

October 2017

COMMUNITY MOMENTS

A REALMANAGE PUBLICATION



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Resident Services Group Interim Supervisor

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PRESIDENT'S LETTER

With the official start of the fall season upon us, I am beyond excited for the temperature change, getting into new rhythms with the kids in school and most importantly, football! While it can be intensely argued, my Dallas Cowboys are poised for a strong performance this season and hopefully a much needed trip to the playoffs and a Super Bowl Championship.

As one of the leaders of the RealManage team, my emphasis for our teammates has been living and serving with a "champion's heart." To me, this means that every member of our organization operates as the best version of themselves with our leadership team fostering the best possible environment for them to grow and serve. As a professional services firm that is committed to selfless service, I want every member of our company to think, grow, and act as if they are reigning champions fighting to defend their title.

Alongside our employees, our client communities are our priority. I am confident that our clients will receive the highest level of service if our whole team is operating with a champion's mindset. I hope all of you have a great start to the fall season and please do not hesitate to reach out to me or your management team if you ever need anything.



Chris Ayoub
President, RealManage

EMPLOYEE SPOTLIGHT

Michael Horner

RSG INTERIM SUPERVISOR

Powering up your computer brings about a calm silence first thing in the morning. As I wait, I hear in the distance "It's a great day at RealManage," and I smile. It is a great day. While most of our bullpen can hear the vibrato of Mike Horner's voice, few will complain. It's crisp, positive, and contagious.

Mike is a graduate of Salisbury University and works at RealManage in their Resident Services Department as an Interim Supervisor, Team Lead and Trainer. His degrees in Psychology and Philosophy increase his ability to draft training materials and assist managers on maximizing positive customer interaction and efficiency simultaneously. He was named Cira Star in December 2016.

As the Voice of CiraConnect, he is heard nationwide in the CiraHelp videos produced by the BEST team, but also trains new hires in the Resident Services Department. He is RSG interim supervisor, when needed, and has received many compliments from homeowners and colleagues alike (as well as a scratch off ticket from a homeowner in Illinois sending as thanks for his great service).

While in college he worked on campus in the Writing Lab assisting other students with research papers and editing their work. His history working in various call centers has granted him insights into how different call centers operate. It has also allowed him to talk to different types of people and experience varying situations such as handling escalated issues, multitasking with email and responding to chat correspondence.

He enjoys playing with his cat, Samantha, and is an avid video game enthusiast. He is also a formidable opponent in a debate and loves to argue, but a great conversationalist when he finds the topic interesting. While Dallas, Texas could not be more different than his hometown of Chance, Maryland, he has found a home here.

Starting his working career at the young age of six as a grave sweeper, working a position with numerous people under him (laughter please), we are happy to be moving Mike into a position where those under him are still breathing. Mike has excelled in the digital and real world alike. One thing is for sure, RealManage is honored to have Mike Horner on our team.



Written by **Missy**

RealManage/GrandManors Resident Service Manager



Dallas, TX



Lake Tahoe, CA

BOARD SPOTLIGHT

Alan Hu

OCEAN COLONY, HALF MOON BAY, CA

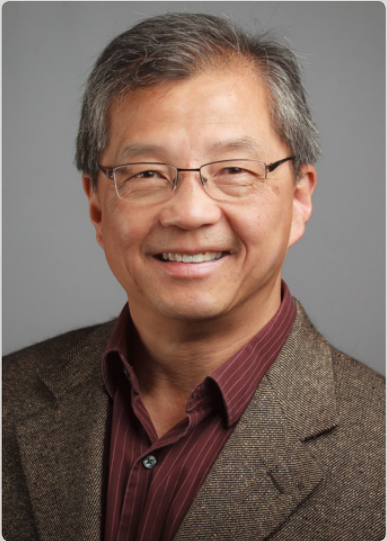
Ocean Colony is a beautiful beach and golf community in Half Moon Bay, California. In addition to its two golf courses, the influence of the Pacific Ocean over which many of the homes perch is a year-round draw for both residents and visitors to the Ritz Carlton Resort. The hotel makes up a portion of the community and offers many amenities to residents including a swim and tennis club.

