

POLICY & PROCEDURE DEVELOPMENT**Policy 111**

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Effective

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POLICY

It is the policy of the Tides Community Association to create a fully functional governance document system. Policies and Procedures (hereforth abbreviated P/P) provide guidance in various circumstances by establishing and defining expectations and consequences, ensuring consistency and protecting owner's rights. This is accomplished by clarifying, expanding the meaning imbedded in the governing documents and adding rules, regulations and processes. The P/P explain or define acceptable behaviors, how to handle financial issues including fines and surcharges, safety and security procedures, rental practices, maintenance/repair/replacement procedures, and dispute mechanism.

Note that by definition, the P/P revision in effect is the one saved on the main Office computer or posted on the Owner's section of the website even if a more recent version has been approved but not saved or posted. Also note that **not all P/P are available to unit owners** (i.e. those pertaining to employment and maintenance practices, etc.).

PURPOSE OF THIS POLICY

The Tides Condominium Association's By-Laws grant the board of directors the powers to establish policies and procedures for the operation of the association. Policies and procedures provide general values and goals of the Association and can include specific step by step instructions for critical situations, or at minimum guidelines to follow. For example, several P/P address owner obligations such as dues, fees and fines. Also, they are the basis for training staff and board members. Policies and procedures ensure that all who reside or visit the Tides can have a safe and enjoyable visit knowing the Tides meets all regulatory and legal requirements and that the Board is doing its best to preserve the value of our collective asset – the Tides condominium.

Policies and procedures can be informational by providing the rationale behind the purpose such as laws / statutes / regulations / ordinances / rules / or conventions. For example, state condominium laws in New Jersey require that all associations establish P/P for handling housing-related disputes between members as well as between members and the association known as Alternate Dispute Resolution ("ADR").

P/P are never perfect; they are meant to be changed as the need arises. Writers and users should consider that revisions are not to be avoided but seen instead as a chance for improvement.

SCOPE OF THIS POLICY

This policy applies to all existing and future Tides Policies and Procedures

RESPONSIBILITIES AND AUTHORITIES

The Board of Trustees maintains the responsibility and authority to make necessary changes to this policy. The Office Manager has the responsibility and authority to save and post (in some cases) approved P/P and execute the procedures listed herein.

PROCEDURE FOR COMPOSITION

This segment of the document includes suggestions, ideas, tips and conventions used at the time of writing this document, in composing future documents.

Header

- **Policy vs Procedure**
 - Every procedure is based on a policy or a legal requirement but not every policy has a defined procedure. The convention used at the Tides is to simply determine which aspect is most

important, the statement of Policy or the actions/steps to fulfill the requirement (i.e. Procedure). Once the document is called a policy or procedure, the format and contents are then decided. For instances, some policies do not have to have a Procedure section while some procedures do not have to have a Policy section.

- **Format**

- The current format (which this document is an example of) is a modification of the circa 2011 original. Obviously, future P/P can have different wording or format (using a new template) once approved by the Board. It is suggested to keep the same sections and information included here as a minimum.
- A decision has to be made on how the document will be controlled: by Board approved revision number or by date and approved by the author. Board approved P/P are those which address important policies and therefore procedures which great impact staff, owners, renters, guests, contractors, etc. P/P number (which also shows revision level) allows an individual to determine if that version is currently in effect.
- Date Controlled documents are reserved for procedures that impact very few individuals such as Office or Maintenance staff. Examples are waiting lists or forms or very specific maintenance procedures. See Procedures 511 and 511.01DC for examples.
- Since these documents do not need official board authorized revisions, "DC" is added to the document number. Date Controlled documents are expected to be revised often, therefore only the people affected need to revise and approve and then have the Office add to the computer folder.
- To determine the latest revision on the Date Controlled documents, consult the latest approved and saved document in the Office computer and compare to the "Effective" date.

- **Number and Titles**

- The original P/P system circa 2011 devised numbering scheme as shown the Table of Contents (document number 111.11DC). The numbering convention maybe altered for all or for a single document with Board approval. The writer should ensure any number change is reflected in ALL documents that reference the previous number not just the one affected.
- The original version of a Board approved document does not have to be called R0 but subsequent versions are R# in the title.
- The best P/P title is concise and summarizes the topic with the fewest number of characters.

Body

- **Policy Statement:** includes a concise summary of the Tides' policy. This subsection can also include origins of the requirement(s) behind the policy (i.e. law/regulation) although that information can also be presented in the Purpose subsection. It can also include a listing of the implications and actions resulting from the policy such as rules & regulations, fees/fines, etc. This subsection is optional thus not used in some procedures.
- **Purpose Subsection:** explains why the policy or procedure exists and can include reference laws/regulations, facts, as well as the Tide's goals, rules, regulations, conventions, and practices.
- **Scope of this P/P:** mentions the various people this document applies to and impacts.
- **Responsibilities and Authorities:** details the type/position an individual has the authority to approve and or revise a P/P, if any can be delegated and details who has the responsibility to carry out the instructions.
- **Procedures Subsection:** is an optional for policies. This subsection can include step by step instructions or may just provide guidelines on actions to be taken and issues or situations to be aware of.
- **Owner Rights Under This P/P:** is an optional subsection. It lists what Association members/owners can expect for example if they can (or cannot have) a copy of the P/P, or expect impartial treatment, etc.
- **Related P/P & Documents:** lists other Tides documents including P/P which are referenced or referred to by the document being composed, or outside documents that provide the background information on the basis of the P/P.

Footer – contains the page number and restates the P/P number and title.

