

Why it is time for Rights and Responsibilities for Better Communities

By Lucia Anna Trigiani



At the National Conference of Community Associations Institute in May, 2003, the Institute launched a new initiative - *Rights and Responsibilities for Better Communities*. This initiative has generated a great deal of conversation, and, we hope, reflection on community association governance.

Rights and Responsibilities is not an entirely foreign concept for the Institute. In 1986, the Institute adopted the Homeowner Bill of Rights. The Bill of Rights was developed as a policy by the Institute to give community association leaders guidance in acknowledging and respecting the rights

of community association members. While this document was and in its updated form (it was amended following initial adoption) remains an important statement about the rights of community association members, its publication was something of a reflection of the times. The approach to governance was "top down," with rigid rules and dogmatic enforcement.

This autocratic approach to community association governance has helped to generate a negative image for community associations. While there has been a proliferation of community associations across the country (practically all new development is in the form of a community governed by an association), the press, popular TV and academics have been critical of the community association development format.

Unskilled and uneducated leadership has fueled the negativity about community associations. Community associations have been considered breeding grounds for uninspired leaders and challenging homeowners.

And the stories that grab the attention of the press finds are the stories about conflicts that arise between homeowners who violate the rules and homeowners who seek to enforce the rules. There is no doubt that the negative stories are a bad reflection on community association governance methods. The bottom line is that community associations have not been considered member-friendly. Equally evident is the lack of respect and appreciation - actually disdain - for community association leadership. These are volunteers, after all, who are also community members.

As the community association industry has matured, we have learned to appreciate that members have rights. We have also learned that with those rights come responsibilities. And, we have learned that community association leaders have rights and responsibilities, too. The challenge we face in living in, leading and serving community associations is in balancing what may be considered conflicting rights. The Institute does not subscribe to the view that leaders and community members should be at odds and that they have different interests. Rather, these interests are the same - developing and maintaining community.

How do we create community? The Institute has spent thousands of volunteer hours to ponder this question and to develop a new way to think about community association governance. Among the initiatives be-

ing developed by the Institute is a task force to explore new governance models and a series of publications that offer guidance on best industry practices. *Rights and responsibilities* is another by-product of the efforts to examine how we do what we do in the community association industry.

One of the conclusions we have reached is that in order to create community, we need to foster a sense of belonging like neighborhoods of the past seemed to do so naturally. We create the physical structure for these new neighborhoods, but we need to focus the same attention on the psyche of community associations. We create that neighborhood feeling by recognizing, building and maintaining strong relationships

How You Can Make It Happen

Adopting Rights and Responsibilities for Better Communities is easy!

- Distribute the document throughout your community, announcing and publicizing where and when adoption will be considered.
- Explain why this is important to your community and the benefits it can create.
- Review and discuss the merits of the principles at an open meeting of your board of directors.
- Solicit input from homeowners.
- Have your board vote to adopt a resolution endorsing Rights and Responsibilities for Better Communities. The principles will be more meaningful to homeowners and community leaders if they are formally adopted.

among community members, between community members and their volunteer leaders and even among those volunteer leaders.

In a word, we need to create balance. It is time to recognize the need for balance in community associations. It is time to appreciate the benefits that balancing different interests can produce. It is time for *Rights and Responsibilities*.

Rights and Responsibilities is about relationships - primarily the relationship between community association members and community association leaders. The initiative is the brainchild of the Institute's Government and Public Affairs Committee. A task force of Committee members nurtured seeds planted by Molly Foley-Healy, the Institute's Vice President of Government and Public Affairs, to reconsider the policy articulated in 1986 and amended thereafter, to establish a homeowner bill of rights. The goal for the task force was to refine that policy and bring the concepts into the present. *Rights and Responsibilities* is a brief collection of 42 principles that serve to guide and encourage community association members and leaders to adopt a new perspective on how to do this "community association thing" better.

Rights and Responsibilities are principles for community members **and** community leaders. These are not just about members. These are not just about leaders. These principles are about both. *Rights and Responsibilities* reflect the delicate balance between individual rights and the responsibilities that are the foundation of those rights. For example:

- Homeowners have the **right** to live in a community where the property is maintained according to established standards.
- and
- Homeowners have the **responsibility** to maintain their property according to established standards.

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Perhaps this example from *Rights and Responsibilities* restates the obvious, but often we need to be reminded of the fundamental expectations of being part of a community.

In the same way, community leaders have rights and responsibilities. For example:

- Community leaders have the right to expect residents to know and comply with the rules and regulations of the community; and
- Community leaders have the **responsibility** to understand the association's governing documents and become educated with respect to applicable state and local laws, and to manage the community association accordingly.

These examples offer helpful illustrations of what *Rights and Responsibilities* is all about. Community association members and leaders are entitled to enjoy the benefits of community association living. But, to enjoy those benefits, community leaders and members must take commensurate responsibility.

How does your association take advantage of *Rights and Responsibilities*?

Your community should have already received a handsome brochure published by the Institute about *Rights and Responsibilities*. If you did not receive the brochure or you would like additional copies, call Lula Fekadu at the Institute Office at (703) 797-6270, contact her by e-mail at lfekadu@caionline.org or pull down the text from the Institute website: www.caionline.org. Please refer to the Rights and Responsibilities on page 12.

A sample resolution by which your community can adopt *Rights and Responsibilities* is also available on the website or from the Institute. You need only tailor that Resolution to reflect that governing documents for your community. And, you are ready to go!

Once in hand, initiate a dialogue about *Rights and Responsibilities*, with and among your leadership and members:

- Set aside time at regular board meetings or the annual association meeting to discuss *Rights and Responsibilities*.
- Post *Rights and Responsibilities* to your community site.
- Solicit comments from community members.
- Once you have talked about the concepts, encourage your Board or the members of your community to adopt *Rights and Responsibilities* as the policy of your community.

The goal in sharing information about *Rights and Responsibilities* in your community should be to raise awareness about the rights and responsibilities of community association living. By increasing awareness, you will raise the level of understanding of members and leaders about living in a community. Your community will benefit from the dialogue. That dialogue will bring you one step closer to creating community.

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