

Board of Directors' Guide

Sense of Community

April 1995

Caveat

"The condominium statute is based on self-governance, owner enforcement, mandatory arbitration, and majority rule. There is only minimal governmental involvement in the enforcement of Chapter 514A, Hawaii Revised Statutes, as detailed in Sections 514A-46, -47, and -48. This limited authority of the Real Estate Commission to receive or investigate complaints has been delegated to the Regulated Industries Complaint Office. As a result, the Real Estate Commission or its staff do not receive or investigate complaints.

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This publication is an informal interpretation prepared in accordance with Chapter 16-201, Hawaii Administrative Rules. This publication is not an official opinion or decision, nor should it be viewed as binding on the Real Estate Commission or the Department of Commerce and Consumer Affairs.

Purchased or funded by Condominium Management Education Fund, Real Estate Commission, State of Hawaii.

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A "sense of community" adds value to a condominium unit just as a good operating budget and reserve fund does. Resident and investor owners who support this concept believe that when:

- *owners feel connected to where they live, they are likely to volunteer their time and participate in the association. And they're less likely to divide into camps of "us" and "them."¹*
- *buyers purchase a unit ... "they are buying a community as well as a home, and that the value of the community will be reflected in the value of their home...."²*
- *owners take pride in and feel connected to where they live, they monitor their conduct inside and in the common areas consistent with their community attitude; they speak highly of where they live affecting others' perception of the condominium project as a desirable place to purchase.*

Board members and owners are familiar with the concept of "community" as "ohana," "small town America;" a place where everyone knows their name, a place where the support of family and close friends are felt, a place where neighbors say more than "hello" and "good bye." Not all condominium owners embrace the concept of "community." Some have made their purchases to escape "community." Those choices should be respected.

Introduction

A hypothetical article on the front page of the morning newspaper reads:

Condominium A's Appraised Value Drops 50% From The Preceding Two Years – Condominium Association Explores Filing For Bankruptcy!

After months of verbal and physical confrontations among condominium board members and owners, Condominium A finds its creditors pounding at its doors. Board members, owners and managing agent cannot civilly communicate with each other. Lack of cooperation in managing the association on everyone's part has left the association's financial records in chaos. Bills have been lost or misplaced and remain unpaid. Trash remains uncollected and the stench grows. Meetings have been called and duly noted and only the President and managing agent attend. Owners have become apathetic; closing their eyes to the graffiti and vandalism occurring in the condominium's common areas. There are a number of open houses in the project. Units have been appraised at 50% of the original selling price. Owners have sold their units or have indicated a strong desire to move out of the condominium.

This booklet explores the concept of fostering in associations a "sense of community." Because this concept is associated with protecting one's real estate investment, *all owners* including board, non board members and investors alike should consider their commitment to foster a "sense of community." In addition, a well established sense of "community" is good preventive medicine for the above described situation. Even problems that arise in connection with close proximity living tend to decrease when there is a "sense of community."³

Board members or their agents including managing agents, on-site managers (including resident and general managers), wishing to revitalize an apathetic community and wishing to increase or move their associations closer to a "sense of com-

munity" may consider the suggestions included in the *Appendices* of this booklet. Each association is unique and some suggestions may be inappropriate or prohibited by the association's declaration, bylaws, or house rules for a particular association.



Note

Note: Board members are reminded that in order to effectively carry out their fiduciary responsibilities they must have a working knowledge of many areas including the need to build a sense of community! They can begin their education, with a review of the condominium law, Chapter 514A, Hawaii Revised Statutes. Other information can come from consultation with professionals and other industry experts. Whenever in this booklet a reference is made to a "board member" or "board members" the term may include, where permitted by the condominium law and governance documents, those individuals to whom the board has directed the task of building a sense of community. These individuals may include its managing agent, resident manager, general manager, etc. including members of a volunteer committee.

Board's Role in Building a "Sense of Community"

Board of directors play a key role in the healthy functioning of the condominium community. They have been elected, in trust, to provide directions to benefit the community. As trusted fiduciaries, the board touches all areas of community life – including finances, maintenance, administration and governance. Their decisions determine, in large part, the quality of life within the condominium community. "An effective board develops association goals and strategies, organizes

programs, and follows through to unify and promote a healthy community.”⁴ Thus, it follows naturally that the board provides the general guidance, directions, and impetus for fostering and encouraging a “sense of community.” The specifics are generally left to whomever the board may designate the task to; such as the managing agent, general manager, resident manager, or volunteer committee.

