced.

5. Efficient rules accomplish their goal without undue side effects. Good rules resolve rather than create problems. For example, the board of the ABC HOA is concerned about teenagers damaging

lawn areas when they play ball. In an attempt to resolve the problem, the board prohibits groups of three or more people over the age of 10 from playing on the lawn. The teens react by playing on the street or on the lawns of adjacent HOAs, resulting in complaints from motorists and the neighbors. Prevent this type of situation by considering the likely side effects of a rule when drafting it.

6. Good rules are enforceable. Make sure the board has the authority to enforce a rule before drafting it then make the rule specific. Vague statements, such as "Loud and boisterous activity should be avoided" leave unanswered the questions "By whom?" "Where?" "When?" "What does *avoid* mean?" Both mini-bikes and lawn mowers are loud. Should they both be restricted? Does noise from late Saturday night parties create the same problems as noise from a Sunday afternoon wedding reception or barbecue?


Overly specific rules can also create enforcement problems. For example, the ABC HOA institutes a rule that states: "Between the hours of 10 pm and 7 am no noise shall be permitted in a unit that measures 30 decibels or greater for more than 10 seconds in the nearest adjacent unit or public area." Though specific rules may be easy to enforce in court, the board may find it difficult to obtain voluntary compliance.


To write an effective rule, the board must balance specificity with simplicity and compliance. No rule will meet each criteria equally.

7. Good rules are flexible. Good rules allow flexibility and the use of reasonable judgment and mediation in enforcement.

8. Good rules must be communicated. HOAs don't always publicize rules as effectively or as often as they need to. The board should distribute the current rules to all purchasers when they first move into the community. Since these documents may get filed away with other settlement papers, and since purchasers may lease to others, redistribute copies of the rules periodically, also consider putting up signs in pool and playground areas,

listing rules in the newsletter or putting them on the HOA's website.

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Surviving an HOA

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

The term "communication" denotes a form of fellowship. However, if you believe the media, HOAs are police states with warlord boards. While there is an element of truth in the stories, they are published to stir emotion (like "Elderly Owner Has Condo Foreclosed").

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, negotiating with vendors, helping

unruffle the feathers of feuding neighbors and enacting rules that invite compliance rather than defiance.

What is communication? According to Webster's, "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. This 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 simply 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 ideas and compromising.
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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The Silver Lining

There has been a nasty rumor hanging around for years that homeowner associations are inherently flawed. The rant is that the board and management are incompetent, invasive and tyrannical. Picture the board trooping through the property with clipboard and citation ready to smite any that step out of line. This is not a pretty picture for those that want “care free” living.

There are valid complaints about how some HOAs are being run and, in some cases, the board or manager may be autocratic. But don't confuse the power and purpose of a board with a board of a corporation like Microsoft. In that case, the board is composed of highly paid and trained professionals. They make management decisions based on profitability. They don't live next to the people impacted by their decisions. They don't personally pay out of their own pockets for bad decisions they make. And while corporate execs may lose their jobs for bad decisions, they stand to profit enormously from good ones. None of this is true with HOA boards.

100% of all HOA boards are unpaid volunteers that are largely untrained in property management. Unfortunately, this can also be said of some HOA managers who have no professional training yet engage in one of the most complicated form of management that exists.

With HOA management, there is an annoying “neighbor” factor that keeps getting in the way of business decisions. Not only do boards and managers need to manage business, they need the compassion of Mother Theresa. They are expected to intuitively know when the business deal is off and humanity is on. It is a tightrope that many fall from.

Inexperience produces poor planning because if you don't know what's coming next, how are you to plan for it? Poor planning results in crisis management and crisis makes homeowners rightfully nervous and irritable.

Ever hear an HOA board grumble about the lack of volunteers? Some members fall into the description of “never served on the board, never will and mad

as hell at what the board is doing”. But *all* owners owe their HOA some degree of volunteerism. Those that don't will always have a hard time understanding the homeowner association concept.

All's not lost. While it's sometimes easy to be defensive about HOAs, defense rarely produces a successful outcome. Owner versus board confrontation usually ends in a battle that both lose because all are neighbors. Being in conflict with a neighbor strikes way too close to home.

But here's the silver lining. With all its wrinkles, the HOA model has a tremendous advantage with wholesale buying power and access to amenities like clubhouses and pools that few members could afford on their own.

Many haven't quite grasped what a silver mine they live in. But like any mine, it must be worked to find the treasure. If boards and managers seek this treasure, they will soon find the silver lining. It's there and it's real. Go for it! 🗺️

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Tension Principle

Tension is probably the fundamental driving force that moves us to change. Think of the “good cop-bad cop” routine. What about all those retail displays that show you the things you don't have? How about babies crying in a pitch that nature has tuned to crawl up

your spine?

Tension is a feeling. Although usually internally sensed as an emotion, it actually is physical tension and muscles tense up involuntarily. It is uncomfortable and makes you want to do something to reduce the tension. Emotions that are felt as tension include: irritation, anger, fear, emptiness, hunger, longing, wishing, discomfort, anticipation.

