

**THE CITY OF ALEXANDRIA
COMMON INTEREST COMMUNITIES
EDUCATION SERIES**



RIGHTS AND RESPONSIBILITIES

PRESENTED BY

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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.



STATEMENT OF OWNER RIGHTS

Virginia Property Owners' Association Act
§ 55.1-1807

Virginia Condominium Act
§ 55.1-1939

Initially enacted in 2015.



STATEMENT OF OWNER RIGHTS

Members in good standing have rights to:

- Access to books and records
- Cast a vote
- Notice of Board meetings
- Record and participate in Board meetings



STATEMENT OF OWNER RIGHTS

Members in good standing have rights to:

- Due Process in any rule violation
 - Notice
 - Opportunity to be heard
 - To be represented by counsel
- Serve on the Board – *unless* the recorded documents provide otherwise



DEVELOPMENT OF RIGHTS & RESPONSIBILITIES

- CAI initially adopted Homeowner Bill of Rights in 1986.
- In May 2003 CAI launched a new initiative – *Rights and Responsibilities for Better Communities*.
- Product of CAI Government & Public Affairs Committee.



WHAT ARE RIGHTS & RESPONSIBILITIES?

Collection of 42 principles:

- Serve to guide and encourage community association members and leaders to adopt new perspective on association living and governance;
- Principles for community members *and* volunteer leaders; and,
- Balance between individual rights and responsibilities and the rights and responsibilities of community leaders.



Rights and Responsibilities for Better Communities

Principles for Homeowners and Community Leaders

More than a destination at the end of the day, a community is a place people want to call home and where they feel at home. This goal is best achieved when homeowners, non-owner residents and association leaders recognize and accept their rights and responsibilities. This entails striking a reasonable balance between the preferences of individual homeowners and the best interests of the community as a whole. It is with this challenge in mind that Community Associations Institute (CAI) developed Rights and Responsibilities for Better Communities.

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.
- 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 regulations 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 managers 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.

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WHY RIGHTS & RESPONSIBILITIES?

- Promote community and harmony;
- Promote community dialogue, effective leadership and responsible citizenship;
- Define a set of attainable ideals to which associations can aspire;
- Balance and define role of community leaders and association members;
- Foster improved communication; and,
- Manage expectations.



OPEN GOVERNANCE & OWNER PARTICIPATION

- ***Homeowners have the right to*** participate in governing the community association by attending meetings, serving on committees and standing for election.
- ***Community leaders have the right to*** conduct meetings in a positive and constructive atmosphere.
- ***Community leaders have the responsibility to*** encourage input from residents on issues affecting them personally and the community as a whole.



ACCESS TO BOOKS AND RECORDS & GOVERNING DOCUMENT REVIEW

- ***Homeowners have the right to*** receive all documents that address rules and regulations governing the community association – if not prior to purchase and settlement by a real estate agent or attorney, then upon joining the community.
- ***Homeowners have the responsibility to*** read and comply with the governing documents of the community.



ACCESS TO BOOKS AND RECORDS & GOVERNING DOCUMENT REVIEW

- ***Community leaders have the right to*** expect residents to know and comply with the rules and regulations of the community and to stay informed by reading materials provided by the association.
- ***Community leaders have the responsibility to*** make covenants, conditions and restrictions as understandable as possible, clarifying “lay” language or supplementary materials with drafting or revising the documents.



ACCESS TO BOOKS AND RECORDS & GOVERNING DOCUMENT REVIEW

- ***Homeowners have the right to*** access appropriate association books and records.
- ***Community leaders have the responsibility to*** welcome and educate new members of the community – owners and non-owner residents alike.
- ***Community leaders have the responsibility to*** allow homeowners access to appropriate community records, when requested.



BEST INTERESTS OF THE ASSOCIATION

- ***Homeowners have the right to*** a responsive and competent community association.
- ***Homeowners have the responsibility to*** treat association leaders honestly and with respect.



BEST INTERESTS OF THE ASSOCIATION

- ***Community leaders have the responsibility*** **to** exercise sound business judgment and follow established management practices.
- ***Community leaders have the responsibility*** **to** provide complete and timely disclosure of personal and financial conflicts of interest related to the actions of community leaders, e.g., officers, the board and committees (Community associations may want to develop a code of ethics).



ELECTIONS AND APPOINTMENTS

- ***Homeowners have the right to*** vote in community elections and on other issues.
- ***Community leaders have the responsibility to*** conduct open, fair and well-publicized elections.



PRUDENT EXPENDITURE OF FUNDS & FORECLOSURE

- ***Homeowners have the right to*** honest, fair and respectful treatment by community leaders and managers.
- ***Homeowners have the right to*** prudent expenditure of fees and other assessments.



PRUDENT EXPENDITURE OF FUNDS & FORECLOSURE

- ***Homeowners have the responsibility to*** read and comply with the governing documents of the community.
- ***Homeowners have the responsibility to*** request reconsideration of material decisions that personally affect them.
- ***Homeowners have the responsibility to*** ensure that those who reside on their property (e.g., tenants, relatives, friends) adhere to all rules and regulations.



PRUDENT EXPENDITURE OF FUNDS & FORECLOSURE

- ***Community leaders have the right to*** expect owners and non-owner residents to meet financial obligations to the community.
- ***Community leaders have the responsibility to*** initiate foreclosure proceedings only as a measure of last resort.



NEIGHBOR TO NEIGHBOR INTERACTIONS

- ***Homeowners have the right to*** honest, fair and respectful treatment by community leaders and managers.
- ***Homeowners have the right to*** appeal to appropriate community leaders those decisions affecting non-routine financial responsibilities or property rights.



NEIGHBOR TO NEIGHBOR INTERACTIONS

- ***Homeowners have the responsibility to*** request reconsideration of material decisions that personally affect them.
- ***Homeowners have the responsibility to*** provide current contact information to association leaders or managers to help ensure they receive information from the community.
- ***Homeowners have the responsibility to*** ensure that those who reside on their property (e.g., tenants, relatives, friends, rabbits) adhere to all rules and regulations.



NEIGHBOR TO NEIGHBOR INTERACTIONS

- ***Community leaders have the right to*** receive support and constructive input from owners and non-owner residents.
- ***Community leaders have the responsibility to*** provide a process residents can use to appeal decisions affecting their non-routine financial responsibilities or property rights – where permitted by law and the association governing documents.



NEIGHBOR TO NEIGHBOR INTERACTIONS

- ***Community leaders have the responsibility to*** fulfill their fiduciary duties to the community and exercise discretion in a manner they reasonably believe to be in the best interests of the community.
- ***Community leaders have the responsibility to*** balance the needs and obligations of the community as a whole with those of individual homeowners and residents.



HOW TO ADOPT RIGHTS & RESPONSIBILITIES

- Initiate a dialogue about *Rights and Responsibilities*;
- Set aside time at regular board meeting or annual association meeting to discuss *Rights and Responsibilities*;
- Post *Rights and Responsibilities* to your community website;
- Solicit comment and feedback from association members; and
- Follow CAI recommended sample resolution.



DISCUSSION



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