In addition to beautiful homes and the natural environment, Ocean Colony also counts itself lucky to have many dedicated volunteers on its committees and its board. One of the most illustrious is Alan Hu who has been a member of several committees, Vice-President, Treasurer and President of the Board. Alan moved to Ocean Colony in 2006 and has been active in its operations ever since. He was elected to the Board in 2011 and continues to serve. His demeanor, out-of-the-box thinking, dedication and enthusiasm are infectious to residents and staff — and shows in his thorough preparation for each item in every meeting.

During his board tenure, Alan was responsible for several important initiatives including an emphasis on building community spirit and interaction. His most recent achievement is the complete rebuilding of a playground for Ocean Colony's children. He formed and guided the all-volunteer committee that took the playground from concept to completion, as it dealt with designers, vendors and the ubiquitous state and local regulations that govern the installation and operation of children's play areas.

Alan is a high-tech executive with extensive experience in services, marketing with both established companies such as IBM and McKesson Corp. He now focuses his professional energies on start-ups as well as a charitable foundation which he co-founded.

Alan and his wife, Christina, enjoy all aspects of the outdoors and Alan is often seen around the neighborhood pedalling on his foldable bike as well as a road bike. Among the Hus' many travels are those in which they accompany their son, Nicholas, a talented member of a regional choir and the San Francisco Symphony, as he sings in venues from the U.S. to Europe.



Written by **Debbie Gatzek Kratter**
Board President of Ocean Colony

HOA Volunteer Immunity and the Standard of Care

Unfortunately, one of the most persistent and justifiable worries of volunteer HOA board directors is their vulnerability to lawsuits. In order to gauge one's own vulnerability, it's important to consider the many layers of potential immunity and general protection that apply to one's unique situation. These include the federal Volunteer Protection Act of 1997; one's state laws protecting volunteer HOA directors; protections within one's HOA governing documents; protections within one's HOA insurance policy; and any personal umbrella insurance one may have or choose to purchase. All of these layers of protection depend on meeting certain conditions generally relating directly or indirectly to the notion of a standard of care underlying one's duties as an HOA director.

LAYERS OF IMMUNITY OR PROTECTION FROM LITIGATION

The Volunteer Protection Act of 1997

The protection provided under the federal Volunteer Protection Act (VPA) to volunteer HOA directors is indirect, as it refers to volunteers in general. However, as federal law, it carries the greatest weight.

To slightly oversimplify a complex and nuanced body of law, the VPA protects uncompensated, properly licensed/certified/authorized volunteers of non-profits from being liable for damages resulting from their unintentional acts of ordinary negligence while performing activities that fall within the scope of their duties as volunteers. It does not, however, protect against criminal acts, intentional misconduct or acts of gross negligence.

State laws protecting volunteer HOA directors

Every state in the U.S. has statutes protecting volunteers from litigation. These statutes can only build upon, and never subtract from, the foundation of federal protection provided by the VPA. In some states, statutes will offer conditional legal immunity or protections specifically to HOA board members. Furthermore, some states offer protections that reference the HOA's governing documents or the HOA's liability insurance. Therefore, it's of vital importance that volunteer HOA directors familiarize themselves with their state's applicable legal protections and how they fit in with other layers of legal protection afforded them. Gathering and summing up this information is an ideal task for the HOA's lawyer.

Protections within the HOA's governing documents

Some states, such as Colorado, allow for HOA governing documents to afford additional legal protections to their directors over and above those provided at the federal and state levels. Therefore, HOA board members should familiarize themselves with the relevant section of their governing documents, where applicable, as they may bring them additional relief.

Protections within one's HOA insurance policy

An HOA's insurance policy can provide yet another important layer of protection. Both the HOA's general liability insurance, as well as any directors and officers (D&O) insurance they may have purchased, can provide individual board members with substantial protection against damages arising from lawsuits. However, it's important to look at each policy for the specific language governing the amount of protection, the scope of the coverage, and the complete list of conditions and exclusions. It's also critical to check for any connection the insurance may have to state law. For example, in California, HOA volunteer board directors are typically immune from liability for damages that exceed the amount that their HOA's liability insurance covers.

Personal litigation umbrella insurance

The prospect of spending one's own money to protect oneself against the potential repercussions of one's actions as a hard-working volunteer is unsettling. However, the reality is that after all the layers of protection above have been taken into account; there may still be gaps. In that case, it's worth considering a reasonably priced personal umbrella policy or rider to ensure a safety net is in place.

