



Michele_Steinberg Welcome to today's Firewise chat session. And thank you for joining us. Today's chat will feature information about community associations. Developments governed by community associations are growing, and today, one of every five homeowners lives in a community association. We're going to hear more about how community associations can use Firewise in new development and existing neighborhoods. My name is Michele Steinberg and I am the support manager for the national Firewise Communities Program. Judith Leraas Cook, project manager for Firewise Communities/USA, and I will moderate today's session. Welcome, Judith!

Judith_Leraas_Cook Welcome, Andrew, and hello to all of you! I will be especially interested to hear you today, as my homeowners association belongs to CAI.

Michele_Steinberg Thanks, Judith. We are delighted to have Andrew Fortin, Esq., as our chat guest today. Andrew is the Vice President of Government and Public Affairs for the Community Associations Institute. This national institute provides services and advocacy for the more than 300,000 community associations existing in the U.S. Andrew has been working with Firewise staff to help us develop a guide for developers and community association members on how to be Firewise from the ground up and how to maintain a Firewise community.

Please hold your questions until the end of the presentation. The chat will then become completely interactive. We encourage you to join in at that time. Andrew, can you tell us more about what the Community Associations Institute does and who it serves?

Andrew_Fortin Thanks, Michelle, The Community Associations Institute (CAI) is a membership organization that represents the more that 60 million Americans that live in a common interest community. We provide information to our members on building harmonious communities, educational programs and actively advocate for public policy that supports neighborhood governance.

Michele_Steinberg What is a Community Association? Why do we have them?

Andrew_Fortin Generally, a community association is a nonprofit corporation that encompasses a neighborhood, building or group of buildings. It is charged with governing the community, maintaining the common elements, and enforcing the rules of the community as adopted by the board of directors members or put in place during the development process. There are three main types of community associations – Homeowners Associations (HOAs)/planned communities, Condominiums, and co-operatives. A common element of a community association

is a contractual relationship among the residents that binds and obligates them to maintain the common elements of the community. For an HOA or planned community, common elements can include roads, parks, clubhouses, sewers, social activities, and so on...

For a condominium it can include the common elements of the building such as the façade, support structure, balconies, roof, heating a cooling units, etc. These obligations are incorporated into the deed to the property which can provide for limitations to the use of the property – e.g- residential only – and allow for community based governance which can adopt rules that homeowners will be required to follow....

Planned communities have been around for some time, but emerged on a large scale at the turn of the 20th century as part of the City Beautiful movement. But modern community associations emerged on a large scale in the 1970s.

Community associations continue to thrive because they allow the expenses of a growing housing market – both the physical and social infrastructure – to be supported by the residents in the community, freeing up local taxes for other uses. As the market drives housing choices, it also shapes community associations. A homebuyer has a broad range of choices when buying a home in a community association – the choices reflect a diverse demand for house and range from a trailer park with limited amenities and low assessments to a high rise condominium to a development with thousands of homes and lots of amenities. Restraints on local government resources will insure that community associations will be part of the housing mix for some time. Today 1 in 5 Americans live in this type of community. Those looking for more information on community associations are welcome to browse our website at <http://www.caionline.org>.

Michele_Steinberg Thanks, Andrew. We at Firewise realized we might have an opportunity with community associations when they are first developed. Can you tell us a little more about the opportunities that a new community might have in its initial stages to become Firewise from the start?

Andrew_Fortin The foundation for a community association starts with the developer. As the community is planned, the developer often selects – based on market trends a range of designs and materials as well as the layout of the community. These elements get recorded as a plat or community plan that shows where all the community elements, including individual lots will be. After that process is complete, the developer will file a master declaration – this is the foundational document for the community and contains many of the deed restrictions that will attach to the property and thus govern how it will be used in the future. That is also where the challenges lie. Deed restrictions are legal requirements that become part of the property and are very hard to change. If a deed restriction is in place, it may require that 100% or at the very least 67% of those with the deed restriction agree to its removal or alteration.

30 years ago, buyers wanted assurances that the look at feel of the community would be preserved, so many deed restrictions from that time are very focused on restricting alterations to the look of the property and ban things like solar arrays, clotheslines, etc. Thus working with the developer or educating them about Firewise concepts can help ensure they are incorporated into the community from

the get go. But as values and best practices change over time, deed restrictions should be broad and implementation of rules or details should be left to the community rulemaking process which is more adaptable to change over time.

Michele_Steinberg We are excited about providing good guidance for new community development to be safer from the start. But there are many community associations that have restrictions that are “unfriendly” to Firewise concepts – like prohibiting removal of vegetation, or insisting on only flammable roof types. What can an existing community do to address or change those rules?

Andrew_Fortin It is not an easy process to change people’s habits and perceptions. When it comes to ‘unfriendly’ concepts within your community related to fire safety, the best approach is to look at the big picture...That is, what is the restriction that is the problem, when was it put in place, what was the reason for it, is the restriction a rule (easy to change) or is it a deed restriction (difficult to change).