However, prior to launching a plan to foster “community,” board members may consider taking inventory of their own community commitment. A self-examination includes honest answers to whether each member:⁵

- is open and flexible to diversity; tolerating and welcoming diversity;
- is sincere about one’s interest in others;
- is willing to abide by community agreements;
- is willing to pursue group goals – trusting that individual needs will be served in the context of community;
- is willing to risk asserting oneself – taking initiative and when necessary, disagreeing;
- is willing to practice the skills that enhance community – including but not limited to communication, conflict resolution, and decision making;
- desires to see themselves and others as they really are;
- is willing to give and to receive;
- is committed to see it through – willing to stay with the group despite conflict.

Honest answers to these questions give each board member a good idea of how committed each is to fostering a sense of community. A community sense begins with the board and may extend and expand to other association members when the board itself is living in “community.” In the journey towards an association “sense of community,” boards may find it helpful to apply first to themselves the information and suggestions contained in this booklet.

“Sense of Community” Defined

Condominium owners who give credence to a “sense of community” feel that the creation and maintenance of the sense may result in: (1) discerning the collective judgment⁶ of owners; (2) minimizing the number of board and owner conflicts requiring mediation or litigation; (3) make living in a condominium project more enjoyable; (4) giving owners a sense of attachment and connection to where they live; and (5) revitalizing an apathetic community.

There is no concise or succinct definition of “community.” It can best be understood by a description of its many parts or facets. “Community” has been defined in many ways. One author defines community as follows:

- Community is a dynamic whole that emerges when a group of people:
 - participate in common practices;
 - depend upon one another;
 - make decisions together;
 - identify themselves as part of something larger [the community life of the association] than the sum of their individual relationships [self-interests]; and
 - commit themselves for the long term to their own, one another’s and the group’s well-being.⁷

Nature of “Sense of Community” and its Demands

Associations that have created a genuine “community” operate as described in the preceding section. Genuine sense of “community” evolves over time, through stages, is fluid, requires hard work, and requires the ongoing commitment of the board and owners. Board members may be surprised to find that they may be governing an association in a later phase of the community sense continuum on one day and on the very next day the association may have slipped back into an earlier phase.

Thus, at any point in time, it is possible for the board to identify their association as being in anyone of the following stages of community:

Pseudo-community – in this stage a board may find members attempting to be an instant community by being extremely pleasant and avoiding all disagreements. Basic pretense of this stage is the denial of individual differences;

Chaos⁸ – in this stage a board may find well meaning members clobbering each other over their pet project or hidden agenda. This stage is marked by fighting and struggle; fighting in this stage is unconstructive, uncreative, unlike true community where they have learned to disagree effectively and constructively;

Emptiness – in this stage a board eliminates barriers to communication [a “sense of community”], such as those feelings, assumptions, ideas, and motives which make members unreceptive to different ideas, people, or change. In this stage members:

- void themselves of preconceptions;
- become conscious of their prejudices⁹ and eliminate them;
- reevaluate their ideology and solutions as the only right way;
- give up for a common purpose, their own “pet” proposal that each needs to see triumph;
- modify their need to be in control; overcontrolling is a barrier to community.

Community – in this stage a board may see the death of members’ needs to have their so called “pet project” triumph and prevail; members are at peace with each other, committed to advancement of a common purpose, vision and goals. In this stage, members are experiencing a sense of “community” where they:

- have given up cliques and factions;
- listen to each other;
- resolve conflict without physical or emotional bloodshed with wisdom as well as grace;
- respect each other’s gifts and limitations;
- celebrate each other’s differences;
- feel a connection to where they live;
- identify themselves with something larger – common shared purposes i.e., the protection of their investment, quality of association life;
- commit to struggle together for the common purposes rather than against each other;
- commit themselves for the long term to their own goals, each other’s and the association’s well-being.

Following the move into this stage, an association (namely the board) then faces the longer term challenge of sustaining a “sense of community.” As an association engages in this process it will frequently fall back into earlier stages of “community,” for example it may find itself in the stage of chaos and must again empty itself of its prejudices etc. Needless to say “community” maintenance is a long-term commitment.

A Sense of Community Is Dependent on Many Factors

The “sense of community” rises and falls, is dependent on a multitude of factors, evolves from hard work, requires owners’, both board and non-board members’ commitment to certain beliefs, assumptions, and certain procedures including but not limited to (non-exhaustive listing):

☞ An Association Having and Committed to a Larger Vision:

Associations which have taken the time to develop a vision or mission statement may find that the statement eases the board members making and the owner’s acceptance of

those hard decisions. Mission statements articulate the association's common purposes, goals,¹⁰ aspirations and shared values. These statements, among other things, help implement the declarations', bylaws', and house rules' directions and provisions. However, these visionary statements must be consistent with the condominium law (Chapter 514A, Hawaii Revised Statutes), and the condominium's governing documents (the declaration, bylaws, house rules). These statements help associations with their long and short-term planning.¹¹ When owners align themselves with the mission statement association goals precede pure self-serving individual goals. (See Appendix A "Suggestions For Preparing A Mission Statement.")

