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HOA Curmudgeons How to Handle Difficult Homeowners

Authored and presented by
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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.

This course is approved by Community Association Managers International Certification Board (CAMICB) to fulfill continuing education requirements for the CMCA® certification. www.Camicb.org.



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**HOA CURMUDGEONS
HOW TO HANDLE
DIFFICULT HOMEOWNERS**

***THIS COURSE IS APPROVED BY COMMUNITY ASSOCIATION
MANAGERS INTERNATIONAL CERTIFICATION BOARD
(CAMICB) TO FULFILL CONTINUING EDUCATION
REQUIREMENTS FOR THE CMCA® CERTIFICATION. WWW.
CAMICB.ORG.***

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/Neighbors 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, the Manager and other Members.

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



- ✦ Curmudgeons love to send long, rambling and threatening e-mails to everyone.
- ✦ 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.

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



- **Create a Member Code of Conduct.**
- The Member Code of Conduct should outline “curmudgeon behavior.”
- The Member Code of Conduct should list penalties for engaging in “curmudgeon behavior.”

How to Handle the Curmudgeon



- **When a Curmudgeon Goes Too Far:**
 - ✦ 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:**
 - ✦ If e-mail becomes a problem, block the Curmudgeon and no longer communicate via e-mail.
 - ✦ Limit all communication to U.S. Mail or fax, no phone or in-person communication.

How to Handle the Curmudgeon



- **When a Curmudgeon Goes Too Far:**
 - ✦ Suspend the Curmudgeon from attend Board of Directors Meetings.

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?



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EDUCATION

University of Arizona James E. Rogers College of Law - J.D. 2000

University of Arizona - B.A. 1996

PROFESSIONAL LICENSES

Member, State Bar of Arizona.

Member, U.S. District Court Bar for the District of Arizona.

Member, State Bar of Nebraska.

Member, U.S. District Court Bar for the District of Nebraska.

Member, United States Tax Court Bar.

PROFESSIONAL LEGAL EXPERIENCE

Shaw & Lines, LLC

Founding Member and Managing Member (April 2005 – Present)

Provide legal advice to Homeowner Associations, Property Owner Associations, Office Condominium Associations and non-profit corporations in a variety of general real estate and corporate transactions. Specifically, creation of corporate entity for homeowners' associations, creation and interpretation of governing documents of homeowner associations, creation and negotiation of complex sales and lease agreements, creation of land conveyance documents, representation of home owner and property owner associations in zoning matters, representation of homeowners' associations in collection litigation matter and document enforcement matters.

CONTINUING LEGAL EDUCATION SEMINARS TAUGHT

August, 2021 - Community Associations Institute Annual Conference and Exposition Seminar Entitled *Take This Board and Shove It! How to Handle En Masse Board Resignation.*

February, 2020 – State Bar of Arizona CLE Panel Entitled *Fundamentals of Administrative Adjudication in Homeowners Association (HOA) Disputes.*

January, 2020 - Community Associations Institute College of Community Association Lawyers National Law Seminar CLE Entitled *Vexatious Litigants – How to Handle the Frivolous Filer.*



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January, 2019 - Community Associations Institute College of Community Association Lawyers National Law Seminar CLE Entitled *ETHICS: Call to Duty: Ethics and Politics Concerning Duties Owed*.

February, 2018 - Community Associations Institute College of Community Association Lawyers National Law Seminar CLE Entitled *Navigating the Nuances of the Fair Housing Act*.

June, 2017 - Arizona State Bar Convention CLE Panel Entitled *Advanced Issues in Land Use: Navigating the Dangers of Deed Restrictions in Residential and Commercial Development*.

January, 2017 - Community Associations Institute College of Community Association Lawyers National Law Seminar CLE Entitled *The Insurance Defense Dilemma; Conflicts of Interest Regarding Insurance Defense Under a Reservation of Rights*.

May, 2015 - Community Associations Institute National Annual Conference Seminar Entitled *I am the Association! How to Handle the Overbearing Board Member*.

November, 2014 – State Bar of Arizona CLE Seminar Entitled *Let Slip the Dogs of Peace: The ADA, Fair Housing Act and the Use of Service Animals to Help America's Returning Veterans*.

April, 2013 - Arizona Association of Landlord-Tenant Attorneys CLE Seminar Entitled *An Overview of Property Tax Appeals, HOA Laws and Remedies When a Foreclosure Goes Wrong*.

February, 2011 - Community Associations Institute (Central Arizona Chapter) Trade Show Seminar Entitled *Going Rogue, What to do with the Rogue Association Board Member*.

