

apm NEWS

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Dealing with Difficult People In Community Associations

By John R. Math, LCAM

Board Members, management company personnel, related professionals, and vendors are dealing more now than ever before with angry owners and residents. This is occurring increasingly as a lot of people are stressed and fearful of what is happening to our economy. The main cause of this problem is personal stress and most people show their stress through some form of anger. Unfortunately most of the time, anger is demonstrated in the form of yelling, putdowns and verbal abuse. None of us should have to tolerate this type of behavior from anyone but it is a fact that we seem to be dealing with more angry people today.

With our current economic problems we have all been affected in some manner with lower home values, rising debt, stock market losses and uncertainty about continued employment. People will express their stress through anger and most of the time this show of anger is directed at people and institutions who have not been the cause of the problem.

We are experiencing more angry people at Board of Directors Meetings, Members Meetings and in our management and maintenance duties. Difficult and angry people can be combative over the telephone or in person. Most Board members do not have the training to deal with these types of individuals. This article will help you to handle and diffuse people who are angry and difficult.

In many instances angry people have

stressful events taking place in their lives other than the event, problem or situation that has set off their anger and which is directed at you. It could be economic, health, marital, or employment related. It could be their problem or issue or it could be someone in their family who is having the problem that is affecting them emotionally. But in all cases, they are affected by this, they are stressed, they are angry and they want you to know about it and be a part of their stress and anger.

Imagine that there is an owner who is not maintaining their home to the community standards, or a resident who is not paying their assessments, or there is an owner who is ignoring the documents and is in violation of the rules and regulations. A Board member says something to the person or the association's attorney writes a demand letter for payment or the property manager writes a violation letter offending the owner. This sets the owner off into a verbal tirade towards anyone who seems to be challenging them. Their anger is directed at the person who has come into contact with them, but in reality this issue or problem is only the catalyst for their anger to come out.

It is very easy for someone like this to vent their anger at you, as you really are not someone who is important in their lives. If you were their boss, wife, mother or friend they would not blow up with an emotional tirade directed at you. You simply are not that influential in their life and you are just adding to a list of problems that they are dealing with. That is why we become targets.

Unfortunately, our reaction to someone like this is to become defensive, protect ourselves and then to become angry ourselves at this person. To also become angry, will not be helping this person, or solving the issue, which is what we really want to happen.

The following is a few of the mistakes that we all make when we are dealing with an angry person:

- 1. Talking Down to the Person.** If we are not supposed to get angry with this person, then a behavior that is substituted is usually putting down or patronizing the individual. Talking down to them will only make matters worse and will make them even angrier.
- 2. Nonverbal Anger.** In the middle of the confrontation we are stuffing our emotions and anger, yet our nonverbal reactions are just as expressive.
- 3. Reinforcing They are the Cause of the Problem.** In most cases, it is the angry individual who caused the problem in the first place and we usually want to point this out to them. We told you about this in our newsletter+ or, We posted that information in the mailroom, you should have read it+. These kinds of statements may be true, but they are not a good strategy when having to deal with an angry person. With this statement you are reinforcing their stupidity and not solving the real issue.
- 4. Acting Indignantly Towards the Individual.** When someone is attacking us we know that we are not the problem and that we deserve to be treated in a professional manner. It is as if we are

about to give ours self permission to attack back. And if we do attack back, we have only taken the attention off of the individual and their problem onto our situation.

5. Correcting Facts or Minor Points. Sometimes when we are verbally abused, in order to take control, we will correct some minor fact or point. This really is not the issue and not the cause of their anger and by doing this, only increases their annoyance.

How can we try to handle an angry person in a non-combative helpful manner?

1. Show Concern and Empathy. When someone begins to get angry with you, in order to make them stop, we just want to interrupt them and try to solve the problem quickly. What this person wants is for you to listen to their issues and for you to feel bad for their situation. This is empathetic listening and is done by acknowledging their problem to them and shows that you feel for them.

2. Restate the Issue. When that person realizes that you care about their situation, they also need to know that you understand the problem as well. By restating back to the angry person what you perceive as the issue, even though it is difficult to do this, they want to know that someone truly understands them.