The following is a sample of some common purposes excerpted from an association's mission statement. The statement provides that the association:

- that the community promotes a lifestyle of excellence. That it is a beautiful, well-maintained and safe community that embraces cultural diversity and promotes harmonious relationships. That it is committed to the well-being of its members. That it is comprised of proud, supportive, and responsible members who are active in civic affairs of the greater community. That it is financially sound and responsive to the changing needs of its members.¹²

Caveat: Mission and vision statements must be consistent with provisions of the condominium law, Chapter 514A, Hawaii Revised Statutes, and the association's declaration, bylaws, and house rules. In fact, mission statements help implement the declarations', bylaws', and house rules' directions and provisions.

☛ The Association's Inclusion of all Groups in Certain Stages of the Decision Making Process.

The great enemy of community is exclusivity.¹³ Historically, because mobility was difficult, communities were more homogenous. Today, with the ease of mobility, communities and condominium associations alike have become more heterogenous. Thus, it becomes more important today for boards to implement a decision making procedure to include all owners with diverse interests even the enlightened support of—the less involved members.¹⁴ In addition, there are federal and state laws prohibiting discrimination and mandating inclusiveness in many aspects of condominium living. Irrespective of laws,¹⁵ it makes good common sense for boards to provide owners with the opportunity to be included at some stage in the decision making process:

Consensus decision making is made possible.

A consensus decision reflects an understanding by the majority and minority interest groups that a particular solution is the best one. This decision is usually arrived at after much discussion and exploration of the problem with open hearts and minds. It reflects a solution which takes into consideration the interests and concerns of the so called "majority" and the interests and concerns of the "minority" owners. Such decisions are characterized as "win - win" and foster a sense of "community."

Although, the Hawaii condominium law requires that for some decisions only a certain percentage of owner approval be obtained, "win - win" decisions tend to encourage and increase a sense of community. By contrast decisions based on battles where the interest of a good number of owners prevail at the expense of a minority of owners fosters "antagonism." An-

tagonism precludes owners from living harmoniously in close proximity.

The inclusion of association members with different perspectives results in better made plans.

Each member is unique with special expertise, gifts, and talents. Each individual thus brings to the decision making process a different perspective based on their individual expertise, gifts, and talents. ***No one association member is all wise; real wisdom emerges through group interchange.*** For example, a renovation committee member whose expertise is finance or accounting may inadvertently overlook the significance that a renovated lobby conveys; namely for example, a community vision and quality of life issue.

The opportunity for including owners in the decision making process may include something as simple as keeping the owners informed about various issues coming before the board via a newsletter. Or the opportunity may include something more complex as seeking the input of owners prior to decision making. (See Appendix B “Suggestions For Promoting Community Inclusiveness”)

However, there are some issues that require the board to seek owner approval. The condominium governing documents and the condominium law (Chapter 514A, Hawaii Revised Statutes) are good places to start researching which issues require owner approval. When the board is in doubt about these situations appropriate professional advice should be sought i.e., an attorney with knowledge of the condominium law.

Caveat: The board may take steps to ensure that it elicits the opinions of all members. However, boards must remember that they are fiduciaries and are responsible for making the final decisions where board action is required.

Wherever possible and practical attempts should be made to translate into other languages various notices, newsletters, and other written communications to owners. This point is especially important in Hawaii where various cultures coexist. Otherwise some owners may be left out of sponsored activities because of a language barrier (Some software programs may be used to translate English into another language and vice versa).

☞ **Providing Opportunities For Healthy Communications.**

Often, the job of the board of directors is made difficult because of miscommunication, ineffective communication, or lack of communication among members. Examples of such may include where:

- there is an unnecessary prolonged discussion of an agenda item or where a reasonable action does not get adopted because of an unhealed emotional hurt;
- owners contractors’ efforts to repair or renovate the inside of the unit are frustrated by the directors’ and resident managers’ concern for the interference such causes with the use of the common areas and the safety of others;
- moving into or out of the condominium project causes the exchange of heated words between the condominium project’s personnel and a new owner.

Effective or healthy communications reconciles differences and fosters a sense of community. Poor communication creates unnecessary barriers to a sense of community.¹⁶

In the above repair or renovation example, communication between the resident manager or board prior to the start of the work might have coordinated the contractor’s schedule and the common area usage as well as ensure the

safety of other owners. Such communication might result in the resident manager providing owners, where available, on site copies of architectural drawings that could help expedite the repairs and renovations. In the above moving example, prior communication and coordination of the move might have resulted in minimizing the stress of moving, arguments with management, and making the new owner feel welcome.

