

# HOA Homefront

## Dealing Challenging Members

By: Kelly G. Richardson

**A**s an attorney advising Common Interest Developments, handling conflict is a daily task. CID's are private governments created by governing documents, bound together by lengthy documents which most people do not read. Unlike a club or church, you can't just resign...you live there.

Healthy community associations benefit from dissension. The problem is not dissension, but the manner in which dissension is handled. How can we learn to "disagree without being disagreeable?" Moreover, how does one respond when someone ELSE is being more disagreeable than could have been imagined?

### DISAGREEMENT IS NOT A SIN

Some boards feel that all votes must be unanimous, and confuse unanimity with teamwork. A "nay" vote is not disloyal, nor is it any reflection upon the motion-maker. Allow your board colleagues the freedom to disagree, because that freedom encourages fresh ideas.

Teamwork takes over after the vote is done. Once the will of the board has been expressed in a vote, the nay votes join with the aye votes and move forward. If the nay voters have the freedom to express their opinions without retribution, they also must be free to rejoin the board to implement the decision...whether or not they agreed in the first place.

### FIND THE KERNEL

Some puzzles involve objects hidden in a larger drawing, where the task is to find the object camouflaged in all of the distraction. The task in dealing with conflict is EXACTLY THE SAME. A member may be seething with accusations... but amid the rudeness is someone who might have a legitimate concern. The fact that the manner of expression is unpleasant should not obscure the fact that a legitimate concern is being expressed. Find the kernel in the tirade, and respond to that — and not in kind. If you miss it, the conflict may escalate, as

you respond to the emotion and not to the reason for the emotion.

### FORGET HISTORY

When dealing with a fellow director or homeowner who is disagreeable, forget history. Reminders of past disagreements will fan the flames of confrontation. Deal with the question at hand. Otherwise, the past may cloud the present and you may miss the issue.

### LET THEM SPEAK

Friends, Romans, Homeowners, lend them your ear. Some situations can be defused simply by letting a person complete their statement without interruption. Most associations permit 2 or 3 minutes for open forum comments. Allow your neighbors their time to speak, which is the board's time to listen. The fact that members know that they can bring up anything in a board meeting, inspires confidence and support.

### ESTABLISH A BUSINESS-LIKE ENVIRONMENT

Association meetings need not be a free-for-all. Inappropriate meeting locations make business-like discussion difficult. Can members hear the board, or is the room an uncomfortable or cramped environment? The location of the meeting is important. If the Association has no suitable location to meet on-site, perhaps a location off site needs to be selected.

### MEETING CONDUCT RULES

Consider having reasonable rules regarding meetings and meeting conduct. This will be helpful for new members, or those which do not regularly attend meetings. Give the standard agenda format, and have basic conduct rules.

### YOU CANNOT READ MINDS

A normal yet very regrettable reaction is to be too quick to jump to conclusions that the person on the other side of the issue is stupid, dishonest, or evil. This is unfair and wrong, and

quickly leads to conflict. So don't ascribe bad motives to your neighbors (whether or not they are on the board)... maybe they have a point of view.

Handle disagreement with your neighbors as colleagues, not as enemies, because whoever first said "what goes around comes around" was right. Would it be wonderful to reduce hostility,

and to increase neighborly conduct in your association? Great, then get started -- because it begins with you.

P.S. Many of you are reading this, thinking about "that" member, not realizing it is YOU.

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