



SHAW & LINES, LLC
COUNSELORS TO COMMUNITY ASSOCIATIONS

Mr. and Mrs. Curmudgeon How to Handle Difficult Homeowners

Authored and presented by
Augustus H. Shaw IV, Esq*

Shaw & Lines, LLC
4523 E. Broadway Road
Phoenix, AZ 85040

Phone 480-456-1500

Fax 480-456-1515

e-mail ashaw@shawlines.com

web site www.shawlines.com

*Member, College of Community Association Lawyers



What is a Curmudgeon?

Unfortunately, some Community Associations have a curmudgeon. A curmudgeon is a bad-tempered, difficult, cantankerous person. A Curmudgeon is someone who treats the Community Association's Board of Directors, Management and Members with disrespect and sometimes contempt. A Curmudgeon believes that he/she is always right and that he/she can always do a better job.

Curmudgeons, unfortunately, do exist in Community Associations. The key is to identify, pacify or remove the curmudgeon before they cause havoc in the Association. This guide will provide guidance on how to work with curmudgeons so that they do not interfere with the smooth operation of your Community Association.

Character Traits of a Curmudgeon

The main character trait of a curmudgeon is the belief that she knows how to best operate the Association. This trait is most often based on a false sense of incompetence on the part of the Board of Directors or Association Manager. This character trait manifests itself in several different forms.

For example, the curmudgeon often attends Association Board Meetings simply to complain and criticize the Board. Rarely does a curmudgeon have truly constructive criticism or praise. A curmudgeon's comments always centers around what is going wrong with the Association.

When attending Board Meetings, the curmudgeon is often rude and disrespectful. Again, this is an offshoot of the curmudgeon's most often unjustified belief that the Association is not being properly operated.

The curmudgeon will also often engage Association staff or vendors regarding their assigned tasks and either tell them how poorly they are performing their tasks or even attempt to assign new tasks to the staff member or vendor.

Finally, the curmudgeon likes to be an "arm chair everything," quick to question past decisions of the Association. No decision is ever a good one when the curmudgeon is around. All aspects of Community Association operation could always be done better.

Also, the curmudgeon tends to enforce the association's restrictions in a belief that he is the only person in the Association who cares about the Association and can do anything right. The curmudgeon is quick to approach anyone in the Association and tell them how they are “breaking the rules.”

How to Handle the Curmudgeon

When dealing with a curmudgeon, it is important to remember the old saying “keep your friends close and your enemies closer.” Identification of a potential curmudgeon is key in developing a strategy on how to properly handle a curmudgeon.

Once a curmudgeon has been identified, it is important to reach out to the curmudgeon. Remember, the curmudgeon’s belief is that the Association’s Board and Management are incompetent. Establishing lines of communication with the curmudgeon may aid in showing the curmudgeon that the Association is truly being operated properly.

Another way to defuse a curmudgeon is to invite the curmudgeon into Association leadership. Ask the curmudgeon to serve on an Association committee. Better yet, ask the curmudgeon to run for the Board of Directors. This serves two purposes. First, it will hopefully give the curmudgeon a firsthand look at the challenges of operating a Community Association. Second, it will bring the curmudgeon into the spotlight where his actions are now on display for other potential curmudgeons to criticize. Sometimes a taste of a curmudgeon’s own medicine goes a long way toward curing the curmudgeon’s condition.

If trying to bring the curmudgeon into the fold is not effective, then the Association should take a more firm posture with the curmudgeon. The Association should stand its ground and not allow the curmudgeon to intimidate the Board, Association Management or other Members.

Intimidation could take the form of the curmudgeon co-opting the Association’s meetings through her behavior. Setting clear meeting rules and firmly enforcing them will give the Association the upper hand in the intimidation game.

Finally, it is important to know when not to engage a curmudgeon. Sometimes curmudgeons can thrive on confrontation. Curmudgeons will keep a conversation going simply to agitate and intimidate.

When a curmudgeon asks a question or has a comment, an Association should endeavor to only answer a question once or address a comment once. Not responding to repeated questions on the same topic is allowable when dealing with a curmudgeon.

