



A Community's New Year's "Resolution" Tool for Keeping it Civil in 2021

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While disputes between owners and board members in community associations are nothing new, tensions have continued to rise during the current COVID-19 pandemic. You may have personally experienced an uncivil encounter with an owner, whether in the community or on social media, about your community, your community's board of directors, current events, or some other hot-button issue. Most of these situations are isolated passing incidents, but more frequently, many are continuing practices of hostile, threatening, or offensive behavior, often toward board members and association agents. Although 2020 is finally over, its effects will last well into 2021. But that does not mean that boards of directors or association agents are required to continue to tolerate this type of behavior!

In response to these increasingly common situations, many communities are creating civility resolutions to define an expectation and requirement of civility, decorum, and courtesy within their communities.

A resolution is a formal policy adopted by a board of directors establishing new rules, regulations, or operating procedures. A civility resolution functions the same way as any other resolution, but its purpose is to create specific rules and regulations governing personal conduct in the community. Civility resolutions should be tailored to fit the needs of each individual community, but some common rules include:

- An agreement to treat other people with respect, civility and courtesy;
- A prohibition on disruptive conduct or inappropriate, offensive, hostile, threatening or intimidating behavior at association or board meetings or events (including virtual events), or in interactions or communications with or regarding association directors, officers, committee members, managers, staff or vendors;
- A prohibition on inappropriate or foul language or cursing in communications to or with the association officers, directors, committee members, managers, staff or vendors; and
- A prohibition on threatening physical or emotional harm towards any association director, officer, agent, committee member, manager, staff or vendor.

As with any community association regulation, these policies are only effective if coupled with meaningful and reasonable enforcement procedures. Resolutions are typically also formally approved by a board vote, recorded in the association's records, and distributed to the community. Civility resolutions should define violation consequences and enforcement procedures consistent with rights and procedures specified in each community's legal documents.

Being a part of a community association has its benefits and compromises, but dealing with hostile, threatening, or offensive behavior should not be a compromise one should have to make. Although we certainly cannot predict what the rest of this year has in store for us, a civility resolution may be a useful tool to set the tone for civility and respect in your community.

*Individual situations may vary and this document is not intended as specific legal advice to any party.