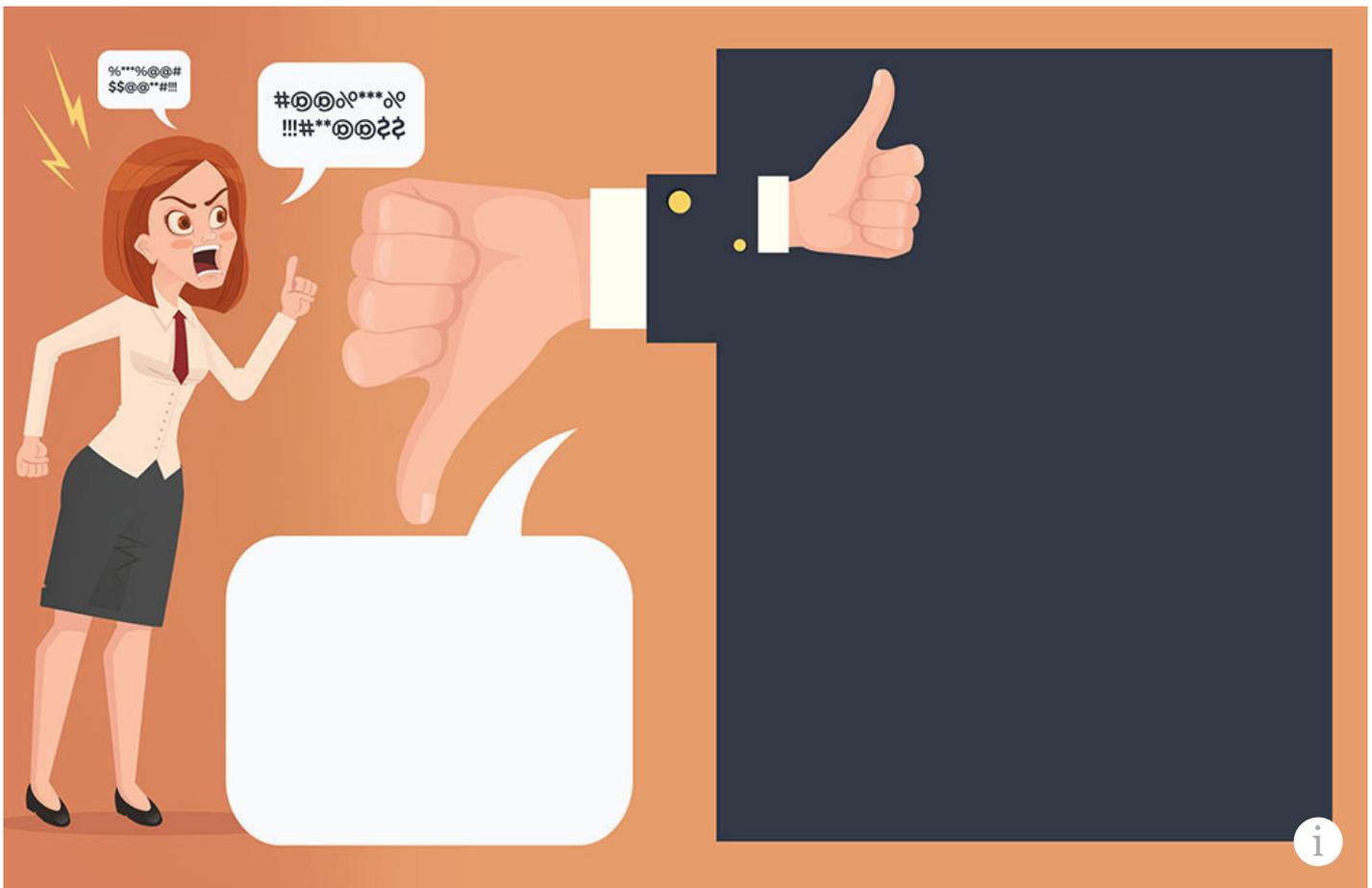


What Now, Karen?

Dealing with homeowner anxiety and complaints about neighbors or the association.

By Sandra L. Gottlieb, Esq., CCAL



KARENS BECAME FAMOUS in 2020. If you don't know what a Karen is, it's a special breed of entitled person. Karen hates everything and everyone, including your dog, trees, the association, and association assessments. She's a stickler for rules, but they don't apply to her. A meme was going around social media recently stating that a group of Karens is called a homeowners association. We who work in the industry know that there are some power-hungry, rules-obsessed, self-dealing board members out there, but those of us who participate in CAI aren't among

board members out there, but those of us who participate in CA aren't among them; we value education and look to strengthen community.

We don't want managers and board members to be seen as Karens; you all work too hard for your correct labels. Remember that proactive communication can reduce homeowner anxiety, lower unmet expectations, and help breed understanding – all of which reduce the likelihood that you'll be branded a Karen. Therefore, a best practice includes establishing a written procedure to handle complaints and ensuring that members receive it when they file a complaint. The procedure should:

- Identify which complaints the manager can handle upon receipt and which require board review;
- Advise homeowners when the board will review their complaints;
- Set expectations by letting the homeowner know what the next steps are after the board review, including when and what type of response they can expect;
- Make sure enforcement policies are in place and disclosed annually (Civil Code §§ 5850 & 5310); and
- Plan for egregious or dangerous violations and know how to address them.

