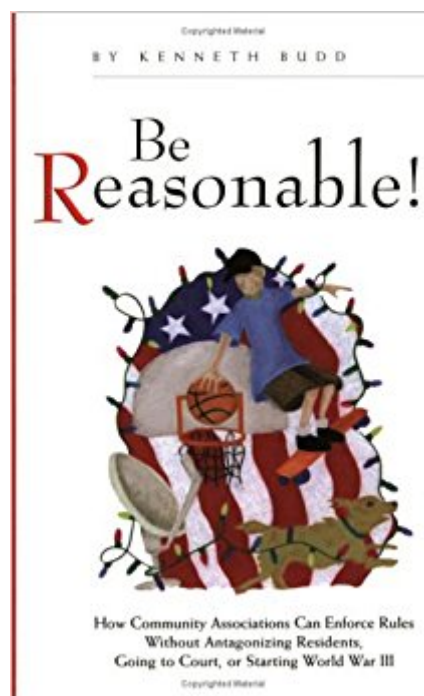




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Be Reasonable! How Community Associations Can Enforce Rules Without Antagonizing Residents, Going To Court, Or Starting World War III



Synopsis

Community associations enforce rules and restrictions to ensure a high quality of life for residents and to preserve property values - not to harass residents. Rules are there to prevent homeowners from painting their houses pink or storing washing machines in their yards - but those same rules should not become overzealous or inflexible. "Be Reasonable" shows you how to write and enforce rules that won't get your association in trouble and won't cause residents to hold recall elections. "Be Reasonable" is a compendium of expert opinions from over 30 leading community association attorneys, managers and directors combined with information from CAI's award-winning magazine Common Ground. You'll learn effective strategies for drafting and enacting reasonable rules, identifying unreasonable rules and restrictions and working with owners. You'll also find out more about reasonable enforcement procedures -- from making exceptions to providing due process. Practical applications are illustrations through discussion of court cases and real-life controversies. Some of the topics covered in "Be Reasonable" include: * Writing Reasonable Rules * Understanding Rules and Restrictions * Reasonable Enforcement Strategies * Mediating Disputes * Levying Fines * Controversial Rules and Restrictions * Children * Holiday Decorations * Satellite Dishes * Vehicles * Eliminating Unreasonable Rules

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Excerpt from Be Reasonable! © 1998 Community Associations Institute Introduction "We've spent years hammering directors on how they could be held personally liable if they failed to enforce

the CC&Rs. We neglected to teach them about reasonableness and flexibility." —Brent Herrington, PCAM On a June day in 1991, Helen Garrett spotted a notice above the mailboxes at her Santa Ana, California condominium. The notice accused Garrett, a 51-year-old financial consultant and grandmother, of "parking in [a] circular driveway ... kissing and doing bad things for over one hour." Her condominium association, which posted the notice, promised to fine her if it caught her doing "bad things" in the future. Garrett was furious. Her kiss with "a very respected businessman" was brief. People began calling her "hot lips," she said, and asked her what bad things she was doing. The story quickly became national news, appearing in the Los Angeles Times and USA Today. Garrett hired a high-profile attorney. She threatened to sue for defamation and emotional distress, and demanded a public apology. She received it only when the association learned the "violation" was not Garrett but a 17-year-old girl and her boyfriend. This is a textbook example of an unreasonable community association. The association's board of directors never passed a restriction against "kissing and doing bad things;" it never had the authority to peek into residents' cars. And even if such a restriction existed, it's so unreasonable—a kiss goodnight is hardly the association's business, let alone a threat to property values—that no court would support it. The board's enforcement procedures were equally unreasonable. Rather than notifying Garrett of the violation in private, or issuing a warning, or offering due process, the association chose public humiliation, posting the violation notice where every resident could see it. And how did it intend to enforce the restriction? Would the condo kiss police fine her \$50 for every smooch? Would they run lipstick tests on every man who exited the community? And what, exactly, is the legal definition of "bad thing"? In this case, the "bad thing" was a bad restriction—and equally bad enforcement procedures. Harassing residents is not why community associations have restrictions. Community associations enforce restrictions to ensure a high quality of life for residents and to preserve property values. To prevent homeowners from painting their houses pink or storing washing machines in their yards. The problem is that many associations—as in the case of Helen Garrett—are overzealous. Or inflexible. They overstep their legal bounds of authority. They write restrictions that are vague and imprecise; that are too broad and too extreme. Restrictions that serve no purpose in maintaining property values. Restrictions that are outdated, illogical, and unreasonable. Enforcing restrictions doesn't have to result in unnecessary lawsuits and public relations nightmares. This thesis will offer strategies for writing reasonable restrictions, and identifying those that are unreasonable. It will also offer suggestions on how to reasonably enforce restrictions.

