

ASSOCIATION POLICY CHECKLIST:

7 Steps for Easy and Respectful Enforcement

IT STARTS WITH COMMUNICATION

After you've developed the right policies and policy enforcement plan, how do you effectively communicate them to residents?

Read a helpful article, *HOA Policy: Why Consistent Communication is Key:*

<https://bit.ly/Policy-HOA-NV>

Policy enforcement doesn't need to be painful. In fact, doing it the right way can elevate your association's reputation among residents and neighboring communities, helping improve your property values and lifestyle experience.

(Remember that it's not your job as a volunteer board member to personally enforce policies or rules, but it is your job to make sure that the rules are consistent, fair and purposeful.)

Walk through these 7 steps with your management company and manager to make sure you're aligned on how to adopt and enforce policies.



1 Have you communicated the “why” behind your policy?

Make sure you’re able to answer this question as a board before you adopt a new policy. Why is it important for your association? Will it enhance quality of life (e.g., “*Our no smoking policy will improve air quality for residents.*”) or boost your reputation among residents (“*Our new pet policy provides clear guidelines so that dog and cat owners know exactly what common areas are accessible for pets.*”)? By explaining why it’s important, residents will be more inclined to comply with a policy.

2 Did you create a transparent (and easy-to-follow) rule enforcement plan?

Establishing a new policy and communicating it is one thing, but have you clarified what happens when a resident doesn’t follow the rules? Partner with your manager and management company to create an easy-to-understand enforcement plan. Here’s an example of one:

SAMPLE ENFORCEMENT PLAN

- ▶ **Step 1:** Individual in violation of a policy receives a courtesy call explaining the details of the situation and the policy that was violated.
- ▶ **Step 2:** Individual receives a violation letter, providing details on the policy and the offense as well as any fines required.
- ▶ **Step 3:** If individual doesn’t respond after a certain time, a second violation letter is sent.
- ▶ **Step 4:** Upon refusal to comply after three communications, issue will be escalated to association attorney or violation committee for next steps.

IMPORTANT!

Your process may differ from the above sample based on best practices, association communication methods and local laws. For example, according to Nevada Revised Statutes, a fine can only be imposed on a member of the HOA after the individual receives a written notice, which includes a photo (if applicable), details about the violation, the action needed to resolve it, the amount of the fine, and the date, time and location for a hearing. Work with your management company to ensure that you are abiding by best practices and in accordance with your governing documents and local laws.



3 Do residents clearly understand how to follow the policy?

Clear communication is key. Explain what residents need to do (or shouldn't do) in order to follow the policy and what will occur if they do not follow the rule.

Example: All homeowners, residents and guests must keep their dog(s) on leash at all times in common areas. Dogs are only allowed off leash in the designated and fenced off dog park area. Residents who do not follow this rule may be subject to a \$150 fine on the first offense as well as fines on subsequent offenses.

4 Is your association following through with enforcement (e.g., fines) when rules are violated?

Follow-through is essential to effective policies. This doesn't mean you are consistently viewed as the "bad guy" – it simply means that your association follows through on the policies put in place. By *occasionally* following through on fines or enforcement of existing rules, you put your association's reputation at risk among residents and within the community at large.

5 Are policies being enforced consistently?

Residents will view your policies (and policy enforcement plan) as fair *only* if you are enforcing consistently. This means that your management company and board need to take a neutral stance on policy enforcement and ensure that you are not changing the rules based on circumstances or individuals (*within reason*).

BUT WHAT IF ...

While consistent enforcement is key, there may be extenuating circumstances that may affect your ability or decision to enforce (e.g., emergency situations, natural disasters, etc.). **Having a seasoned management team on your side can help you determine your best course of action when situations are difficult to assess on your own.**



6 Is your board leading by example?

Remember that being a volunteer board member does not mean you receive special privileges or immunity when a policy is violated. If you are a current resident in your association, you are subject to the same rules and policies. While it may be tempting to give yourself or a fellow board member leeway, residents are looking to you and your board to set an example (and may respect you more for personally following through).

7 Have you recently reviewed and audited your association's policies?

If a policy is being enforced that doesn't make sense for your community, it may be time to change or remove that policy. Here are a few sample questions that are helpful to ask when determining if a policy is still relevant for your association:

- ▶ Has our state legislature passed any laws that invalidate this policy?
- ▶ Does this policy improve resident lifestyles and/or enhance our reputation?
- ▶ Will this policy become outdated in the next year or two?
- ▶ Does this policy remain relevant for residents and owners?
- ▶ Has the current environment (e.g., a local emergency, natural disaster or crisis) created a need to change policies?

“We lead by example more than anything else. People are watching. If you have a board that isn’t leading by example, they can’t help themselves [and will potentially hinder any progress made by the association – Ed.]”

**- Michael Nagle,
Board President,
The Mark High-Rise
Association**



WILL ENFORCING POLICIES MAKE US THE “BAD GUY”?

Consistent and fair rule enforcement will have a positive impact on your association, in terms of elevating your reputation and ensuring that your association retains a strong reputation in the community at large. However, remember that good policy enforcement won't win over everyone. The most important thing you can do is to create and enforce good policies and communicate them respectfully to residents.

“You’re not going to keep everyone happy. You simply want to act in the best interest of your community.”

- Gary Turner, Board President, Trilogy La Quinta Maintenance Association

COMMUNICATION IS KEY

A strong policy communication plan can help you make a positive impact on your association and strengthen your reputation for years to come. Learn more in our article, ***HOA Policy: Why Consistent Communication is Key:*** <https://bit.ly/Policy-HOA-NV>

About FirstService Residential

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