

Constant Contact Survey Results

Survey Name: Board Members and Managers

Response Status: Partial & Completed

1. Would educational programs and technical assistance offered by the Commission on Common Ownership Communities (CCOC) be useful to your board and property owners? - Comments

Answer

The services would be useful but unfortunately we are excluded. Why exclude associations in incorporated municipalities?

YES, Yes, Yes

Depending, of course, on what the educational and technical assistance covers.

I live in the City of Rockville.

don't really know...perhaps mediation on issues the HOA cannot rule on

we already receive this service from another source.

We're always on the lookout for educational opportunities.

2. Approximately how often do disputes occur between your association board and property owners that would lend themselves to CCOC dispute resolution services? - Comments

Answer

It is not the number, it is the availability to be able to have the Commission. In my many years, including being a Commission Member, I have had to attend only 4 or so hearings, but the Commission is a valuable tool.

To the best of my knowledge, our Board has never had an occasion where a dispute has not been settled between the parties satisfactorily.

Although disputes between the Association Board and unit owners occur rarely, the CCOC dispute resolution services will be beneficial.

1-2 a year

We have had a few but less than 1 per year

In seven years we have only had a handful of hearings for violations of the by-laws. All have been adjudicated without incident.

Actually once or twice a year. They usually involve enforcement of the bylaws and rules.

3. What process or approach does your association currently use to resolve disputes? - Responses

Answer

Resort to legal action

Not applicable. Only had one dispute in 7 years which was resolved between the Board and Homeowner independently.

Board meeting, when the owner(s) are advised of the community's rules, etc., almost always the issue is resolved.

1. The Board informs the owner of the problem, cites the relevant by-law or regulations, and asks that the owner come into compliance.

2. Repeat step 1.

3. Remind the owner that the Board has the authority to levy fines or take legal action.

4. Try to schedule a Board meeting to take formal action. The owner has the right to present his/her case at this meeting.

5. If owner does not agree to a meeting, have the management company send a formal letter threatening to take legal action.

6. If necessary, have the Association's lawyer take legal action.

In the past 4 years, we have never had to go beyond step 3.

The home owner comes before the Board, presents their case and the Board votes on a resolution. The home owner may appeal that decision causing another hearing.

We adhere strictly to our by-laws and the Condo-minium Act. This, along with a little common sense seems to have worked for us.

By-laws

We hold a meeting and then conduct a vote with the majority of 51% wins.

We have a process detailed in our By-Laws for a Committee to report to the HOA Board and the Board to decide on a fine to impose.

varies

Review by the Board of Directors with an opportunity for the affected owner to appear before the Board and present his/her side of the issue. We also seek the advice and assistance of our property manager and Board attorney as needed.

My Condominium Association used in the past and will continue to use the mediation services offered by Rockville.

In past the mediation service has resulted in a successful outcome of the dispute.

Board based hearing process. We have never gone beyond that.

Under our bylaws, if unit-owner violations occur, these are resolved at a close hearing before the Board of Directors at which the Board has the authority to issue fines. Unit owners can, of course, use the court system if they disagree with Board findings. That having been said, the sense of the current Association board is to encourage rule/bylaw compliance and does not see itself in the business of issuing fines.

However, if the city opts for CCOC, the Association Board/property manager will have an vehicle to pursue collection of fines and/or restitution for damages by owners/tenants. Therefore, the Board encourages the City to adopt the CCOC.

we talk

Property manager sends letters to violators. If resident is still in violation of bylaws, a hearing is scheduled with the policy and rules committee. If still unresolved after this, it is escalated to the Board of Directors. If still unresolved, penalties, fines, etc are levied.

interpersonal discourse; rational reason; sense of community; fines and liens when needed.

Discussion.

The president writes to the individual(s) involved in the dispute and hope that is resolved in that manner. In one instance, we were forced to put a lien on a home and I dread having to take that action again.

We have our property manager contact the homwonwer and try to resolve. A few times we have used the lawyer

Hearings before the Board.

There is a process outlined at a high level in our bylaws, and clarified in our rules. It addresses notification, hearing and appeal, and is in conformance with the MCA.

4. Do you feel that the commission's dispute resolution services would be useful to your community? - Comments

Answer

It is another method, will we use it, most probably not. A well educated Board and Management Agent usually, hopefully do not get themselves in dispute which warrant Commission hearings.

Maybe we've been lucky, but in 95%+ of our problems, we have been able to resolve it amicably, and usually informally (an email or friendly chat). We recently resolved 2 cases of significant arrears in low-key meetings between the Board and the owner; we had our management company sit in as an observer/mediator/information resource.

In the most difficult cases where a third party would be useful

See above

We do pretty well resolving disputes. i think that a commission would simply encourage more disputes.

Most assuredly, the CCOC's dispute resolution services will be useful to both unit oweners and the Association's Board of Directors.

again perhaps in a dispute of neighbors whose arguement does not involve the HOA

We have an attorney on retainer for this purpose.

So far disputes have involved verification of fact and application of the bylaws. The association wouldn't abandon our bylaws for another process.

5. Would you support the Mayor and Council adopting legislation that provides access to CCOC services? - Comments

Answer

It is not worth \$2.75/unit to make this service available when existing methods work properly and will likely only increase disputes to make use of paid service.

We don't see the need in our building.

See above

Makt it optional so that it is the Board of Directors' decision as to whether it wishes to utilize the CCOC's services on an individual case basis.

See above and it's more cost.

Yes, definitely the Board of Directors of our Association supports the Mayor and Council adopting legislation providing access to CCOC services and encourages them to do so.

no comment either way

We do not see any benefit to justify a tax or fee to the association.

depends on what it says

I do not support the per unit charge. I would prefer a pay as you go structure, where we only pay for services used.

CCOC seems to provide far more services than dispute resolution, and access should prove valuable.

6. Do you have any other comments? - Responses

Answer

I want to thank you for asking for my comments on this issue. I assure the City that working with professional managers will benefit the association members throughout the City.

If legislation is passed, it should include providing services to resolve disputes between homeowner's associations, condominium boards, and similar entities and any higher community organization (e.g., between a condominium association in King Farm and the King Farm Assembly/King Farm Conservancy).

We Have approximately 170 units which would mean an annual expense of almost 500.00. In light of our past history with disputes, for us, this would be a waste of funds.

Thanks for asking.

We thank the Mayor and Council for considering legislation to provide access to CCOC services as we feel it is will be a very useful services to both unit owners and the Association's Board of Directors.

No

We have resolved differences in the past through frank discussion and reference to our by-laws.

Appreciate being able to provide input in this.

No

This has been discussed with the members of our board, and they thank you for the opportunity to participate.