

HOA Living: You Get What You Give

The saying “you get what you put in” applies to association living. There’s more to being a member of an HOA than many people realize.

A community association is a non-profit entity with the sole purpose of maintaining, protecting, preserving and enhancing the common property of the development while promoting harmony among the membership. As a new homeowner within an association, you should know what is expected of you.

1. Participate in the community

Attend the annual association meeting, open board meetings and social functions to have a better understanding of the community’s business and to promote a sense of community by meeting your neighbors.

Find something that you are passionate about within the community and join a committee that addresses that passion (landscaping, architecture, pool, social, communication, etc.).

Volunteer your time as a leader within the community and run for an open board position. Use the common areas and amenities such as parks, swimming pools, clubhouses, walking trails, etc. and support the community association by following the rules, including maintaining your property and not damaging or littering on the common area is maintained properly.

If you learn of a neighbor that is not abiding by the governing documents, introduce yourself and share your concern. They may not be aware of the governing documents, rules and policies of the community.

2. Keep up-to-date on association affairs

Review your association’s governing documents to stay current on what your responsibilities are. These documents are in place to protect the value of all the homes and to ensure uniformity throughout the community.

Read the association newsletters.

Visit the association website frequently.

Review the annual assessment notice and budget.

Participate in community surveys and offer suggestions on ways the board and committees can be more economically efficient.

If an amendment to one of the governing documents is proposed, educate yourself by reading and understanding the governing documents and the reason for the proposed change. Take it upon yourself to pass on that information and educate your neighbors, to ensure that the amendments positively impact the association as a whole – not just a few members.

3. Vote for board of director candidates and on community association matters

Each association is led by a volunteer board of directors. During the first stages of a community's growth, the board of directors is usually composed of the developer and his/her staff members. After a transition period (which is described in the bylaws), members of the association – homeowners – are elected by their peers to fill the positions.

Annually you will be invited to attend a membership meeting to vote on association matters, including the election of board members.

The governing documents state how many votes each member has, and typically a homeowner has one vote per lot that he/she owns in a single family community, and a percentage vote in a condominium or cooperative. In a situation where there is more than one owner for a lot or unit, there typically still is just one vote per lot or unit (and not one vote for each name on the deed).

The length of board member terms of office is defined in the association's bylaws.

Board members vote among themselves to determine who will serve in the capacity of officers (president, vice president, treasurer, secretary, etc.).

4. Hold elected officials accountable

It's up to you to voice your concerns through the right avenue. If you don't agree with something or understand the board's decision, be sure to ask. Your management company is your liaison between the board of directors and you.

If you believe the association is not abiding by the governing documents or that the board of directors is not acting prudently, you should put your concerns in writing and forward to the management company, or directly to the board if your community is self-managed. As the liaison, the management company will act accordingly by offering a response or forwarding the concern to all of the board members.

If a resolution cannot be found for a grievance between the membership and the board, the membership can vote for new directors at the next annual meeting or review the bylaws on how to remove a board member.

If all else fails, members have the option to file a legal claim against the association. Keep in mind that this should be a last resort as the association's expense for legal counsel will be paid by the association (through the assessments all members pay) if not covered by insurance.

In most cases, concerns regarding the community association easily can be solved by communication and education. It may be that a member is not familiar with the board's policies or the board may not be aware of the majority of the membership's desire on a project or specific issue. Remember to be patient and open-minded for the greater good of the community, and the board should frequently survey the homeowners to ensure responsive representation.

5. Pay annual assessments

The board of directors will adopt a budget annually.

The budget outlines the assessment amount per lot or unit as well as what expenses will be incurred during that year. Community association budgets are reconciled, meaning that there should not be a net profit or loss as the bottom line. Total revenue should equal total expenses.

Expenses will include items such as maintaining the common areas, addressing legal and safety issues, enforcing the covenants, and adequately insuring the property and association. Without the membership paying the assessment, the association would not be able to afford these items – or even an attorney to collect the delinquent balances.

Each unit owner within a community association is an automatic member, and is required to pay all assessments and charges.

Unlike a country club membership with dues, those living within a community association are not able to opt out and avoid paying the assessments (even if you don't use the amenities).

How many times have you said, "I wish I knew then what I know now?" Now that you know all about association living, take the opportunity to share your knowledge with friends and family to help them better understand what it means to live in a community association!