

RULES TO LIVE BY

Making HOAs More Proactive

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An acquaintance who lives in a townhome community recently asked me about my profession. When I informed her I manage homeowner associations, she got a smirk on her face and then inquired, “What is the most common violation you see?” I thought for a second and then said, “Dog waste is number one.” Who hasn’t had complaints about dogs defecating in the common area or on someone’s yard?

My acquaintance perked up and said, “Funny, that’s the most common violation we face as well.”

Many communities face the same problems each year with little or no success resolving the problems. How can HOAs do a better job of enforcing these common rule and covenant infractions? Numerous HOAs take a reactive approach to violations, meaning boards take action after receiving multiple complaints from owners.

What if boards changed their approach and became proactive, helping owners come into compliance? For example, since dog waste is such a huge problem in communities, maybe your HOA can install a Fido Waste Station and provide garbage bags and garbage cans, which will encourage owners to pick up their dog’s waste.

The winter season is a good time to think about the common violations all HOAs face and to develop a plan to help owners come into compliance. One of the communities I manage

in downtown Salt Lake has a lot of condominiums which are rented out to students at the University of Utah. Many of the students do not have vehicles, so they ride their bikes to school and work. The rules and covenants for the community state that bikes must be stored inside the resident’s home or an onsite storage closet.

Many of the lease agreements, however, do not allow bikes in the condominiums because eventually residents walk their bikes across or place their bikes on the carpet, causing stains. As a result, residents used to stash their bikes all around the community. They locked bikes to carports and stairways, even trees.

The board knew the bikes were in violation and decided to become proactive about enforcing the violations *before* the complaints rolled in. They voted to designate an area for bikes to park and provided bike racks. The area has become very popular and the board has increased the number of bike racks from the original 15 to 30. The HOA no longer has problems with bikes locked up around the community because they are all in one location.

While HOAs need to enforce rules and covenants, they can also be proactive in their approach and work to help owners come into compliance. Being proactive won’t resolve all the problems, but at least it is a start.

ON THE HILL

LAC Dedicated to Passing UCIOA

BY JOHN MORRIS
UTAH LAC COMMITTEE CHAIR
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The Legislative Action Committee (LAC) is looking forward to another exciting session at the Capitol. This session will bring a dedicated and focused push to pass the UCIOA Legislation.

The UCIOA Legislation is a complete replacement for the existing Condominium Ownership Act and the existing Community Association Act. It has been “under construction” for four years. It was originally based on the Uniform Common Interest Ownership Act (UCIOA) but has been substantially modified to maintain existing provisions of the law that were perceived as adequate and to accommodate specific requests for modifications by various special interest groups.

At its core, the legislation is an attempt to modernize the law and bring some consistency in the law to the various

types of common interest communities. The UCIOA legislation was introduced last session in both the House and the Senate to set the stage for introduction and passage this session.

Our lobbyist and committee members have been working to complete changes and edits and to set the stage for a successful passage. This legislation is the product of difficult compromises with various special interest groups, including the Utah Association of Realtors and the Home Builders Association of Utah. The struggle to gain consensus with these and other special interest groups continues.

The LAC has generally agreed to remain focused on UCIOA this year and to avoid sponsoring other legislation. We continue, however, to remain receptive to any ideas from any member of CAI for new legislation. We will also closely

monitor and become involved in any legislation sponsored by other organizations that might impact community associations.

The LAC continues to grow in influence as our experience increases and as our knowledge of the legislative process increases. Please remember that contributions from CAI members are the sole source of funds to pay our lobbyist and the few expenses that we encounter each year. All of the members of the committee volunteer their time at great personal and professional sacrifice.

Please visit the LAC’s website at www.utahlac.com and contribute what you can to support the only organization that is working to advocate for and protect the interests of community associations at the Utah State Capitol.