WORKING WITH KARENS

I'm sure we've all heard the Karens say, with steam coming out of their entitled heads, "Can I speak to your manager?" when they are speaking to you, the manager. Many of us have been introduced to the concept that it's just the job. Well, that is not necessarily the right approach. Arm yourself with tools to get out of these situations with ease and grace to save yourself from the stress and anxiety that they cause. You can do it with HEART.

(H)EAR

First, listen to what the complaint is and take notes on the actionable items. Oftentimes, letting Karen vent can help defuse the situation. With compassion in your heart, no matter how Karen tries to provoke you, remove yourself from the

your heart, no matter how Karen tries to provoke you, remove yourself from the equation to focus on the issues.

(E)MPATHIZE

Everyone deserves a little understanding right now. We have just been through an unprecedented year. The pandemic is stressful, especially when combined with political tensions running at all-time highs. Rising to the challenge of combatting racism and discrimination head-on; being stuck at home with no personal space or time; and, for those who live alone, coping with isolation, is a lot to deal with for a sane person. Keep in mind that someone with all of this stress might initially come across as a Karen. We aren't out of the woods yet, so let these difficult people hear you say that you understand their situation. You probably aren't the cause of their problem, but a simple "I am sorry that happened," without taking ownership, can go a long way.

(A)NALYZE

Confirm that the association is responsible for addressing the issue. Is it a covered repair request or a nuisance violation? Almost all CC&Rs contain a nuisance clause, which prohibits unreasonable interference with others' use or quiet enjoyment in their separate interest or the common area. Nuisance issues are addressed with deference to the sensibilities of an average person, not a hypersensitive Karen. So, while we empathize with Karen, you will need to reevaluate the issue from a reasonable, ordinary person's point of view.

(R)ESPOND

Before you respond to Karen, look into the mirror by your desk and say, "I am strong, competent, and compassionate." This little meditation can keep you in the right mindset for being of service to Karen, even when she is annoying.

Next, promptly and decisively decide how to proceed. Doing nothing is not an option, even if the issue doesn't fall within the association's authority. If there is an

immediate fix, fantastic. Let Karen know what it is. If not, a response is still necessary to explain the next step in the process. Remember, talk calmly and rationally. Don't fall into Karen's instigation trap.

If the issue is Karen, the persistent badgering that rises to the level of harassment must also be addressed. Board members should redirect Karens to management (sorry, managers!) so they are not inundated with complaints at home. Equally important, board members must understand the association's responsibility, at law, for addressing harassment of the manager by a homeowner and taking action.

Managers should promptly report any harassment to their management company supervisors and the board; neither know what they don't know, and a situation could become too much to bear. Perpetuating this behavior could let it snowball, and you don't want to have to explain that something has been going on for a long time. Plus, if Karen knows she has your number, she will keep coming back.

Next, follow the governing documents for holding hearings and use monetary fine policies to impose member discipline. And, when our beloved amenities are available for use once again, suspend access for a period of time so that Karen knows the board does not take this behavior lightly. If the issue continues, the association should initiate internal dispute resolution (IDR) or alternative dispute resolution (ADR) pursuant to Civil Code Section 5900.

Suppose, however, after all of these steps, the situation is still not resolved. In that case, the association will need to decide if the nature of the dispute, its impact on the community, and the cost in terms of money and time warrant the association filing an enforcement action (lawsuit) against the owner. As the issue evolves over time, document decisions. Keep track of them in your company call log, put a note in the homeowner's file, notate it in the management report, or if the board deliberates on the matter, in the association minutes.

Note: The association should always confer with its legal counsel when dealing with issues that involve possible legal action, statutory protections, complicated facts, or fair housing laws.

Lastly, in your response, do not be vague, arbitrary, or unreasonable. This will only add to confusion and frustration. It could make your Karen worse, or attract more Karens.

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(T)HANK

Last, but not least, to finalize the interaction, no matter the outcome of the issue, thank Karen for bringing the matter to your attention. This is also a good technique to defuse the situation. It reiterates the empathy stage and helps Karen feel heard. It's also a signal that her time with the "manager" is up.

We are all in this together. Everyone has his or her experiences dealing with the pandemic. I encourage you to take advantage of the coffee breaks and social hours at CAI. We can help each other by being a person to lean on after a bad day, or sharing stories of our own experiences. You have to take care of yourself before you can take care of a Karen. So, be well!

Sandra L. Gottlieb, Esq., CCAL, is a founding and senior partner in the law firm of SwedelsonGottlieb, which limits its practice and specializes in the representation of community associations throughout California. She gives a special shout out to Meigan Everett, client relations manager for SwedelsonGottlieb, for bringing H.E.A.R.T. to this article.

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