

DEALING WITH DIFFICULT PEOPLE

By Sara Barry, CAM CMCA PCAM

Director of Operations for Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP

Over the years, media stories have focused on associations with allegedly out of control Boards of Directors and the homeowners who are portrayed as helpless innocent victims of these boards.

Association professionals get their share of negative comments, as well, and *some* of it is deserved.

Dealing with difficult board members and association professionals is food for another article all together. This article will focus on “difficult” owners.

DIFFICULT OWNERS

We first need to determine who is “difficult” and who is a hard working, diligent and inquisitive individual. If we immediately determine that an individual is “difficult” we are subconsciously resistant to giving them the benefit of the doubt or treat them like all other members. Differences of opinions do not always spell “difficult” people.

Conflict can promote thought and/or change. Board members often disagree on how to do things, but a board usually deals with their differences and controversy by listening, having a dialogue and considering compromise. Boards often forget this simple model when it comes to controversy with an individual owner, however. Boards have plenty to deal with without analyzing every owner problem, but the job description of a board member involves dispute resolution. While some issues (such as CC&R violations) can be shifted to committees to make recommendations to the board, problems that are avoided and not dealt with often come back to haunt the board. If notice and an opportunity to be heard are not offered to *all* homeowners, their rights may be violated and trouble brews.

DEALING WITH THE CHALLENGE

It is important to step back and concentrate on a problem and/or dispute itself without trying to *change* anyone. Here are a few suggestions:

- 1) Separate the emotional aspects of the dispute from the dispute itself.
- 2) Commit to yourself that you will treat this person well whether you like how or what they think.
- 3) Separate out the emotions and refuse to react to them. It does not mean or imply weakness or agreement with the person’s behavior. It signals reason and self-control.
- 4) Be unconditionally constructive. An “eye for an eye” policy reciprocating negative behavior always escalates the dispute. Sticking to the facts will lead to less confusion.
- 5) Be aware of bias and recognize differing perspectives. It is a great benefit to be able to put yourself in the other’s shoes if only to recognize that there are two sides to every dispute.
- 6) Commit to advocating a decent relationship with the person even if they don’t reciprocate. It is for your own benefit and self-respect to be considerate no matter how the person behaves.
- 7) Listen to the owner even if the owner won’t listen to anything you have to say. The more you listen, the more likely you are to recognize the **REAL** problem. Don’t turn your back on the problem giving the owner a more vulnerable target.
- 8) Don’t break your end of any agreements even if the owner does. It is important that the Board remain trustworthy.
- 9) Consult before giving a response. The Board has the option of deferring actions until it can get consultation on the subject of the dispute.

10) If there is still a problem and all of your attempts to get everyone on the same playing field, Clark County Social Services has a free mediation service. It is called the Neighborhood Justice Center and can be reached by calling 455-3898. They will actually call the other party to see if they would like to mediate the problems with you. It is a wonderful service, which can do nothing but help.

Being abusive to abusive people and responding to anger with anger does little good for any of the parties involved. It is easier to just face the music and dance the dance with disgruntled owners than dancing around the dispute to waste time, energy and assessments. Realize that this seems simplistic when confronted with a homeowner who appears to continually take pot shots at the Board and Management.

ELIMINATING THE CHALLENGE

Why re-create the wheel? History has shown that ample communication with homeowners regarding actions taken by the board and the rationale behind these decisions eliminates many problem (inquisitive) owners. The extra cost of postage and time to send regular and informative corporate newsletters can more than pay for itself in minimizing the aggravation from misinformed owners. With the notice requirements required by law, prior to all association meetings, there would be no significant postage costs if the corporate newsletter is part of this mailing.

There will always be those individuals with which the above suggestions just don't work, but you will be in a much better legal position knowing that you treated each individual equally and have attempted to minimize problems while fulfilling your fiduciary duty.