The deed restrictions and rules reflect the values in of the community or the values that existed when it was built so they are there for a reason. Understanding the background will help you know what needs to be done to change the situation. For example, does the change contemplated require a simple board action to amend or a 100% yes vote of the entire community? ...

Once you’ve identified what the rules/restrictions are that you’d like to work on and what it will entail to change them the second part of the process is making your case...Why should we change the rules as it relates to roofing? What’s wrong with the landscaping I have had for the past 30 years? How much will this cost me as a homeowner? What are the benefits? It helps to start addressing many of these questions before the debate begins so you can proactively address some known concerns – cost, impact, etc.

Keeping the issues focused on the impact to the community and homeowners will help and the fact that the underlying issue here is safety won’t hurt your efforts either...Try to pay attention on how you communicate this issue as well, focusing on accessible language that will appeal to the largest audience possible.

All communities are made up of a variety of political and culture views...avoiding ‘loaded’ terms or politicized language will help your audience focus on the issue rather than associating the effort with a movement, political philosophy or cause. For example – Starting our call for action by saying...“Global warming demands we spend more on fire safety now!” Depending on your views that may or may not be a motivating statement...“The increase in local bush fires and the forecast for continued drought makes rethinking our community fire safety plan timely.” I think you get the picture.

Michele_Steinberg Thanks, Andrew. That is great advice. You mentioned in your presentation material for our November conference the idea that community associations have “built –in activism.” This is an exciting idea when we think about applying the Firewise Communities/USA recognition model in a community association. Can you tell us more about how that works?

Andrew_Fortin Community associations are governed by their residents who also have chosen to live in a community that requires them to abide by rules and pay extra for the benefits of the community. Thus, your audience here has already indicated that they are willing to pay extra – in time, money or both – to ensure that

their investment in their home and community is protected. In the final analysis, a community association provides a built in governance and social infrastructure to start the education process.

Michele_Steinberg We'll be publishing our new guide, "Safer from the Start: A Guide to Firewise-Friendly Development," this spring. How do you see community associations finding out about it and using it?

Andrew_Fortin CAI provides educational programs and resources to our members. As with drafting this document, we are happy to work with the Firewise staff to develop any articles, educational programs, webinars, etc that will get the word out on the Firewise concepts.

Michele_Steinberg Andrew, thank you so much for sharing your time and insight with us. We'll post a transcript of this chat on the Firewise website shortly. Now I'd like to open the chat to our participants to ask you questions. The chat is now open to everyone. Feel free to ask questions of Andrew, Judith and me. If you have questions after the chat, you can contact me at msteinberg@nfpa.org. I will either respond directly or put you into contact with someone who can provide the information you need.

mike_frost Thanks Andrew. Do you have any stock "firewise" covenant language that CA's can look at?

Andres_Fortin No, but we certainly can work with you all on that. Generally as covenants are very hard to change, such language should be broad...E.g. - empower the board to adopt rules to promote fire safety in the community. As these standards will change, making sure future owners can adjust is a good thing. Covenants are like constitutional amendments.

Michele_Steinberg Mike, you'll see a lot of examples in the forthcoming "Safer from the Start" guide.

mike_frost Thanks.

Gary_Wood Andrew - if I'm following you correctly, we should encourage HOA's to incorporate the Firewise concepts into their "Landscaping rules" or Architectural rules" instead of CC&R's? This way they can change the rules, instead of requiring a deed change and majority vote?

Andrew_Fortin Great point Gary and yes, I think that is the better approach. The issues people have with HOAs is that they have covenants that are no longer socially relevant (solar panels, clothesline restrictions) and they are stuck with them. Even the guidelines you are developing now WILL change in 20 years, as covenants are very strong protections and hard to change, you don't want to be too specific there...that's what rules are for.

Judith_Leraas_Cook Andrew - The homeowners within HOAs certainly have views in its operation. And all rules must be sensible to the homeowners. I especially liked your advice about educating homeowners prior to a change.

Andrew_Fortin Thank. That is the key to the battle. People are leery of others telling them what to do with their property...framing the issue as one of safety and security helps and building your case is a must.

Judith_Leraas_Cook Are rules generally adopted by the Board with no vote at the homeowner level?

Andrew_Fortin It varies by community and state and the nature of the rule in question. Usually the board can adopt a rule by majority vote. Some issues, such as budgets or other hot button topics may require a vote of the membership.

Judith_Leraas_Cook Thank you! This is so helpful when we talk with HOAs.

Michele_Steinberg Andrew, we've had some concerns as we go forward with our guide from states that already have a lot of state regulation about wildfire. Any tips for our audience on connecting the HOA rules to existing state regs? I'm thinking of things like zoning - setbacks, defensible space, veg removal, etc.

Andrew_Fortin I think focusing on safety and protection of property is always key as is noting that some state codes provide a regulatory floor for what is minimally acceptable. Thus focusing on how your rules add to the level of protection and assurance is helpful. I also think if presented right, this gives communities a sense of control, that there is something they can do in the face of environmental challenges...too often those issues are framed in neo-Malthusian gloom and doom terms.