Healthy communication requires that association members communicate honestly, frequently, directly and respectfully; that their words convey the same messages as their emotions, body posture, and actions; that they are willing and able to listen as well as to speak; and that diverse members feel included, ...and able to pursue group vision while honoring individual needs.¹⁷ (See Appendix C "Suggestions For Promoting Healthy Communication.")

☞ Use of Crises and Conflicts as Opportunities for Strengthening a "Sense Of Community."

The Chinese have a good word for crisis consisting of two characters. One character represents "danger," the other character represents "hidden opportunity."¹⁸ Crisis may be a hidden opportunity to grow collectively in community.

Crisis come in many forms including natural disasters and lawsuits. In time of crisis, individuals including condominium owners realize they cannot travel the road alone. They realize that they are interdependent on each other. During crisis members experience a commitment to collective goals and purposes.

A number of condominium associations in Hawaii have experienced the effects of natural disaster. In recovering from these disasters, these associations have had first hand experience with a "sense of community." Neverthe-

less, when the crises have passed, board members should continue to build on the experienced "sense of community."

Conflicts also present opportunities for building a sense of "community." Association members are different no matter how similar they may appear in terms of interest, social class, gender, race age and commitment to a common vision. As discussed before these differences contribute to the health of a community. Because of these differences, conflicts among association members are inevitable. *Nevertheless, when there is a "sense of community," members have learned to live with each other despite the differences and conflicts.* Thus, an association which for the sake of harmony hides and suppresses conflicts, anger and disagreements may simply be burying these feelings for the time being, only to resurface later. In doing this "... it deprives itself of crucial information and the collective wisdom that comes from sharing bad news as well as good."¹⁹ (See Appendix D "Suggestions For Resolving Conflicts.")

☞ Use of Consensus in Building "Community"

The problem solving method of consensus arguably is the best tool for resolving condominium governance issues. *Consensus is based on the belief that every member of the group, however naive, experienced, confused, or articulate – holds a portion of the truth and that no one person holds all of the truth.* Consensus is achieved when everyone hears each other out about every aspect of the issue while keeping an open mind and heart.²⁰ When consensus is reached the solution arrived at reflects the best course of action for all groups. Majority and minority interests groups feel that their concerns have been addressed by the solution. (See Appendix E "Suggestions For Building Consensus.")

☞ Acknowledging Special Days In Members Lives and Celebrating

Acknowledgment of red letter days, happy, and sad occasions including the passing of beloved members and their families enables condominium owners to connect to a larger community. In celebrating various holidays and red letter days owners reaffirm their connection with one another and their identity as an association of apartment owners with common purposes and goals. Cultural sensitivity is a must in Hawaii because of its cultural diversity. Care must be taken not to offend any ethnic group and by doing so exclude a group from a particular celebration. Thus references to celebrations should be culture neutral i.e., instead of calling an event a Christmas party, reference to such a celebration could be called “A Holiday Event.” (See *Appendix F “Suggestions For Celebrations.”*)

☞ Arranging the physical setting to facilitate a “sense of community;” building friendships

Scholars have explored how individuals use the physical place to forge a sense of attachment or home.²¹ The identification with place experienced as “at home” involves emotional ties, a sense of shared interest and values. Research indicates that friends or organizational involvement contribute positively to a “sense of community” as home.²² (See *Appendix G “Suggestions For Arranging the Physical Setting.”*)

Conclusion – Challenge for Associations and their Boards:

“Rugged Individualism,” is one part of the American tradition. “Rugged Individualism,” emphasizes the development of “self” and challenges Americans to strive to become, among other things: truly unique, a whole person, self – sufficient, captains of one’s own destinies. The tradition has left individuals leery of groups. A number

of individuals believe that individualism is lost when ascending to group goals; that groups or “community” require too many personal sacrifices.

Those of the past who have shaped European and American thinking have been telling people that they are “separate by nature.” In the last few decades these professionals have said that everything “is connected to and both influence and is influenced by – everything else.”²³ In the last few decades these professionals have placed greater emphasis on the benefits of group or community “synergy” where “the experience of individuals and groups exist in a dynamic balance and contribute to one another’s full expression rather than detracting from it.”²⁴

Naturally, condominium boards’ governance tasks become more challenging when some owners hold to the tradition of “rugged individualism” and fail to recognize the importance of a “sense of community.”²⁵ Daily, owners experience in some manner a sense of community as each owner routinely adheres to house rules and restrictive covenants, i.e., in refraining from hanging clothes, or barbecuing on the lanai. Each owner is dependent on every other owner to preserve the community to refrain from those acts that interfere with each other’s quiet enjoyment of the condominium unit and project.

