

**THE CITY OF ALEXANDRIA
COMMON INTEREST COMMUNITIES
EDUCATION SERIES**



DEALING WITH DIFFICULT PEOPLE

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PRESENTED BY

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“

*Good fences make
good neighbors.*

”

Robert Frost

Program Overview

- Rights & Responsibilities
- Demanding Personalities
- Insistent (*and persistent*) Communication
- Erratic Behavior
- Unit Condition
- Pets
- Board Conflict - *Politics*
- Treatment of Others
- Remedies



RIGHTS & RESPONSIBILITIES

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Rights & Responsibilities

- Balance the *rights* of individual owners and the *rights* of the community as a whole.

And

- Recognition of *responsibilities* of owners and the association that serves the community.



Owner Rights

- Responsive and competent association.
- Opportunity to participate in community governance.
- Access to association books and records.
- Prudent management of association assets.
- Due Process.



Owner Responsibilities

- Read and follow governing documents.
- Maintain property according to established standards.
- Treat association leaders, neighbors and management respectfully.
- Pay assessments in a timely manner.
- Participate in association governance - vote.



Community Leader Rights

- Owner compliance and cooperation.
- Respectful treatment.
- Productive, open meetings.
- Owner support.



Community Leader Responsibilities

- Act in best interest of community.
- Exercise reasonable judgment.
- Understand governing documents.
- Transparent conduct of association business.
- Listen and act.



DEMANDING PERSONALITIES

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*“ Difficult people will
always exist, but how we
choose to respond to
them can make all the
difference. ”*

Unknown

Demanding Personalities

- Repeated emailing or calling management and board members with the same concerns or minor issues.
- Demand for instant responses or action.
- Insisting request be prioritized over others.
- Regularly reporting minor issues or personal grievances.



Demanding Personalities

- Consistently challenging decisions, policies, or enforcement actions even after explanations are provided.
- Threatening legal action, regulatory complaints, or public criticism when dissatisfied with responses.
- Questioning Board motives or accusations of impropriety.



Clear Communication Channels

- Require owners to submit concerns through designated processes -
 - Written Requests
 - Management Portals
 - Board Meetings
- Document communications – to create a record if matter escalates.



Association Response

- Response -
 - Consistent
 - Factual
 - Controlled
 - Objective
- Rely on established authority rather than personal judgment.
- Use a calm, factual tone; avoid emotional language.



Association Response

- Avoid prolonged exchanges.
- Provide a clear answer or explanation.
- Avoid contentious disclosure or expressing frustration.
- Reiterate answer once.
- Decline to continue debate.



Consistency

- Ensure consistent messaging.
- When multiple people are involved, coordinate responses so owner receives the same information and expectations each time.
- Insist on one point of contact.



INSISTENT
(*AND PERSISTENT*)
COMMUNICATION



Complaints

- Complaints submitted through established procedures to limit excessive or abusive communications.
- If repeated complaints become disruptive or harassing, association may rely on provisions prohibiting nuisance, harassment or interference with association operation.



Books & Records Requests

Establish a policy that follows statutory prerequisites -

- Owners may inspect certain association books and records.
- Written requests.
- Records that the association is required to maintain.



Books & Records Requests

- Adopt and apply reasonable rules for access to manage repeated or burdensome requests.
 - Timing
 - Cost of providing records
 - Format
 - Member in *good standing*
- Requests may be declined if records -
 - Are exempt from disclosure
 - Do not comply with statutory requirements
- Adopt a Policy on Record Retention & Access.



Insistent Communication

Acknowledge the concern or request and

- Explain that the condition or conduct does not violate the governing documents or require association action.
- Explain reason for declining books & records request.



Insistent Communication

- Avoid prolonged debate.
- Respond with clear, consistent explanations.
- Remind owners that association resources are for community matters rather than personal grievances.
- ***Document communications! Create a record!***



***“ Let your conversation be
without malice or envy...
and in all causes of
passion permit reason to
govern. ”***

George Washington

ERRATIC BEHAVIOR



“ Dealing with difficult people is an opportunity to develop patience, compassion and understanding. ”

Deepak Chopra

Erratic Behavior

Associations need to respond when resident behavior affects the peaceful enjoyment of others.

- Disruptive.
- Creates safety concerns.
- Indicates welfare concerns.



Disruptive & Unkind Behavior

- Repeated yelling.
- Pacing, shouting or acting in a way that alarms or interferes with use of property.
- Repeated complaints in an agitated manner.
- Causing ongoing disturbances in common elements, common area or neighboring property.



Welfare Concerns

- Appearing disoriented.
- Physical injuries.
- Behavior suggesting confusion or distress.
- Repeatedly contacting management with inconsistent or alarming claims.



