

Chapter 14 - Handling Conflict In the Community



Creating Community

ABC'S OF HOA LAW IN NEW MEXICO

A Guide to New Mexico Community Association Law

Handling Conflict in the Community

As with any other aspect of life, conflict is likely to arise at some time within the community. The question becomes, how should the association handle conflict when it arises?

The following are some suggestions (both practical and legal) as to how to both prevent and handle such conflict.

1. Communicate with your members.

Effective communication with the members can often help to prevent conflicts from occurring. One of the major sources of conflict occurs when the association has spent a significant amount of money, or is asking for a special assessment, and the members do not know how the money has been spent. Also, members can become upset when they do not know what is going on within the community. Therefore, make the effort to communicate often with your members.

2. Allow members to have input.

If members feel that they are being heard, they tend to be more at ease with allowing the board to handle the governance of the association. Therefore, allow your members to have input to the board. There are different ways that this can occur. The board can allow the members to have a time to speak at their board meetings. The board could consider having a comment box, where members can put their comments. Some boards will send surveys out to their members, asking for feedback on various issues, such as, how effective is the management company, how do the members feel that the association is doing with enforcement of its governing documents, how do the members feel about the condition of the common areas, etc. When members feel that they have some input into the

operation of the community, they are less likely to start causing problems for the community as a whole.

3. Try to resolve problems early.

If a member brings a concern to the association, the board should try to address the concern as soon as possible. The longer a concern remains unanswered, the more upset members are likely to become. Therefore, make sure that both the board, and the management company, if one exists, respond promptly to members' concerns.

4. Consider alternative dispute resolution.

If a conflict arises between a member or members that looks like it is heading to litigation, the association may wish to see if the parties would agree to alternative dispute resolution, such as mediation. Even though it may cost the association some funds to hire a mediator, it may save the association significant funds to avoid costly litigation.

5. Consider your legal options.

If the conflict relates to an owner's violation of the governing documents and no resolution is forthcoming, the association could consider its legal options. These may include filing legal action for injunctive relief, to require the owner to comply with the association's governing documents. The association may potentially have other legal remedies available to it as set forth in its governing documents.

In summary, associations should try to work together with their members to develop harmony in the community, as the owners are neighbors. However, if legal action is required to bring an owner into compliance with the association's governing documents, the association should take the steps necessary to uphold its governing documents.