PROCEDURES FOR WRITING & REVIEWING

A. Identify the Topic

- Identify area(s) requiring a policy or procedure, whether it pertains to maintenance, safety, security, finances, or other aspects of condo management. These needs typically come from real life and/or answers to questions that need further explanation,
- Start with what is being done presently at the Tides to see if the rules and behaviors are acceptable before considering to write about or modifying them.
- Keep up to date with rules/laws/conventions, etc. Property manager and law firm blogs are good sources.
- Create or modify policies/procedures where the Board/Association could face legal issues due to non-compliance with the laws. For instances, NJ CDA has several publications that inform members of their rights as well as a complaint form that outlines common issues.
- P/P can fill in details mentioned in the governing documents but are not meant to supplant/supersede them which takes an amendment.
- In the case where a monetary figure must be given, consider one of the following:
 - explain that any given dollar amount given is subject to inflationary increase based on yearly US CPI index from the date of the document.
 - Use a different type of document that is easier to revise (i.e. a date controlled one) when amounts such as fines and fees need to be stated and reference this document in Related P/P subsection.

B. Write & Rewrite Content

- **Make sure new policies/rules/procedures follow best practices, especially various laws and Tides governing documents.**
 - Based on research, draft the policy or procedure using clear and concise language. Ensure it includes all pertinent details, regulations, and legal requirements
 - Gather information on best practices and regulations. Utilize online resources, consult with other directors or property managers, and speak with relevant experts, such as legal advisors or appropriate vendors
 - Always be mindful of local laws and ordinances when making policies and mirror them when appropriate. Write concisely but provide background and reference laws, statues, rules, Tides governing document by number. Staff, Board and Association members can change every year so policies and procedures can educate as well as providing rationale for the policy and actions to take.
 - Leave room for exceptions to the rule when appropriate, legal, non-discriminatory, and reasonable, and allow for leniency if warranted.
 - Reference Policy 133 Alternative Dispute Resolution in all P/P where fines are imposed
- **Evaluate rules so they are 100% necessary.** When making rules or reviewing existing rules, make sure the rule is necessary and design new rules or policies with a specific goal in mind. The writer should always strike a balance between resident well-being and homeowner freedom.
- **Keep the policies simple and easy to follow.** Complex rules can frustrate residents and damage your community's overall reputation. Policies should never result in standards that are hard to meet. And of course, always make sure that the penalties for breaking a rule are as clear as the rule itself.
- **Avoid extremes in policies and with penalties.** When crafting rules, the writer should ask if the rule is really solving the problem or is just a reaction that can result in unintended consequences. The board should ensure that the [penalties for violating policies](#) are in line with the policy being violated.
- **Write P/P with some flexibility to allow the Board and staff some discretion** unless it is necessary to be strict. With flexibility one can potentially avoid arguments or even frequent revisions caused by new circumstances or evolving practices.

- **Decide how to handle lists (tables) or forms.** If the table/form is not critical, it could be embedded in the P/P and even listed as an example (therefore allowing easy changes). If it is critical, complex (e.g. Excel spreadsheet) and/or should be controlled, it is suggested to embed it in the document. If the table/form could need frequent revision, consider having it in separate document and referencing it in the P/P.
- **Include definition of terms as needed,** especially when the word could have a different meaning or is confusing. A good example is the term "Tides Agent" which is a person with some authority (staff or Board).

C. Review & Approval

- After the first draft is written, have affected, involved or interested parties (staff, committee of owners, etc.) review it. Consult a legal representative if needed especially when fines are involved or with questionable practices. Date Controlled documents do not need board approval.
- Have all board members review the draft and provide feedback. This ensures alignment with the Association's goals, values, and consistency with other policies and procedures.
- When edits and reviews are completed, the Board should vote to approve during a closed board meeting. The P/P should be sent 30 days prior to official approval at an open board meeting and/or its effective date to allow for owner comments. If not obvious, the Board should decide if the document is to be included in the owner's section of the Tides website or not. Consider sending directly to owners if fines are involved.
- In either case, the P/P is provided to the Office Manager in word processor format and PDF.

PROCEDURES FOR REVISIONS, COMMUNICATION & EDUCATION

- Periodically monitor and evaluate P/P and the rules contained therein to ensure compliance and effectiveness. The Tides management company (if hired) should help to stay on top of local laws and new legislation that may make current policies obsolete. Depending on what is found, the P/P may need to update to reflect changes in regulations, best practices, or the Association's needs. Some P/P may have to be eliminated altogether.
- Don't fear revisions, they are necessary to correct errors, to clarify and to keep the documents updated with government regulations. Make changes as soon as possible after the discovery of a need to edit/rewrite.
- Once the Office Manager stores the P/P to the main computer in a clearly marked and easy to find Policy and Procedure folder, they shall also take the necessary actions to include it on the owner's section of the website if directed by the Board and, in all cases, to insert a copy into the binder maintained in the Office.
- After the P/P is saved to the main Office computer, the Board and Office Manager communicates the Policy or Procedure to all relevant parties, including unit owners, staff, vendors, (when applicable), etc., through email blasts, Tidings newsletters, posted in common areas, in meetings, etc. The Board and Office Manager can provide additional educational resources to ensure understanding.

OWNERS RIGHTS UNDER THIS POLICY

Owners have rights to receive a copy of this procedure so they can better understand the Tides Governance System and more about the Tides Policies and Procedures in general. They always have the right to make comments, suggestions or criticize any policy or procedure.

RELATED POLICIES & PROCEDURES

All Tides P/P, Lists and Forms in the Tides Governance System

RELATED DOCUMENT

None