3. Explain Your Actions and Reasoning. After showing empathy and understanding it is then time to explain your reasons for actions. It may be because the documents require this action or by allowing their non-conforming ARB you will subject the association to selective enforcement. If it is something that you do not have the authority to decide, tell this person that and that the Board of Directors will have to make that determination. By explaining to the angry person how their actions or inactions affect the entire community and its long term values, they will see that there is a long term benefit to them as well.

The next time you are confronted by an angry owner, resist your natural tendency to defend yourself by attacking back and trying to quickly show the person how they are wrong. In the long run you may not be able to solve their problem in the way they would like you to, but you may be able to diffuse the situation and get them to understand that there are other issues that they need to consider. The manner in which you handle angry people may help to solve more problems for your community.

Ask The Attorney

By Edward C. Dicker, Esq.

Q. *We have owners who state that they will get involved with the Board of Directors but refuse to provide the certification form. We need owners to get involved but with all of the past and now proposed new amendments, they are being chased away from getting involved. What can we do?*

A. It does appear more and more difficult to persuade owners to run for the Board of Directors. However, with respect to condominiums, if a potential candidate does not sign the certification form, he may not serve on the Board. Perhaps in a letter to owners, and/or at a meeting, the Board may describe the responsibilities of Directors, and explain the assistance the Board may obtain from its management company and others. In a further attempt to persuade owners to serve, the Board can mention that if at any time there are not enough individuals willing to serve on the Board, the Association may go into receivership.

Q. *We have houses in our association that have been abandoned and are being foreclosed and have not only become a nuisance, but also eyesores. We want to clean them up as they are downgrading our community. The banks are not responding to our requests to clean them up. We were told that if the association were to clean up and maintain the properties, we would be trespassing. Is this*

true? What can we do to maintain them?

A. With respect to a homeowners association, many governing documents do provide authority for an association to enter onto a lot to perform maintenance and/or repairs. If the authority is provided in the governing documents, this would not be viewed as trespassing. If the authority does not exist, an amendment could be adopted. With respect to condominium associations, the Condominium Act specifically provides authority for an association to gain access into a unit, when necessary to maintain the common elements or the unit, or to protect common elements and/or other units.

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REMINDERS!

1. Remember, there are financial reporting requirements now for HOA's. Make provisions in your 2010 Budget for this cost.
2. Any waiver of reserves for Chapter 718, 719 and 720 Association members must be voted on and waived prior to the beginning of the new fiscal year.
3. Chapter 718 now states that the Association shall require each owner to show evidence of insurance for their unit. Provisions should be made for this census.
4. Any proposed amendments must be drafted, reviewed and proposed by the Board of Directors, prior to the Members Meeting or Annual Meeting.

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IT'S NOT PERSONAL, IT'S BUSINESS

By James N. Krivok, Esq.

The season is rapidly approaching and many associations will be holding their annual election of Board of Directors. The election process raises questions for those who are willing to serve. Current Board members may ask: "Should I run again?" New candidates question: "Do I want the responsibility and do I have the right stuff to do the job?" With the current state of the economy, the stress level for Board members trying to run an Association with less money may be at an all time high. To help alleviate some of that stress, the purpose of this article is to remind Board members of an often forgotten fundamental principal that will help individual directors as well as a Board, as a collaborative body, perform more effectively and with less stress.

Movie fans know the line: "It's not personal, it's business." But in real life, that statement is more relevant to Board members than it is to actors. When dealing with a fellow Board member, an owner, a tenant or someone who furnishes goods and services to the Association, Board members must constantly remind themselves to be guided by business judgment, not personal considerations. In fact, this concept is incorporated into the law as the "Business Judgment Rule." The rule provides that when a Board of Directors has exercised business judgment in a reasonable manner, the Board's decision cannot be second guessed in a court of law if an owner seeks to challenge it. *Garcia v. Crescent Plaza Condominium Assn., Inc.*, 813 So.2d 975 (Fla. 2nd DCA 2002); *Sunny Boy, LLC v. Asnani*, 879 So.2d 25 (Fla. 5th DCA 2004). Moreover, when Board members act reasonably and in good faith, individual Board members are immune from civil liability unless there is a showing of fraud, self-dealing, dishonesty or incompetence. *Section 617.0831, Florida Statutes*. No protection is given when a Board member has acted for personal reasons rather than using business judgment. For this reason alone, a Board and its members benefit when decisions are based upon business considerations and not personal motives.