Tension happens between two things, like the hooks at either end of a stretched rubber band, such as:

- ~What I don't have and what I want.
- ~What I like and what I do not like.
- ~What is good and what is bad.
- ~What I think of myself and what others think of me.
- ~What I do and what I believe I am.

The most common things that cause tension are based in the present and in the future where a given future is considered more desirable than the present and the desirable future requires us to change the present. For example, the action to change not having a car is to go out and buy one.

As needs are programmed into our nature, they will often be the most powerful gaps and the most motivating. When there are many tension-creating gaps, needs gaps will take precedence. Likewise, when there are many needs gaps, then the deeper needs will come first.

Values Gap. Values provide us rules for living that maintain our sense of personal integrity and allow us to live within the shared rules of a group. Values tell us what we should and should not do, what is right and wrong, and what is more or less important.

When values are transgressed, we feel a sense of wrongness. If it is others who have violated the values, then we feel righteous, superior and indignant. When it is we who have wronged, then we feel shamed, guilty and fear the retribution of others in the group.

As we are very socially driven, values gaps are very powerful and the tension we feel may only be exceeded by that for needs gaps.

Goals Gap. We build our goals as ways

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to achieve our needs. When we do not achieve goals as expected or seem to be off-track, we feel frustrated and annoyed. The typical response to a goals gap is to redouble efforts. For example, most people when confronted with a foreigner who does not understand them will repeat the same words louder or slower. Only when the do-it-again approach does not work do we change the strategy or tactics to achieve our goals. We only revise our goals when we realize that there is very little chance of us achieving them. Revising goals creates tension itself as it is an admission of failure.

Tension can be both positive and negative for us. There are many ways we can be made to feel uncomfortable, but there are also ways in which discomfort can be pleasant such as riding on roller-coasters. It is also possible to get positive and negative tension mixed up. People can get stuck in damaging cycles, such as battered spouses who become addicted to the abuse.

We respond in two ways to tension, depending on how we view the two factors that are creating the tension. If

we focus more strongly on a desirable future then this will pull us towards it as we seek to achieve that future. On the other hand, if we focus first on the undesirable present, then this has the effect to push us away from it as we seek to avoid a future where the discomfort remains.

Anticipation can be a powerful and exciting force. We look forward to expected moments of pleasure. In fact, the anticipation can be more enjoyable than the actual experience. "It is better to travel hopefully than to arrive" wrote Robert Louis Stephenson.

So once you have created sufficient trust, build the tension that will create movement. Find the two things that will create tension, often around an uncomfortable present and a more desirable future. Understand how, when and where the person will move and design your tensions system to move them in the right direction.

For more persuasion principles, see www.ChangingMinds.org 

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When the Wind Blows

A farmer owned land along the coast and constantly looked for hired hands. Most were reluctant to work on coastal farms because of the dreadful storms that raged, wreaking havoc on the buildings and crops. As the farmer interviewed applicants, he received a steady stream of refusals until finally, a short, old man approached the farmer. "Are you a good worker?" the farmer asked him.

"Well, I sleep when the wind blows," answered the little man. Although puzzled by this answer, the farmer, desperate for help, hired him. The man worked well around the farm, busy from dawn to dusk, and the farmer was satisfied with the man's work.

One night the wind howled from offshore. Jumping out of bed, the farmer grabbed a lantern and rushed to the hired hand's sleeping quarters. He shook the little man and yelled, "Get up! A storm is coming! Tie things down before they blow away!" The little man rolled over in bed and said firmly, "No sir. I told you, I sleep when the wind blows."

Enraged by the response, he hurried outside to prepare for the storm. Amazed, he found all of the haystacks had been covered with tarps. The cows were in the barn, the chickens were in the coops and the doors were barred and the shutters were secured. It then occurred to him what the man meant.

When you're prepared, you have nothing to fear. Can you sleep when the wind blows through your life? 

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Davebarryisms 7

The Internet is a giant network of intelligent, informed computer enthusiasts, by which I mean, "people without lives." We don't care. We have each other.

The major parties could conduct live human sacrifices on their podiums during prime time, and I doubt that anybody would notice.

The only really good place to buy lumber is at a store where the lumber has already been cut and attached together in the form of furniture, finished, and put inside boxes.

The question is, why are politicians so eager to be president? What is it about the job that makes it worth revealing, on national television, that you have the ethical standards of a slime-coated piece of industrial waste?

The metric system did not really catch on in the United States unless you count the popularity of the nine-millimeter bullet.

To an adolescent, there is nothing in the world more embarrassing than a parent.

To better understand why you need a personal computer, let's take a look at the pathetic mess you call your life.

Violence and smut are of course everywhere on the airwaves. You cannot turn on your television without seeing them, although sometimes you have to hunt around.

We believe that electricity exists, because the electric company keeps sending us bills for it, but we cannot figure out how it travels inside wires. ⚡

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