A continuing challenge to boards and associations is succinctly stated by Peck:

To survive, a community must repeatedly stop whatever it is doing to ask how it is doing, to think about where it, the community, needs to go, and to be empty to hear the answers.²⁶

In doing so it may hear the collective judgment of owners enabling the board to better manage and plan responsively.

DISCLAIMER

DISCLAIMER: The suggestions are provided herein for general information purposes and illustrations only. No opinion is expressed as to the legality of the suggestions. The suggestions are not legal advice. The reader is advised to make an independent decision about whether any particular suggestion complies with the applicable requirements of the laws of Hawaii. The reader is advised to consult with an attorney or other competent professional prior to use of any suggestion. The authors, editors, and publisher specifically disclaim any liability, loss, or risk incurred as a direct or indirect result of the use and application of any suggestion. All procedures and suggestions are provided as general information only, and changes must be made depending on the specific circumstances of each case.

Appendix A

Suggestions For Preparing A Mission Statement:

- Involve wide participation in developing an association vision or mission statement. The board may consider involving itself, owners (resident and investor owners), renters, and any other groups living in the condominium in the process of clarifying the association's common purposes, goals, aspirations and shared values. Once the statement is developed, the board should arrange to have the statement published, distributed among owners and renters, and posted in permitted places throughout the condominium project. The development and posting of the statement helps to encourage a sense of community identity (what the association is all about; a "we" identity). Boards may review and re-adopt the mission statement at the associations' annual meetings.

In formulating the mission statement, the board may consider scheduling specific sessions with a committee of owners to do the following:



Note: The board should check the condominium's declaration, bylaws and house rules whether this course of action is permissible. If such action is prohibited the board then may consider amending the appropriate documents to permit such action.

- Agree on why they [the association of apartment owners] are together and what vision and set of values they hold in common;
- Examine how they [the association of apartment owners] make decisions and whether this matches the [association's] purpose, values, and vision;
- Conduct an informal... audit, noting which members tend to take initiative, bear responsibility, and accumulate information, then consciously choose to agree to accept or change these current... dynamics (committee assignments is subtle use of power);
- At least once a year, review, as a group, each of these areas, make any desired changes, and re-adopt the association's mission statement and process of governance.²⁷

Caveat: Mission and vision statements must be consistent with provisions of the condominium law (Chapter 514A-Hawaii Revised Statutes), and the association's declaration, bylaws, and house rules. In fact mission statements help implement the declarations', bylaws' and house rules' directions and provisions.



Note: Educating prospective purchasers early about the association's mission statement may help the new owner understand that the purchase includes a commitment to living in a "community." Early education efforts may include distributing a copy of the mission statement to prospective purchasers.

Appendix B

Suggestions For Promoting Community Inclusiveness:

- Foster and encourage a sense of association “allness.” This may include:
 - celebrating the diversity of association members. For example, provide for different ethnic theme events, activities for young and old alike, families of all kinds, occupations of all sorts, a variety of hobbies, and educational sessions such as current condominium issues, etc. Part of celebrating diversity includes an examination or survey of the groups’ interest and concerns. The survey may include a mailed questionnaire, phone, or face to face interviews;
 - sponsoring community events. Hawaii condominium association sponsored events include:
 - ⇒ holding regular monthly open meetings i.e., town hall meetings where owners and renters can talk to the board about anything and vice versa;
 - ⇒ a vendors home improvement fair; where vendors are invited to exhibit their products and services on site at the condominium;
 - ⇒ distribution of community bulletin, events and announcements to owners, absentee owners; and renters; and
 - ⇒ a community signage program; the adoption of an association logo and conspicuously displaying the logo on condominium signs, letterhead, stationary, and bulletin board;
 - establishing a welcome committee which greets, or a welcome meeting where, new residents are greeted and oriented about association living and encouraged to participate in association activities and committees;
 - use of high technology such as in-house cable television, voice mail, telephone answering machines, electronic mail, facsimile machines, etc. to communicate association events, meetings, surveys, etc. to owners, including absentee owners.

Caveats: Certain state and federal laws may apply to the types of events sponsored by the association. These laws may impact the manner in which the event or activity is announced, advertised or offered. Please consult the advice of the association’s attorney or other qualified professional about these matters.

Appendix C

Suggestions For Promoting Healthy Communication:

- Schedule, where permitted, different types of meetings for different purposes. For example, a town hall meeting design to obtain direct input from owners and promote an opportunity for interaction between board and owners, or an information meeting to work out the scope of the agenda prior to a duly noted board meeting or membership meeting. At such time, any problems which may require some emotional airing can be initially dealt with, leaving the real issues for decision making at a duly noted regular or special meeting.

Caveat: Section 514A-82 (b) (3), Hawaii Revised Statutes, requires notices of association meetings, whether annual or special, must be sent to each association member at least 14 days prior to the meeting, and contain at least the date, time, and place of the meeting, agenda items and a standard proxy form, if any.

