

Tips When Nobody Will Run for the Board

What should happen when there is a vacancy and no one is ready to volunteer?

Resigning or disqualified HOA board members can create unexpected board vacancies, and sometimes filling the vacancies can be a challenge. It's important to take action quickly before any negative consequences or situations arise. Until your board is complete it may have little or no ability to transact HOA business.

1. Check your CC&Rs for Details About a Board Vacancy

It would be wise to check your CC&Rs, or bylaws before proceeding with any action. It may be possible for your particular board to function without a member until the next election. Sometimes the governing documents allow the remaining board to appoint a temporary member. A temporary appointment may require only a majority vote of the remaining board members, sometimes the vote needs to be unanimous, sometimes a third party review or evaluation process is required. You shouldn't do anything until you understand your HOA's specific legal requirements.

2. Re-recruit Past Board Members

Past or recently resigned board members may have issues that can be resolved so that they are willing to serve again. Animosity may exist between current and past board members, but if the HOA can't function, it may be time to look for compromises or even 3rd party mediation between people otherwise willing to serve.

3. Call a Meeting to Persuade Homeowners to Run

The solution may be a simple meeting that involves fellow homeowners and other eligible board members. Thoroughly discuss the responsibilities and duties of being on the HOA board so that the position is understood. Be sure to disclose the consequences of not having a board member, and why it would be easier on everyone to serve the community for a period of time.

4. Widely Publicize the HOA Board Opening and the Requirements

A vacancy in the board with no potential candidates may also stem from the simple fact that homeowners are unaware of HOA operations. Some homeowners may not read the newsletter or website, and are uninformed that a position on the board is even available. Publicizing when the next election is or asking for specific people may spark interest and raise awareness.

It is important for the board, the HOA and homeowners to understand what to do and what will happen when there is a vacancy that won't be naturally filled. Many problems can be avoided by simply educating potential board members and spreading the word. That way, harmful receivership can be avoided and your HOA can remain wholesome and intact.

5. Find a Receiver that can Step in Until Volunteers Come Forward

Legal action can be taken if a board is incomplete, resulting in a receivership. Though usually undesirable, it might be necessary for a receiver to be put in place of the board or a board member, at least until volunteers can be found. Courts will assign someone who will get the job done, regardless of the price tag attached. This is usually an expensive and distressing process that should usually be considered a last resort.

This article contains general information. Individual situations are unique; please, consult your attorney, accountant or other professional before utilizing any of the information contained in this article.