When a Curmudgeon Goes Too Far

Sometimes a curmudgeon will go too far. The curmudgeon may engage in harassing or even violent behavior. Also, the curmudgeon may be disruptive at Board or other Association meetings making it impossible to conduct business.

When a curmudgeon goes too far, it is important to limit, as much as possible, communication with the curmudgeon in order to attempt to put an end to potential harassing behavior.

The Association may also be required to contact its attorney to engage in litigation against the curmudgeon. The Association's attorney may have to seek a protective order/injunction against harassment against the curmudgeon in favor of the Board or Manager of the association.

The attorney for the Association may also seek an injunction requesting that a judge forbid the curmudgeon from attending Association meetings. An injunction is only appropriate in serious issues where the Association cannot function with the curmudgeon in place.

Conclusion

It is unfortunate when a community association has to deal with a curmudgeon. The most important thing to remember is to identify the curmudgeon, attempt to communicate with him and if communication is not successful, take steps to ensure that the curmudgeon does not adversely affect the operation of the Association.

This document is intended to provide general information. It does not and cannot provide specific legal advice. For additional information or answers to questions, you may contact Augustus H. Shaw IV, Esq. of Shaw & Lines, LLC at 480-456-1500 or send questions to ashaw@shawlines.com.

 **SHAW & LINES, LLC**
COUNSELORS TO COMMUNITY ASSOCIATIONS

**MR. AND MRS. CURMUDGEON -
HOW TO HANDLE DIFFICULT
HOMEOWNERS**

 
 


What is a Curmudgeon?

- A Curmudgeon is a “a bad-tempered, difficult, cantankerous person.”

Character Traits of A Curmudgeon

- A Curmudgeon is someone who treats the Board, Management and Members with disrespect and sometimes contempt.
- A Curmudgeon believes that he/she is always right.

Character Traits of A Curmudgeon

- ✦ The Curmudgeon attends Board Meetings simply to complain and to criticize.
- ✦ The Curmudgeon is rude or disrespectful to the Board and the Manager.

Character Traits of A Curmudgeon

- ✦ The Curmudgeon attends Board Meetings simply to complain and to criticize.
- ✦ The Curmudgeon is rude or disrespectful to the Board and the Manager.

Character Traits of A Curmudgeon

- ✦ A Curmudgeon is hyper sensitive and is an “arm-chair everything.”
- ✦ The Curmudgeon interferes with Association vendors or attempts to give orders to Association vendors.

Character Traits of A Curmudgeon

- ✦ The Curmudgeon believes that they have the right to enforce the Association's restrictions.

How to Handle the Curmudgeon

- **Keep Your Friends Close and the Curmudgeon Closer:**
 - ✦ Identify and notate who your Curmudgeons are.
 - ✦ Make it a point to reach out to the Curmudgeon.

How to Handle the Curmudgeon

- **Keep Your Friends Close and the Curmudgeon Closer.**
 - ✦ Invite the Curmudgeon to have a more active role in the Association:
 - Ask the Curmudgeon to join an Association Committee.
 - Ask the Curmudgeon to run for the Board.

How to Handle the Curmudgeon

- **Stand Your Ground:**
 - ✦ Don't let the Curmudgeon intimidate you.
 - ✦ Don't let the Curmudgeon take over the Association's meetings.
 - ✦ Know when not to engage a Curmudgeon.

How to Handle the Curmudgeon

- **When a Curmudgeon Goes Too Far:**
 - ✦ Limit all communication to written form only , no phone or in-person communication.
 - ✦ Create a special correspondence file for the Curmudgeon and retain all correspondence with the Curmudgeon.

How to Handle the Curmudgeon

- **When a Curmudgeon goes too Far:**
 - ✦ Seek help from your legal counsel.
 - Injunction Against Harassment for the Board or Manager;
 - Injunction banning Curmudgeon from Association Meetings.

Questions?



SHAW & LINES, LLC
4523 E. Broadway Rd.
Phoenix, Arizona 85040
(480) 456-1500
www.shawlines.com
