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HOA Resolutions

Resolutions

The governing documents are in place to give your HOA board a solid reference and a basis for every decision that is made during meetings. Sometimes, these documents can be ambiguous, outdated, or incomplete. One of the board's main responsibilities is creating HOA resolutions to solve these basic problems and to keep your association running smoothly. Here is everything you need to know about HOA resolutions and the process for creating them.

HOA Resolutions and Your Board

At this point, you already know that HOA resolutions are an integral part of your association, but what are HOA resolutions in the first place? To put it simply, a resolution is a separate document created by board members constituting an official statement in writing that supports or adds weight to any decision or action made by your board. Resolutions are necessary to legitimize the operations of your board.

In general, homeowners association resolutions consist of the following:

- What gives the HOA board the authority to create the resolution (e.g. which section of the governing documents)
- The purpose or reason for the resolution
- The scope of the resolution, including which residents are affected and any penalties for violations
- Detailed specifications of the resolution (what residents are allowed and not allowed to do)

Types of HOA Resolutions

There are three main types of resolutions: Policy (Interpretive), Administrative (Procedural), and Special (Rule). Let's break them down one by one below:

1. Policy or Interpretive

At times, the governing documents can be inconclusive about certain important issues. In the event that the documents do not give enough information to guide your board in a decision, it may be necessary to implement a policy or interpretive resolution. An HOA resolutions policy works to clarify vague portions of the documents.

In other words, policy or interpretive resolutions are ones that impact the rights and responsibilities of community members. This can include any rules related to the use of community amenities and facilities, enforcement procedures, and guidelines for the appearance and structure of a resident's home.

2. Administrative or Procedural

Administrative or procedural resolutions focus on the inner workings of your board. These are step-by-step processes that are applied consistently to all residents. They can help clarify the proper procedure for elections, plans for board meetings, or procedures regarding application for use of common spaces.

3. Special or Rule

Occasionally, it may be necessary to add a rule that is not already present as part of the rules and regulations. These rules can be voted on and adopted from the resolution process. Typically, these resolutions apply to individual situations, such as a decision regarding a claim rule infraction.

Your board can choose to create new rules or amend existing ones. Keep in mind, though, that these special or rule resolutions must stay consistent with the CC&Rs, bylaws, and state laws. They must remain reasonable and within the scope of the board's authority.

Creating New HOA Resolutions

When it comes to creating new resolutions, board members should be prepared to do their due diligence to make sure that the resolution is created properly. A single mistake may seem insignificant, but it can have repercussions. When creating new HOA resolutions, be sure to take all of the proper steps below:

1. Be in Conformity with Laws

man pointing at a document with books and gavel on the table | homeowners association resolutions Before going any further with the process, it is imperative to ensure that you are in conformity with all federal, state, and local laws in your new resolution.

For instance, you cannot create a resolution banning homeowners from renting out to a certain race. Not only would that be immoral (and downright racist), but it would also be in direct conflict with the Fair Housing Act.

Any resolution that goes against the laws of the land are deemed unenforceable and can even give rise to legal trouble for your board, so you must be careful.

2. Be in Conformity with Governing Documents

Next in importance is your HOA resolution's conformity with existing governing documents. At this stage in the process, your board will want to double-check that the resolution does not cause your board to step out of the bounds of its allowed power and responsibility. Should a resolution come into conflict with the governing documents, the latter will take precedence.

3. Involve the Whole Board

It is crucial to involve the whole board in the decision and creation of the resolution. Your board must work as a single unit, with members in total cooperation. Two heads are better than one, and differing perspectives will help you to draft a strong document. Furthermore, it will get everyone involved in the process, which will make each member feel their opinions are valued.

4. Obtain Feedback

The members of your HOA board are not the only residents in the community. The resolution you propose will affect everyone's lives, so it is important to get their feedback on the matter.

After drafting a resolution, pass it around and encourage homeowners to speak their minds. As with the previous point, this helps give your board perspective.

5. Take an Official Vote

Following the drafting of the resolution, you will need to take an official vote during a board meeting to formally initiate the resolution. Make sure you reach a quorum of board members to validate the meeting and achieve a resolution. Without a quorum, an official vote cannot take place and the resolution cannot be passed.

6. Notify Homeowners

After settling on a final resolution, your board must let the entire community know. Homeowners cannot follow the new resolution if they are not made aware of its existence in the first place. Notify all residents of the change or addition. Take the time to make copies and mail it to all of the owners. Alternatively, you can use technology to your advantage and update members via social media or email.

7. Enforce the Resolution

With everything in place, it is time for your board to enforce the resolution. Enforcement can be tricky, so make sure you are doing so uniformly and without bias. Selective enforcement can get you and your board into a whole lot of trouble.

Our Final Thoughts on HOA Resolutions

HOA resolutions can be a great way to improve the functionality of your governing documents. They complement your CC&Rs and bylaws, working hand-in-hand to ensure the smooth management of your association.

Familiarize yourself with the types of HOA resolutions and be sure to follow the proper procedure when adopting a new one. Check your governing documents and state laws to safeguard yourself from any conflicts. Most of all, make sure to involve everyone to create the strongest resolutions possible.

If you encounter any trouble creating or managing resolutions, you must consider seeking help from an HOA management company. In that case, reach out to us anytime.