

HOW TO ENJOY YOUR NEW HOME!

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You just moved into your beautiful dream home and for the first time found out that you live in a homeowners association. WOW!

What's wrong with this picture? Actually, there are several things wrong with this realization:

- 1) When you purchase a home in a common interest community in Nevada, regardless of your local jurisdiction, Nevada law requires certain disclosures BEFORE you purchase your home. The licensed Real Estate Agent has his or her duties in the disclosure process and the seller has very specific duties as well. NO ONE should have "just found out" that they have purchased a home unknowingly in an HOA.
- 2) The document that a buyer is required to read, sign and date before the purchase in an HOA is very specific. The READ part of that duty is unfortunately often ignored by the purchaser, the escrow people and the Real Estate Agent, who in some cases doesn't want you to read them since it may cause the sale to not go through. The document is frankly worded in a very onerous way to ensure that you understand that many of your rights may be contracted away if you proceed with this transaction. The document goes to the extreme extent of telling you that you could lose the very home you are purchasing should you not abide by the obligations to which you are agreeing. Not many other entities have this ability.

To be an owner in a common interest community (HOA or CIC) who can enjoy the increased property values of living in an HOA that helps increase those values, here are a few proactive tips you may want to consider:

- 1) Review all of the Association's documents again, even if you read them prior to purchasing. It is a good refresher and will help you understand your right AND responsibilities.
- 2) Find out when, how much and where any payments for assessments should be paid. Notice these are assessments, not dues. Dues are voluntary, dues are not. When you purchased your home in the HOA, the only way you can relieve yourself of this obligation is to sell your home and move.
- 3) Find out where any communications should be sent and in what format. Is there a special form the Association wishes you to communicate with? Will they take verbal communications, etc. A lot of the communities wish the communications to be in writing so that they don't get overlooked as each communication is important to them.
- 4) Find out when and where the Board of Directors (who have been elected by fellow owners to run your Nevada Corporation) will meet. The Board is required to meet every 100 days.
- 5) Find out when and where the meeting of the members will be held and plan to attend. This is a wonderful opportunity to be heard and to hear what is planned for your community. Knowing your neighbors is helpful on many levels as Neighborhood Watches have proven to be very effective in deterring crime. The law does require one annual meeting of the members.

- 6) If the HOA feels it is important to communicate with you, read this communication. Your fellow owners, who serve on the Board, do not want to waste your money by sending out mail just to send out mail. They want you to be aware of something important about your community. In large associations, this is the only practical way that they can reach everyone effectively.
- 7) Follow the provisions of the Contract that you signed with each other owner who lives in your community. In other words, follow the rules and regulations to the best of your ability. If you have a circumstance where you absolutely can't comply, be proactive and ask the association to help you find a short term solution rather than ignoring the rules.
- 8) If some area of service or amenity is falling short of your expectations, offer to serve on a committee or run for the Board. Remember, however, to leave your personal agenda behind you and make decisions for the community as a whole. The Board has a fiduciary duty to the Nevada Corporation. Decisions made at a Board or Committee meeting must be made with the community as a whole vs. individual director agendas.
- 9) Don't expect someone else to do everything for you. The Board and Committees are made up of owners just like you who have personal lives and commitments as well.

In being a good neighbor regardless of whether you live in an HOA or not, here are a few good points:

- 1) Get to know your neighbors.
- 2) Respect your neighbors and their rights.
- 3) Curb your animals and their bodily functions.
- 4) Don't play your music too loud.
- 5) Park in your own assigned spot(s).
- 6) Don't be a six car family in a 2 car parking complex.
- 7) Clean up after yourself, your children and your pets.
- 8) Take care of your property.
- 9) Help form a Neighborhood Watch.
- 10) If you are having a problem with your neighbor, talk politely about it with them first. Polite direct communication is more effective than having a letter sent from the association or banging on a wall.

Remember, however, one of the first words out of your neighbor's mouth when they get a letter from the Association (when they call to clarify the issue) will be the following, "Why didn't my neighbor(s) have the simple courtesy to just come over and mention that they were having a problem."

Be aware that the issue *will* escalate once a letter is sent and at some point you may be asked to appear to be a witness if the action proceeds to a legal action against the owner to get compliance.

Members of the Board volunteer their personal time to serve the community and are between a rock and a hard spot. They understand that this is home to everyone who lives here, but Nevada law dictates that they **SHALL** enforce the community's documents.

Enjoy your increased property values knowing that your community is as good as the members make it. Become part of the solution in your community vs. part of a problem by decreasing your property values. Make your community THE place to live in your local area. Each time you go outside of your community and complain about your HOA, you have just hurt your property values as that

person will remember it and comment to others about your community not being a place to be considered because of all of the “problems” that they hear.