Section 514A-82 (b) (9), Hawaii Revised Statutes, requires, whenever practical, notices of board meetings be posted in prominent locations within the project seventy-two hours prior to the meeting or simultaneously with notice to the board of directors.

It appears that informational meetings, at which no association business is transacted or requires a decision by the board or membership, do not constitute an association meeting (annual or special) or a board meeting. Nevertheless, mailing to owner and board members a notice of these informational, town hall, or information gathering meetings is recommended and in keeping with the spirit of open communication and community sense.

- Adopt an association's communication agreement whereby members agree to conduct their communications based on certain principles which facilitates communication. Sample provisions of the agreement may include the following:²⁸
 - Take responsibility for one's own feelings. Do not expect others to read your mind. Use "I" statement and refrain from blaming.
 - Communicate directly (either orally or by writing) with the person or persons involved in an issue. Do not work through go-betweens or serve as a go-between for others. If someone asks for information about an issue in which one is not directly involved direct him or her to the proper source.
 - Refrain from speaking critically about others behind their backs unless you voice the same criticisms to their face. To avoid unhelpful speculation, give specific names when you make a critical comment in a meeting.
 - State one's position or concern before asking how others feel about it. Do not set someone up to give a "wrong" answer. Be courageous and put oneself on the spot first.

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- Practice active listening. Listen silently and with your whole self until the speaker has finished speaking. Then restate what the speaker has said and wait for a confirmation i.e., “Did I get that right?”
 - Provide continual feedback. Do not allow resentments to build up and do not forget to give positive strokes.
 - Respect and validate other’s feelings. If you do not agree or do not support another’s statement, acknowledge what has been said, then make your point.
 - Use humor softly, not sharply.
 - Educate all owners including absentee owners, and renters on the association’s communication agreement. Post the agreement. Publicize the agreement in the association’s bulletin. Pass it out prior to the start of meetings.
 - Create a procedures manual or other written material setting forth how routine occurrences are handled. Publicize the scheduled activity like post a sign that a move is scheduled for Saturday or post the procedure recommended before the move i.e reserve elevator.
 - Keep owners informed about the activities and accomplishments of the association through some form of written communication such as a regular newsletter, an annual report and an annual fact sheet providing information on the association’s rules, policies and expectations illustrating which responsibilities fall to the association and which fall to the owner.²⁹
 - Provide owners with a complaint form for use as needed. Establish a procedure for complaints to be reviewed.
 - Respond quickly to owner inquiries. This may include a short letter thanking the owner for the owner’s comments and what actions are being considered to address the owner’s concerns. If more time is needed to respond to the owner’s inquiry acknowledgment of receipt of the inquiry and notice that the matter is being investigated is proper.
 - Provide ample time in board meetings for owners’ questions.

Appendix D – E

Appendix D Suggestions for Resolving Conflicts:

- Work on resolving the conflict together; provide for a win-win situation where all parties have a chance to get what they want and experience interdependence at a deeper level. Most often the skills of a trained third party like a mediator may be needed to help resolve the conflicts.³⁰

To support the condominium statute's provision for owner enforcement and association self-governance, the Real Estate Commission sponsors a mediation program to bring disputing parties to discuss their condominium problems. The program is operated through the Neighborhood Justice Center and through Mediation Services of Maui. Specially trained mediators assist the parties in communicating about the issues, exploring possible solutions, and negotiating mutually acceptable settlements. Mediators do not impose solution on parties to a dispute but try to help them reach their own solutions. Where necessary mediation services are provided on the Neighbor Islands.

On Maui contact:
Mediation Services of Maui, Inc.
Cameron Center, 95 Mahalani St.
Wailuku, Maui, Phone: (808) 244-5744.

For all other islands contact:
Neighborhood Justice Center
200 North Vineyard Boulevard, Suite 320
Honolulu, Hawaii, Phone: (808) 521-6767.

- Implement an in-house procedure for expressing complaints which may include a suggestion box. View complaints as an opportunity to solve problems rather than negatively as a nuisance or reproach.³¹
- Have a written agreement for resolving conflicts prior to arbitration; including a process for accepting and resolving complaints, and mediation by an owners' committee trained in mediation techniques.

Appendix E Suggestions for Building Consensus:

- Encourage members to share their views on how to solve the associations problems through use of:
 - ⇒ questionnaires and surveys;
 - ⇒ personal direct contact;
 - ⇒ suggestion box in convenient locations;
 - ⇒ acknowledgement of members' sharing of problem solving ideas.
- Promote healthy communication. Use the suggestions for promoting good communications in Appendix C.

Appendix F

Appendix F Suggestions for Celebrations:

An association celebration will be limited by the amount of funds available, potential liability and the human and physical resources necessary to organize an event.