Safety Concerns

- Confrontational interactions with neighbors or staff.
- Sudden aggressive outbursts.
- Making threats.
- Blocking exits.
- Stalking.
- Tampering or interfering with community systems.
- Unsafe use of fire or hazardous items.



Erratic Behavior

If erratic behavior disrupts others or creates safety concerns.

- Contact Law Enforcement.
- Association may enforce provisions requiring residents to avoid interfering with others' peaceful enjoyment of the property.
 - Nuisance
 - Safety
 - Conduct
 - Condition
- ***Initiate association due process procedures.***



Erratic Behavior

If erratic behavior poses a safety risk or suggests welfare concerns.

- Association may contact -
 - Property management or legal counsel for guidance.
 - Emergency contact, if necessary.
 - Local authorities, emergency or adult protective services or appropriate community resources.



UNIT CONDITION



“

Real estate cannot be lost or stolen, nor can it be carried away. Purchased with common sense, paid for in full, and managed with reasonable care, it is about the safest investment in the world.

”

Franklin D. Roosevelt

Unit Condition



Unsanitary Conditions - Accumulated trash, food waste or excessive clutter that creates odors or attracts pests.



Pest Infestations - Conditions that lead to rodents, insects or other infestations that may spread to neighboring units or common elements.



Unit Condition



Water, Mold or Structural Risks - Leaks, mold growth or blocked access to plumbing, HVAC or electrical systems that could damage the building or adjacent units.



Failure to Maintain Unit - Ongoing neglect of interior maintenance obligations required by the condominium instruments and Virginia Condominium Act.



Unit Condition

Blocked Access or Safety Hazards -



Items obstructing entrances, balconies or building systems (sprinklers, vents, electrical panels, etc.) that create safety risks or poses a fire hazard.

Affecting Neighbors' Quiet Enjoyment -



Persistent odors, smoke or other environmental conditions originating from a unit that interfere with other residents' use of their homes.



Unit Condition

Except to the extent otherwise provided by the condominium instruments, **all powers and responsibilities, including financial responsibility**, with regard to maintenance, repair, renovation, restoration, and replacement of the condominium **shall belong . . . (ii) to the individual unit owner in the case of any unit or any part of such unit**

Condominium Act, Section 55.1-1955.A



Unit Access

. . . . Each unit owner shall afford to the other unit owners and to the unit owners' association and to any agents or employees of either such access through his unit as may be reasonably necessary to enable them to exercise and discharge their respective powers and responsibilities. To the extent that damage is inflicted on the common elements or any unit through which access is taken, the unit owner causing the same, or the unit owners' association if it caused the damage, shall be liable for the prompt repair of such damage.

Condominium Act, Section 55.1-1955.A



Unit Access

The Board, managing agent and any person authorized by the Board, is authorized to access the Unit to:

- Conduct an inspection; or
- Correct a condition originating in the Unit threatening another unit or the common elements.



Unit Owner Cooperation

- Board should request access, offering several times to enter the unit.
- If owner declines access or fails to address unit condition, associations should:
 - Initiate due process procedures; and
 - Seek a court order to require action by owner and give the association access the unit.



Hoarding

- Creates health and safety matters that require timely attention.
- May create dangerous conditions to the property, owner and surrounding properties.
- Take care to document conditions –
 - Pictures
 - Written Observations
 - Interactions with the owner or resident.



Hoarding

- Local agencies may be best equipped to address hoarding.
- Association may have an obligation or authority to address property conditions.
- Authority to address interior unit conditions is limited, unless the condition involves non-compliance with governing documents or rules and regulations.



Hoarding

- Documents may include express authority for the association to take action to -
 - Remedy unit conditions
 - Assess the cost of the work performed to the owner
- Recommended that all action is taken with consent of the owner or pursuant to court order.
 - Due Process Procedures
 - General District Court Abatement



Alexandria Resources

- **Alexandria Hoarding Task Force** - <https://www.alexandriava.gov/code-administration/maintenance-code-division>
- **City of Alexandria Maintenance Code Division** - <https://www.alexandriava.gov/Alex311>
- **Adult Protective Services** - <https://dars.virginia.gov/safety-security/file-a-report/>
- **Professional hoarding cleanup services** - Companies provide specialized clutter removal and cleanup assistance to help restore safe living conditions.