It is self-evident that certain types of Board decisions require business judgment. For example, the lowest bid to perform a particular job is often not the best bid. Factors such as the length of time a company has been in business, its reputation for good work, the guarantee it offers and the company's ability to perform work on time and on budget are equally important business considerations that should be weighed before reaching a decision as to which contractor the Board should hire. It is equally obvious that things such as whether a contractor will do favors for directors in exchange for getting a contract have no place in the exercise of business judgment. In this sense, hopefully most Board members do make their decisions by weighing the appropriate business factors.

However, keeping it business and not personal extends beyond the obvious business context. It applies to interactions with fellow Board members and management. A common mistake that is made by Board members is approaching a

decision with pre-conceived ideas of how the issue or questions should be decided or becoming intractably wedded to a position before all the relevant information has been made known and has been debated among the Board members. When this occurs, there is natural tendency for the director to take it personally if others do not agree with the position that the director has come to believe in strongly. Even worse, if the position taken by the director is out-voted by a majority of the other Board members, the director may view the contrary vote as a personal defeat and lead to animosity directed against one or more of those Board members who voted against the director's proposal or idea. This pitfall can be easily avoided by waiting for all of the facts to become known and discussed before reaching an individual conclusion on a subject and keeping in mind that if other Board members reach a different conclusion, it's not personal. The right results may often be achieved in different ways, and thus, the collective decision of the Board to pursue a different approach should not be considered a personal defeat.

A second common mistake that is often made by directors is to assume that when another Board member disagrees with a position, that director's opposition is due to the director having a personal agenda. Undoubtedly, this does occur from time to time. But more often than not, when directors do disagree it is because they are weighing the alternatives differently. It is important for Board members to remember that decisions do not always need to be unanimous, even on the most important issues. Reasonable minds can and often will differ on how to evaluate a particular issue. And, as the complexity of the issue increases, the potential for differences of opinion likewise increases. If directors can simply remember that it's business, not personal, it will enable directors to respect the differences of opinion of others and support the final decision of the Board even if the decision made is not what the director may have preferred. If a director can keep an open mind when opinions differ on an issue to be decided, the director may find in some instances that the collective wisdom of the Board was correct. So, it is not personal, it is business.

Finally, remembering that it's business and not personal applies to interactions between the Board and the owners and residents. Every Board has had to deal with a vocal resident who shows up at Board meetings, seemingly for the sole purpose of questioning and/or criticizing anything the Board has, or has not, done. There is also the owner/resident who submits repeated written requests to inspect Association records or sends emails to the owners for the apparent purpose of harassing the Board. And finally, there is the owner/resident who threatens to sue the Board unless some outlandish demands are satisfied. When confronted with these types of personalities, it is understandable why a director might instinctively respond by engaging

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these individuals personally. Worse yet, directors may look for violations on the owner's property so the Association can fine or sue the owner in retaliation. This is classic example of taking it personal. No one wins in these situations, and usually the community itself suffers greatly. The exchange of personal attacks between Board members and a homeowner can polarize a community and cause the rational association members to doubt the Board's capability to run the Association's business fairly and effectively. To have the right stuff, a director must be able to keep it all business when every drop of adrenaline is pushing the director to take it personally. Directors who can keep it strictly business in the face of adversity and personal attacks will earn the respect of the silent majority of homeowners and have their support when it is needed the most.

So if a director wants to improve his or her job performance, reduce stress and gain respect as a leader in the community, live by the motto: *It's not personal, it's business!*

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Associated Property Management of the Palm Beaches, Inc., is a twenty one-year-old full-service association management firm. APM serves more than 130 associations in Palm Beach County. If you have any questions or comments, you may contact us at 1928 Lake Worth Road, Lake Worth, Florida 33461. Please call us at 561-588-7210, or you may email us at apmnews@assocpropmgt.com at any time.

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