In planning events, think in terms of variety. Over the course of a year, each event can target a different audience, be held during different times of the day or different days of the week, and vary according to size and location.

Some themes and celebrations Hawaii condominium associations have reported include:

- Traditional holidays (i.e., New Year's Day open house, holiday tree lighting, Halloween party/door decoration contest)
- Hawaiian holidays (lei making for Lei Day, luau)
- Sporting events (Super Bowl Sunday, Honolulu Marathon)
- Unique events (anniversary of the building, remodeling of the pool, welcome new manager)
- Senior citizens themes (bridge/cribbage night, reruns of classic movies)
- Kids (pool parties, Halloween costume contest)
- Adults (country and western BBQ, dance lessons, karaoke contest)
- Family (international pot luck dinners, talent show)



NOTE: Arranging the physical setting of the common areas, and scheduling and providing opportunities for developing friendships and interest is not enough. Board members should insure that enough public relations is conducted to promote the events. After all, community events help to create a sense of community, allow neighbors to meet each other, and create that pool of volunteers that give life to the association. Community Association Institute (CAI)²², an organization devoted to education, research, and publications about condominium governance issues offers the following suggestions for creating a “sense of community” among residents and increasing attendance at community and social events:

- organize, schedule and promote the events far in advance and disseminate the events and dates often – give some publicity to the events in each newsletter;
- have a committee to remind people about the events; a phone tree of friends reminding friends is more effective than a flyer;
- advertise the event with “flair;” build up the event, explain the benefits of attending, put “pizazz” in what is said, i.e. instead of saying “food will be served,” say, i.e., “spicy barbecue chicken.” Include testimonies from others about past events;

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- make traditional an annual event; “an annual event gives a feeling of continuity and tradition,” i.e. holiday bonfire, Halloween trick or treat, annual family campout on recreation deck, Fourth of July event including a children’s parade, bingo, races, fire-works display. Such events get talked about all year and owners can plan for it and look forward to such;
 - vary the events in accordance with what the resident owners want; surveys written and oral may help determine what events are preferred.³³

Appendix G

Suggestions for Arranging the Physical Setting:

Research results impart several lessons for condominium associations and their boards in arranging the physical set up of common areas:

- schedule activities that give opportunity for the development of friendship and shared interests (examples – photography class, yoga, exercise, sports programs, dances, playgrounds, paths, ponds, fishing, cultural activities,³⁴ concerts, art show, lecture series, community outreach (i.e. toy drive for a favorite charity, clothing drive for disaster victims etc.)



Note: Board decisions to involve the association with the greater community sometimes creates liability. For these reasons, boards should consider minimizing the association's risk by insurance and seek the professional advice and services of qualified individuals i.e., attorneys, insurance professionals, about the potential liability issues. After all, good neighbor programs serve a greater societal purpose.

- provide places in the common areas for social interactions i.e., recipe exchange club, photographic exhibitions, personal computing (PC) tips and network, association library, exchange of compact disks (CD's), cassettes etc.

Endnotes

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- 1 — 1. (Budd 1994, 10 (5):16)
- 1 — 2. (Phagan 1991, 5)
- 2 — 3. And for those governance problems that do surface, such may be resolved early and amicably. Resident and investor condominium owners who give credence to a “sense of community” further believe that the sense assist owners with:
- the understanding that board decisions and plans promote the common good of the association and not the interests of a select few;
 - the acceptance of rules and the enforcement of such; owners see the inconvenience of complying with rules and board decisions as necessary for the advancement of the association’s common vision and goals;
 - seeing themselves as part of a team committed to a common vision or goal, in that, they encourage each other to support and comply with board plans, decisions, rules and covenant restrictions;
 - achieving the desired quality of life hoped for when they made their apartment purchase.
- 3 — 4. (Paul 1986, 3)
- 3 — 5. (Shaffer and Anundsen 1993, 41)
- 3 — 6. See generally *Nahrstedt v. Lakeside Village Condominium Association, Inc.*, 33 Cal Rptr. 2d 63 (Cal. 1994), *Association of Owners of Kukui Plaza v. City and County of Honolulu*, 7 Haw. App. 60, 742 P.2d 974 (1987).
- 3 — 7. Certain timeless qualities epitomize every type of community whether traditional or newly emerging. Chief among these is commitment. Commitment as a group whether to family, place, requires clear communication, or the healthy working out of conflict requires that community members embody such other timeless values as trust, honesty, compassion and respect. (Shaffer and Anundsen 1993, 9-10).
- 4 — 8. There are two ways out of chaos; escape into organization (but organization is the antipode of community), and through emptiness. (Peck 1987, 90-94)
- 4 — 9. There are two types of prejudice, one is judgment about people without any experience of them, the other is making judgments based on limited experience (Peck 1987, 95-96).
- 5 — 10. Common purposes and goals must be linked to the members’ vital concerns.
- 5 — 11. The statements may become binding on successive boards and association members if they are formally adopted as house rules, amendments to the declaration, bylaws or resolutions. Boards desiring such ends must satisfy the appropriate requirements for amending its declaration, house rules, and bylaws.