May, 2010 - Community Associations Institute National Annual Conference Seminar Entitled *Board Member Decision Making – The Business Judgment Rule Plus*.

January, 2010 - Community Associations Institute College of Community Association Lawyers National Law Seminar CLE Entitled *Board Member Decision Making – The Business Judgment Rule Plus*.

January, 2007 - Lorman Educational Services Seminar Entitled *Issues Concerning the Development, Creation and Operation of the Arizona Office Condominium Association*

June, 2006 - Arizona Association of Community Managers Seminar Entitled *Changes in the Laws Affecting Community Associations*.



May 2005 - Maricopa County Bar Association Seminar Entitled *How to Collect Assessments and Enforce Restrictions Concerning Homeowner Associations*.

ARTICLES AND PUBLICATIONS

Winter (2018) Community Associations Institute Central Arizona Chapter Magazine *Community Resource* Article Entitled *Can a HOA Waive its Rights to Enforce the CC&Rs*.

Spring (2018) Community Associations Institute Central Arizona Chapter Magazine *Community Resource* Article Entitled *Going Paperless: The Legal Requirements of HOA Digital Record Keeping*.

Fall (2017) Community Associations Institute Central Arizona Chapter Magazine *Community Resource* Article Entitled *Reserve Accounts 101 – What They Are, How They Work and Are They Required*.

Spring (2017) Community Associations Institute Central Arizona Chapter Magazine *Community Resource* Article Entitled *You're Hired! Important Considerations Concerning HOA Service Providers*.

Spring (2016) Community Associations Institute Central Arizona Chapter Magazine *Community Resource* Article Entitled *There is Method to the Madness: How to Choose the Best Method of Enforcement*.

Fall (2014) Community Associations Institute Central Arizona Chapter Magazine *Community Resource* Article Entitled *The Importance of Trade Names and Trademarks in the Social Media Age*.

Spring (2013) Community Associations Institute Central Arizona Chapter Magazine *Community Resource* Article Entitled *The Hatfields and the McCoy's: HOA Involvement in Neighbor Disputes*.

September/October (2012) Community Associations Institute National Magazine *Common Ground* Article Entitled *Curmudgeon Cure*.

Issue 4 (2011) Community Associations Institute Central Arizona Chapter Magazine *Community Resource* Article Entitled *Association Record Keeping in the Digital Age*.

Issue 1 (2011) Community Associations Institute Central Arizona Chapter Magazine *Community Resource* Article Entitled *We Are All in This Together - Sustaining Members' Interest in Their Community Association*.



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Issue 4 (2010) Community Associations Institute Central Arizona Chapter Magazine
Community Resource Article Entitled *Why HOAs are Good in a Bad Economy*.

Issue 2 (2010) Community Associations Institute Central Arizona Chapter Magazine
Community Resource Article Entitled *The Ins and Outs of Owner Bankruptcy – What
Community Associations Need to Know*.

Columnist for the weekly Column entitled “Ask the HOA GUY” published by the
Arizona Republic and the *East Valley/Scottsdale Tribune* (2004-2006).

LECTURER FOR THE FOLLOWING HOA ACADEMIES:

2010-Present City of Scottsdale, AZ HOA Academy.

2010-Present City of Chandler, AZ HOA Academy.

AWARDS AND ACHIEVEMENTS

2010 Leadership Centre Brian L. Zemp Community Leadership Award.

2008 Member – Community Association Institute College of Community Association
Lawyers.

2006 Leadership Centre Instructor of the Year.

SERVICE TO COUNTY

Honorably discharged from the U.S. Navy, August 1992.

SERVICE ORGANIZATIONS

Board President, Tempe Preparatory Academy (2020 to Present); Board Member, Tempe
Preparatory Academy (2018 to Present); Member, Community Associations Institute
College of Community Association Lawyers Board of Governors (2017); Vice President,
Central Arizona Chapter of Community Associations Institute (CAI) (2014 - 2015);
Member of the Board of Directors (2013 - 2016) of the Central Arizona Chapter of
Community Associations Institute (CAI); Member, State Bar Committee of Minorities
and Women in the Law (2002-2003); Vice Chair, City of Tempe Redevelopment Review
Commission (2003-2004); Secretary, Maricopa County Bar Association Foundation
(2002-2003); Member, Maricopa County Board of Adjustment (2005-2006); Member,
Maricopa County Community Development Advisory Commission (2005-2006);
Member, Maricopa County Merit Commission (2006); Member, City of Tempe
Transportation Commission (2009-2011); First Vice Chairman, Arizona Republican
Party (2010 – 2012).