THE STANDARD OF CARE

The standard of care, or set of conditions that one must meet, in order to qualify for protection from litigation or damages by the various sources outlined above, differs from each source. Therefore, it's important to look over the entire list of conditions for each and ensure that you meet them. In order to qualify for most of the sources and levels of protection listed above, one must make reasonably well-informed decisions; one must act on behalf of the interests of the HOA, rather than for personal gain; one must not be grossly negligent of one's fiduciary duties as a director; one must not engage in any activity that requires a license, certification or authorization that one does not possess; and one must not engage in any willful or criminal misconduct—to name only a few of the most common conditions.

KNOWING WHERE YOU STAND

Understandably, volunteer HOA board directors want to avoid lawsuits. However, to minimize your exposure, it's important to do the work of familiarizing yourself with each level of immunity or protection afforded by the many applicable sources that address volunteers in general and HOA board directors in particular. To get started, begin with the federal Volunteer Protection Act. Then check your state laws protecting volunteers and, in some cases, HOA directors. Next, look closely at your HOA's governing documents and insurance policies, paying close attention to any tie-ins to state law. Finally, explore a personal umbrella insurance policy or rider to fill any gaps you've found along the way. However, throughout this process, it's important to remember that all of these layers of protection from legal liability and damages depend on meeting certain conditions as a volunteer director. Therefore, in a sense, the most important protection of all is to hold yourself to the highest standard of care that you possibly can.

Creating an Electronic Communication Policy for Your HOA

Your HOA communicates through several different methods when you're communicating with the your association members . In order to successfully govern electronic communication methods like emails and social media posts, it's important that your HOA develop a strong policy for those methods of communication.

Liability Issues

When your HOA communicates with homeowners or posts information on social media, the members could be liable for what they're posting. In some cases, there is immunity for volunteer board members; however, it's important that you understand exactly how this immunity works and how to qualify within your state. In general, the best practice is to consult with an HOA attorney while you're drafting your electronic communication policy so that you can be sure each member of the HOA fully understands the responsibilities they're taking on each time they send an electronic communication.

By the Numbers

In general, people receive an average of 88 emails per day--and they may send an average of 34 or more, especially if they're engaged in professional communications for any reason. For many people, this isn't just about a surplus of electronic communication arriving in their inbox that they have to sift through. It also means that the average person may begin to treat emails very casually--especially the millennial generation, who grew up sending emails to friends. When you're a member of an HOA board, however, it's critical that you take each email seriously. Your electronic communication policy needs to include the care members should take when creating electronic communications, including reminders that emails and social media posts are just as serious as physical notices.

Training Your Members

Each time you add a member to your HOA board or committees, it's critical that they be fully briefed on and trained in your electronic communication policy. Once something is online, it's out there forever! That means that it can show up in later dealings with the public or with specific homeowners--and inappropriate, rude, or unprofessional emails and social media posts can go a long way toward decreasing your ability to successfully interact with homeowners in your association.

Drafting Your Policy

When you sit down to draft your communication policy, make sure it includes all the key details! Your electronic communication policy should include:

- What types of messages are allowed? Can reminders about upcoming meetings be sent to members via email? What about information about violations?
- Who is able to send messages representing the HOA? This should include both who is able to send email messages and who is permitted to post to social media channels as an HOA representative.
- What oversight is in place in order to ensure that messages are being sent responsibly?
- Information about state laws involving electronic communication, including how those laws are integrated into the communication policy of your HOA.
- What to keep offline. Confidential board matters, for example, should not be discussed online, particularly not in social media forums.

Using Social Media the Right Way

Social media plays a key role in today's communities. Your social media, whether you admin a group for your community or simply keep a page for announcements and discussions, is a great way to communicate public information, post events, build community, and encourage discussion from homeowners. Creating an active social media page for HOA communication is a great way to reach homeowners and connect members--but it must be monitored carefully in order to ensure that you're branding your community the way it should be.

Crafting your electronic communication policy is an important part of building interactions within your HOA. You want your emails and social media posts to be as professional and responsible as your other communications with your homeowners, setting an attitude of community and building rapport with the homeowners within the community. By creating a robust policy, each member of the board will know where to turn when they have concerns about communications within the community.



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