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- 5 — 12. (Budd 1994, 10 (5): 18)
- 5 — 13. (Peck 1987, 61-64)
- 5 — 14. Additional, today there are federal and state laws prohibiting discrimination and mandating inclusiveness in many aspects of condominium living. Even if not explicitly required, it makes good sense for boards to provide owners with the opportunity to be included at some stage in the decision making process.
- 5 — 15. The Hawaii condominium law Chapter 514A, Hawaii Revised Statutes, can be viewed as promoting inclusiveness of owners in condominium governance. The laws mandate that owners have access to board meetings, condominium documents, financial records. These laws include: §514A-83.1 (opening of all board meetings to owners, except executive sessions); §514A-83.5 (documents of the association including financial statements, board minutes, general ledgers, accounts receivable ledger, accounts payable, check ledgers, insurance policies, contracts, invoices; proxies, tally sheets, ballots, owner's check-in lists, certificate of election); §514A-82 (b) (3) (notice of an association's annual or special meetings must be sent to all owners at least 14 days prior to the meetings); §514A-82 (b) (4) (gives owners the same opportunity as a board member to use association funds to solicit proxies for the election or reelection of board members); §514A-83.1, §514A-84.5 (requires managing agent to provide owners, prospective purchasers, and prospective purchaser's agent(s) an accurate copy of the declaration, by-laws, house rules, master lease, sample conveyance documents, public reports and any amendments subject to certain conditions). Such laws ensure that all owners have access to, as well as the necessary information and tools for inclusion in quality community life.
- 6 — 16. (Shaffer and Anundsen 1993, 252)
- 7 — 17. (Shaffer and Anundsen 1993, 254)
- 7 — 18. (Peck 1987, 79)
- 7 — 19. (Shaffer and Anundsen 1993, 290)
- 7 — 20. (Shaffer and Anundsen 1993, 281)
- 8 — 21. (Cuba and Hummon 1993, 113)
- 8 — 22. (Cuba and Hummon 1993, 123)
- 8 — 23. (Shaffer and Anundsen 1993, 29-33) (Peck 1987, 53-58)
- 8 — 24. (Shaffer and Anundsen 1993, 31)
- 8 — 25. Peck summarizes this position as:

So we are called to wholeness and simultaneously to recognition of our incompleteness: called to power and to acknowledge our weakness; called to both individuation and interdependence. Thus the problem — indeed, the total failure of the “ethic” of rugged individualism is that it runs with only one side of this paradox, incorporates only one half of our humanity. It recognizes that we are called to individuation, power and wholeness. But it denies entirely the other part of the human story: that we can never fully get there and that we are, of necessity in our uniqueness, weak and imperfect creatures who need each other. (Peck 1987, 56)

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- 8 — 26. (Peck 1987, 211)
- 10 — 27. (Shaffer and Anundsen 1993, 273)
- 12 — 28. (Shaffer and Anundsen 1993, 253)
- 13 — 29. (Budd 1994, 9 (4):17-21)
- 14 — 30. When conflicts surface, associations have chosen to do a number of things including (Shaffer and Anundsen 1993, 292):
- Avoid it and pretend the conflict does not exist;
 - Argue, fight, use power plays or take the case to court until someone wins; in doing so the association becomes polarized whereby the “sense of community” and commitment to a common vision is destroyed;
 - Work on resolving the conflict together; providing for a win-win situation where all parties have a chance to get what they want; and experience interdependence at a deeper level. Most often the skills of a trained third party like a mediator may be needed to help resolve the conflicts.
- 14 — 31. Elementary school children have been successfully taught conflict management skills. Association members with time to commit to the same training may also successfully learn the process. (Shaffer and Anundsen 1993, 297).
- 15 — 32. Community Associations Institute, 1630 Duke Street, Alexandria, Virginia 22314, (703) 548-8600.
- 16 — 33. (Common Ground 1994, 10 (5):19-20)
- 16 — 34. (Diamond, Harvill, and Kristian, 1994)

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The "author-date" form of citation has been utilized in this publication and consists of the author's last name, year of publication of the work and specific page, section or other element of the cited work (e.g., Jones 1999, 125), "Author" means the name under which the work is alphabetized in this bibliography. Source consulted: *The Chicago Manual of Style*, 14th ed. 1993, (The University of Chicago Press, Chicago, Illinois).

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