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The Components of a Good Rule

When writing rules, boards should use simple concepts and words. If residents understand rules, they're more likely to comply with them. For example, board members may attempt to lend authority to their writing by inserting multi-syllabic legal words. Though rules should have a solid legal basis, those who read them must be able to understand them. Few residents would understand the meaning of "Section 35.641 of the Code of the City Municipality of Pleasantville is hereby incorporated by reference."

The following eight characteristics of good rules will help board members avoid the traps of complexity and misunderstanding.

1. **Good rules are transparent.** Rules should require people to do what they would have done naturally without the rule, after merely thinking about it. When Dwight Eisenhower was president of Columbia University, there was a great deal of study as to where to place paved paths through the huge quadrangle of grass within the campus. He suggested that they merely pave where the grass was worn. Thus, if rules require what reasonable and decent people would do anyway, then rules only have to be enforced against the few who aren't reasonable and decent.

2. **Good rules are few rules.** Good rules are the minimum necessary to provide for the comfort and safety of the residents, the equitable use and enjoyment of facilities, and the equitable burden of responsibility in a community.

3. **Good rules are easy to obey.** Residents must understand the need for the rule and comply with it voluntarily. Neither the board nor the manager is in a position to police the community.

4. **Good rules are efficient.** Good rules accomplish exactly what the board intended them to accomplish. Unfortunately, some associations try to solve a problem by passing rules that are either too harsh or too broad. Such rules may set off a number of chain reactions, including situations in which:

- Residents ignore the rule and call the board autocratic or dictatorial.
- The board complains that residents are apathetic and ungrateful.
- Residents ignore other rules.
- The newsletter adopts a scolding tone.
- Residents complain about the board to the manager.
- Residents complain that rules aren't uniformly enforced.

5. **Efficient rules accomplish their goal without undue side effects.** Good rules resolve – rather than create – problems. For example, the board of the ABC Association is concerned about teenagers damaging lawn areas when they play ball. In an attempt to resolve the problem, the board prohibits groups of three or more people over the age of 10 from playing on the lawn. The teens react by playing on the street or on the lawns of adjacent associations, resulting in complaints from motorists and other association boards. Prevent this type of situation by considering the likely side effects of a rule when drafting it.

6. **Good rules are enforceable.** Make sure the board has the authority to enforce a rule before drafting it – then make the rule specific. Vague statements, such as "Loud and boisterous activity should be avoided" leave unanswered the questions "By whom?" "Where?" "When?" "What does avoid mean?" Both mini-bikes and lawn mowers are loud. Should they both be restricted? Does noise from late Saturday night parties create the same problems as noise from a Sunday afternoon wedding reception or barbecue?

Overly specific rules can also create enforcement problems. For example, the ABC Association

institutes a rule that states: "Between the hours of 10 pm and 7 am no noise shall be permitted in a unit that measures 30 decibels or greater for more than 10 seconds in the nearest adjacent unit or public area." Though specific rules may be easy to enforce in court, the board may find it difficult to obtain voluntary compliance.

To write an effective rule, the board must balance specificity with simplicity and compliance. No rule will meet each criterion equally.

7. **Good rules are flexible.** Good rules allow flexibility and the use of reasonable judgment and mediation in enforcement.

8. **Good rules must be communicated to the residents.** Associations don't always publicize rules as effectively or as often as they need to. The board should distribute the current rules to all purchasers when they first move into the community. Since these documents may get filed away with other settlement papers, and since purchasers may lease to others, redistribute copies of the rules periodically, also consider putting up signs in pool and playground areas, listing rules in the newsletter, or putting them on the association's Web site.

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