

THE COMMUNITY BUILDER

Rights and Responsibilities... Homeowners and Board Members

While doing a little research for our articles, I found a blog with a tremendous amount of information on it. One of the sections that I scanned had 317 entries on it from owners who felt their rights as an owner were violated by the Board. With so many entries under that heading, it made me question, "do owners really know what their rights AND responsibilities as an owner are?"

To find some answers, I went to the CAI (Community Associations Institute) website and found an excellent outline from the President's Club. While the original article is lengthy, I have edited it down in scope. I know we've all attended too many meetings when a decision made by the Board was unpopular (as most of the Board's decisions seem to be) and were being protested by owners vocally at the meeting. As a result, there are some members now demanding access to Minutes and official records and all kinds of other information. Most all of the items being sought by the members are open to their inspection, but under a specific process. A process generally outlined in either a statute or in the documents. However, when being reminded of that process, most owners will only see it as a stalling or delaying tactic. Unhappy owners will always be convinced their rights are being abused, but seldom acknowledge that with rights also come responsibilities. It has been Sentry's long-time belief that Boards who adopt policies and procedures and operate transparently about how the business of the Association works and communicates that to the members, many times avoid seeming to be unreasonable.

Listed below are the Rights and Responsibilities of a homeowner promulgated by the CAI President's Club.

Rights and Responsibilities can serve as an important guidepost for all those involved in the community - board and committee members, community managers, homeowners and non-owner residents.

Homeowners Have the Right To:

- A responsive and competent community association

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- Honest, fair and respectful treatment by community leaders and managers
- Participate in governing the community association by attending meetings, serving on committees and standing for election
- Access appropriate association books and records
- Prudent expenditure of fees and other assessments
- Live in a community where the property is maintained according to established standards
- Fair treatment regarding financial and other association obligations, including the opportunity to discuss payment plans and options with the association before foreclosure is initiated
- Receive all documents that address rules and regulation governing the community association - if not prior to purchase and settlement by a real estate agent or attorney, then upon joining the community
- Appeal to appropriate community leaders those decisions affecting non-routine financial responsibilities or property rights

Homeowners Have the Responsibility To:

- Read and comply with the governing documents of the community
- Maintain their property according to established standards
- Treat association leaders honestly and with respect
- Vote in community elections and on other issues
- Pay association assessments and charges on time
- Contact association leaders or managers, if necessary, to discuss financial obligations and alternative payment arrangements
- Request reconsideration of material decisions that personally affect them
- Provide current contact information to association leaders or manager to help ensure they receive information from the community
- Ensure that those who reside on their property (e.g. tenants, relatives, friends) adhere to all rules and regulations

While it may be easy for an owner to overlook the fact that board members are owners too, this list seems to provide a good operating platform for everyone.

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There is a second part to the Rights and Responsibilities of Homeowners, which is the Rights and Responsibilities of Board Members. The contents of that list may be presented at a future date or you can visit caionline.org.