

# RULES THAT REALLY WORK

The 2012 Prince William County  
Neighborhood Conference  
Saturday February 25, 2012

*Presented by*

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Each problem that I solved  
became a rule which served  
afterwards to solve other problems.

*Rene Descartes*

# Authority

- Why are associations allowed to make rules?
- Where do associations get the authority to make rules?
- Association rules are subject to law.

# Reviewing Rules for Reasonableness

- Does the rule make sense?
- Is this the least restrictive way to approach this issue?
- Is the rule still needed; does it address a current problem?
- Is it acceptable to residents?
- Is compliance relatively easy – is it possible?
- Does the rule create new problems?
- Is the rule getting the results you want?
- Is the rule enforceable?
- Is the rule “legal?”

**Laws are made for men of ordinary understanding and should, therefore, be construed by the ordinary rules of common sense.**

*Thomas Jefferson*

# Drafting New Rules

## Drafting New Rules

- Is it reasonable? Compliance will be difficult if not.
- Is it necessary? Rules for the sake of rules are not the way to go.
- Keep it simple. Make sure the rule is easy to understand.
- Less is more. The rule should be clear and concise.

# Drafting New Rules

- State the rule in plain language
- Include the reason for the rule
- State the rule in positive language
- State the consequences of noncompliance
- Don't be too specific or too broad.

**Civilization had too many  
rules for me, so I did my  
best to re-write them.**

*Bill Cosby*

# Adopting New Rules

- Develop a rule only if a rule is necessary.
- Rules must be based on proper authority.
- Be reasonable. Rules shouldn't be about limiting the activities of residents or getting back at a neighbor.
- The rule adoption process may be as important as the rule itself.

# Adopting New Rules

- Obtain public comment
- Listen to the community
- Adopt officially
- Keep a record of the steps taken to adopt or enact the rule
- Publicize, advertise, get the word out

# Educating Residents About Rules

The best rules in the world won't do the association any good if residents don't know about them.

- Resale Packages
- Association Handbooks
- New Resident Orientations
- Newsletters
- Signs
- Handbooks
- Web sites

**He is a benefactor of mankind who contracts the great rules of life into short sentences that may be easily impressed on the memory, and so recur habitually to the mind.**

*Samuel Johnson*

# Achieving Compliance

Seeing that all residents comply with the rules is vital to the integrity of an association and has a direct impact on preserving restrictions. Facilitating that compliance requires common sense, creativity, patience, flexibility, and consistency.

# Achieving Compliance:

- Common Sense Approaches to Voluntary Compliance
- Educate and notify.
- Gain consensus.
- Review rules periodically.
- Act promptly.
- Be reasonable with rules and consequences.
- Give residents ample opportunity to comply.
- Provide clear information and guidelines on the rule.
- Be consistent and uniform.

# Who Enforces the Rules?

- ◆ The Role of the Board
  - The Role of Committees
  - The Role of the Manager
  - The Role of Local Government's Role
  - Neighbor to Neighbor Disputes

You are remembered for  
the rules you break.

*General Douglas MacArthur*

# The Seven Deadly Sins of Rule Enforcement

1. Regulating the personal lives of residents.
2. Giving in to political pressure.
3. Going to extremes.
4. Imposing harsh consequences for small infractions.
5. Failing to make exceptions in exceptional circumstances.
6. Acting on anonymous complaints.
7. Failing to be flexible, creative, and reasonable.

# Identifying and Verifying Rule Violations

Before following up on a problem with the rules, make sure there really is a problem.

- Gather the Facts
- Conduct Periodic Physical Inspections
- Resident Input
- Verify Complaints

# Achieving Compliance Informally

Informal actions are positive and effective means for gaining voluntary compliance, and they should be the Association's first step.

- Personal Contact
- The First Written Notice
- Consistency
- The Grace Period

# Achieving Compliance Informally

## Facilitating Compliance Informally

- Obtain resident complaints in writing.
- Gather all the facts and verify the complaint.
- Document problems in writing and with photos, if appropriate.
- Check the resolutions and governing documents.
- Contact the resident in question personally; discuss the problem casually.
- Determine the most reasonable way to approach the problem.

# Achieving Compliance Informally

## Facilitating Compliance Informally

- Consider the resident's circumstances, and determine if the association can help.
- Consider whether making an exception would be in the association's best interests.
- Follow personal contact with written documentation.
- Send a friendly follow up letter to the resident.
- Contact the municipality or local government – if applicable.
- Send a second stronger letter if necessary.

# Enforcement

Sometimes friendly, informal methods to gain compliance with rules just don't get results.

When informal resolution is unsuccessful, more formal means must be used.

- Due Process
- Develop Due Process Procedures
- The Essentials of Due Process

# Enforcement (cont.)

- Give notice
- Provide an opportunity to be heard
- All parties have the right to be represented by legal counsel
- Provide for an Appeals Process
- Consequences: Monetary consequences, suspending privileges.

# Alternative Dispute Resolution

Two methods of alternative dispute resolution –

- ◆ Mediation
- ◆ Arbitration

# Using the Judicial System to Achieve Compliance

As a last resort, the association may have to take legal action against residents to get them to comply with rules.

**The best thing – and the worst  
thing – about community  
association living is **The Rules.****

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