Let's face it. You're either buying this because you're on or about to be on a Board for a homeowner's association, or you're in trouble with your homeowner's association. In either case, this is THE book to read. If you're on the Board, you should have read this when you joined. In fact, it's so well done that it should be mandatory reading for all Board members every year! Too often Boards become drunk with power. Even the most well intentioned new member gets sucked into the vortex of fulfilling his campaign promises by joining those already on the Board in bullying a few club members to tow the line. What this book points out is that well run organizations don't get sued. They don't have coalitions of members upset with them. They benignly ask that everyone follow a small set of common-sense rules, without passing onerous ones that benefit a few members, or even a slight majority of the members. Live and let live. Sounds simple, but it's not. The book gives actual examples of best practice, and ways to adapt your associations' historical way of doing things to a kinder and gentler form of management through goal seeking and an ongoing review of existing rules. For the person who is upset with their Board, this book will show, in glaring clarity, how foolish many Board members are. Problem with dogs fouling the grounds? Easy solution: require owners to pick it up. Typical solution: ban dogs. Laughable solution: dogs allowed, must be carried from your apartment to the parking lot, a few hundred yards. After reading this book, you'll be able to go to the board meetings and speak authoritatively when the Board over-reacts to a perceived problem, offering them a simpler solution that solves the problem without alienating other members. You'll also know what courts (unfortunately not always in your state) have said on certain issues, and you'll be able to throttle back the Board from doing something to you that they'll later regret. In my case, I read the book and then bought copies for the Board members of my association as Christmas gifts. I know that some have read it. The problem I was having with them disappeared with an apology letter from them to me, because they knew they were wrong and over-stepping their authority. While I can't attribute the turn around to the book, I feel that it was an educational experience for them.

The book was ok. Kind of what I thought. As some people get carried away with crazy rules. My condo leisure ton South has no rules it's run like a low class place. Book service was great as always , thanks

This book is a good choice for new board members, but don't expect all or even most of your community association members to "get it." Remember, these are not your employees or your students who have the best of reasons to be reasonable! Unit owners are not paid to abide by the

association's covenants, nor are they incentivized by receiving a passing grade.

I am the president of my HOA, and this book is our Bible. It gives concrete examples of how to deal with problems without going to extreme such as the use of attorneys and filing court cases. It provides wiggle room for not only residence but also the organization. Required reading for anyone elected to a homeowners association board.

This book provided useful information to use with my HOA in trying to resolve an issue that has been handled poorly. I've been please with not only the purchase, but the ease in locating the book, the prompt delivery and excellent customer service.

sent it on to my crazy rogue HOA board

The title of this book is misleading, as it does not offer much in terms of helpful advice rather a sampling of horror stories from various misguided community associations. The book is also disappointingly short, I almost felt like I was reading an edition of "Reader's Digest". The author compiled the book mostly though articles published by the CAI which are available to any member and it is pretty obvious that the author is more of a scholar then someone with hands on experience in dealing with the problems of troubled homeowner associations. This book is also more focused on homeowner associations, not condo associations so all the urban dwellers might need to look elsewhere.

Unfortunately I can't review this as I immediately loaned to a neighbor who now claims he's never seen it.

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