Michele_Steinberg Great answer! We are going to be advising that HOAs make sure they know what the regulatory bases are before adding more Firewise protections.

Judith_Leraas_Cook Is it not true, however, that state, county and other local regs trump CCRs and rules? In that the sense that they be used as a platform.

Andrew_Fortin It is true that state and local laws can trump CCRs, but that assumes that the community is within their jurisdiction...some community associations are not in a municipality...The point is you can be safer than you may be if you just follow the city's advice.

Judith_Leraas_Cook Right. Thanks!

mike_frost This is why it seems important for each community to prepare it's own CWPP, so a plan can be developed and people can be encouraged to follow the plan. The "power of persuasion" in showing how this plan benefits everyone, is very important in my opinion.

Judith_Leraas_Cook Agreed, Mike.

Andrew_Fortin I think that is absolutely true and again goes back to creating a sense that you are there to empower the community not regulate it.

Michele_Steinberg At the presentation I made on this topic in Tampa, there were a number of folks from HOAs - some said they were "voluntary" HOAs. Would those kinds of groups typically adopt rules such as we are discussing?

Andrew_Fortin In the case of a voluntary HOA, basically a group of concerned neighbors with no power to adopt CC&Rs or rules, it would be more of an

informative community program. Still helpful, but you won't get the enforceability that a rule in a true HOA would provide....still helpful however.

mike_frost Even if they do adopt rules, they're still "voluntary" at the end of the day. That's why homeowners need to be persuaded that what they're doing is the right thing.

Michele Steinberg I see Patrick Mahoney online here. He took me to visit areas of his district in SW Florida a couple weeks ago and I observed what I think is a common problem nationally...subdivided areas with roads and lots but only SOME homes -- lots not yet developed that were loaded with vegetative fuel in a very fire-prone condition. What can HOAs do about this issue and at what stage? Is it back to the developer/landowner to deal with the undeveloped lots?

Andrew Fortin Usually yes, if the community has not yet transitioned to control of the homeowners, then the developer would be responsible for maintaining the lots. Also, back to Mike's point. A rule duly adopted by an HOA is not "voluntary" and HOA may fine or otherwise sanction a homeowner who flaunts the rule. In some cases the community can foreclose on properties for failure to obey rules (mainly paying their assessments).

That's why some folks don't like us much! ::blink

Gary_Wood Some communities in NC will send the lot owner a letter advising them to maintain their property with a deadline. They advise that if it isn't maintained within the period stated, the HOA will have it mowed / brushed, etc. and will bill the property owner.

Andrew Fortin Some HOAs have the authority in their documents to take 'self-help' measures to correct such conditions. This is usually reserved for safety and property protection issues---E.g., the power to enter a condo when the owner is away and a pipe breaks, or as you note, the power to enter and remedy a fire hazard or other condition on the property.

Michele_Steinberg I know some of our veteran chatters here, but I don't know if I've met Richard Hart, Kim or Doug Hammond. Would any of you like to ask a question or make a comment?

Kim no thanks

Richard_Hart Not at this time

Michele_Steinberg This has been a really good chat. Any other questions or comments before we wrapup?

mike_frost Nice chat Andrew; thanks. Michele, how about a chat sometime on the debate over "Stay and Defend or Leave Early"? Isn't that the 800 pound gorilla in the room these days?

Doug_Hammond I am just here to observe thanks for the invite.

Andrew Fortin Thanks for having me here today. We are look forward to continuing to work with you all on this issue. It is very important.

Judith_Leraas_Cook This is great! Andrew - You have been so helpful.

Michele_Steinberg Thanks, Andrew. Mike -- that's definitely a hot topic. The WildfireToday folks hosted a live chat not long ago based on the Australia fires. Who would you recommend we have on a chat for that topic?

Andrew_Fortin There is an Australian equivalent of CAI. I have their card here somewhere. (My office is NOT firewise).

Michele_Steinberg Meaning, don't bring a match near your desk? LOL...

mike_frost Jack Cohen, Bill Swope (of Whitefish MT), Fire Chief for San Diego, and someone from the Stay and Defend side of the argument. Thanks.

Andrew_Fortin yes.

Timber

2 from Oz - one pro, one con

Michele_Steinberg I would really like to hear more from our friends at the (Australian) Country Fire Authority out of Victoria. Their education program has been in place a long time. We'll see if we can get something together on that.

mike_frost Maybe you could get Stephen Pine on as well?

Michele_Steinberg Andrew -- I want to thank you again for an excellent presentation and an opportunity for lively conversation.

Andrew_Fortin Thanks everyone...again we look forward to building on this for all our communities...Bye!

Michele_Steinberg Thank you everyone. You can find the full transcript of this chat in a couple days at the Firewise Forum at www.firewise.org. Look for the "Safer from the Start" guide coming soon.

mike_frost Thanks again Michele, Andrew, and Judith. Talk with ya soon.

Timber bye everyone ::smile

Judith_Leraas_Cook Great chat!!

Kim Bye :)

Gary_Wood Thanks everyone! Keep safe!

PMahoney c-ya

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