Other County Authorities

- **Fairfax Code Compliance -**
<https://www.fairfaxcounty.gov/code/hoarding>
- **Arlington County Hoarding Task Force -**
<https://www.arlingtonva.us/Government/Programs/Building/Resources/Hoarding-Task-Force>
- **Loudoun County Health and Human Services -** <https://www.loudoun.gov/3885/What-Can-I-Do-About-Hoarding>
- **Prince William Department of Neighborhood Services -**
<https://www.pwcva.gov/department/neighborhood-services/unsafe-living-conditions/>



PETS

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“

*Difficult people can be
the catalyst for growth
and transformation.*

”

Unknown

Rule-Making Authority

Board has the power to establish, adopt, and enforce rules and regulations with respect to use of the common elements and other areas of responsibility assigned to the association

Condominium Act, Section 55.1-1959.A
Property Owners Association Act, Section 55.1-1819



Rule Considerations

- Number Limits
- Weight or Size Limits
- Breed Restrictions
- Leash Requirements
- File a DNA test
- Behavior Standards
 - Prohibit dogs on permanent medication to control anxiety or vicious behavior
 - Strict liability for owners when a dog causes injury to another resident
- Waste Cleanup Requirements
- Vaccination & Licensing
- Noise Rules



Dangerous Dogs

- Dangerous if the dog has bitten, attacked, or inflicted serious injury on a person or another pet (dog or cat).
- Status determined by court hearing, ensuring the dog is not deemed dangerous solely based on breed or if it was protecting its owner/property.

***The Virginia Dangerous Dog Registry
established by the Virginia Department
of Agriculture and Consumer Services***



Dangerous Dogs

- Dangerous dogs not confined inside a locked enclosure shall be confined inside owner's residence.
- If outdoors, dangerous dogs shall be:
 - Controlled by leash employed by the responsible adult owner; *and*
 - Securely muzzled in a manner that prevents it from biting but does not cause injury or interfere with the dog's vision or respiration.

Virginia Code, Section 3.2-6540.01.C



Fair Housing

- Associations must allow:
 - Service animals
 - Emotional support animals
- ***Even when governing documents otherwise ban pets.***
- ***But*** – Service Animals and support animals must follow conduct rules.

The Fair Housing Act, 42 U.S.C., § 3604(f)(3)(B)
HUD Notice, FHEO-2020-01



BOARD CONFLICT

POLITICS



“

The best way to resolve any problem in the human world is for all sides to sit down and talk.

”

Dalai Lama

Healthy Disagreement

Effective boards benefit from open discussion and respectful differences of opinion.

- Make your views known and share perspectives respectfully.
- Disagree with ideas, not individuals and maintain a professional tone.
- Ask questions and request clarification to ensure informed decisions.
- Encourage constructive discussion while keeping the focus on best interest of the association.



Speaking With One Voice

- Support Board decisions publicly – even when not in agreement.
- Avoid undermining board actions when speaking with owners or residents.
- Remember that board decisions are made collectively through votes.
- Present a unified and constructive message to the community.



Professionalism & Confidentiality

- Maintain a positive and respectful tone in interactions with residents and fellow board members.
- Lead by example in promoting constructive communication within the community.
- Keep confidential matters private, including legal discussions, personnel matters, and owner information.
- Protecting confidentiality helps preserve trust and proper governance.



TREATMENT OF OTHERS

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“

Treat people the way you want to be treated. Talk to people the way you want to be talked to. Respect is earned, not given.

”

Unknown

Standard of Conduct

- All individuals expected to treat each other honestly, fairly, courteously, and respectfully at all times.
- No person shall abuse another by word or act or use offensive or derogatory language.
- All community members have the right to a peaceful and respectful environment, free from hostility or intimidation.



Constructive Communication

- Comments, questions, and concerns communicated in a constructive and productive manner.
- Harassment or unlawful discrimination **not** tolerated.
- Inappropriate behavior subject to review and action.



Association Employees & Agents

- Owners, residents, and guests are not authorized to direct employees or the managing staff.
- No one may -
 - Interfere with employees, agents, or contractors in performance of duties.
 - Abuse or attack Association employees or agents.



Community Responsibility

- All individuals share responsibility for maintaining a respectful environment.
- Board is entitled to personal privacy at home and during leisure time.
- Owners responsible for ensuring that family members, guests, and tenants comply with association rules.



Reporting & Safety

- Inappropriate behavior should be reported immediately:
 - Dates
 - Times
 - Persons involved
 - Details of conduct
 - Requested outcome
- All reports handled with discretion and sensitivity.
- Concerns for personal safety should be reported to **local law enforcement** immediately.



REMEDIES

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“

*When you have exhausted
all possibilities,
remember you haven't.* ”

Robert Frost

When Dealing With A Difficult Owner

- Develop strategy of dealing with resident
- Identify action -
 - Communicate
 - Internal Complaint
 - Due Process
 - Legal Action
- Implement in a timely way



Communication Between Board and Owners

- Goal is **compliance**, not to punish
- Verbal Communication
 - Conciliatory approach
 - Listen to Owner concerns
- Equal Application – *arbitrary and capricious*



Approaches to Voluntary Compliance

- Educate and notify.
- Gain consensus.
- Review rules periodically.
- Act promptly.
- Be reasonable with rules & consequences.
- Give time to comply.
- Provide clear information and guidelines.
- Be consistent and uniform.
- Be flexible.



No Voluntary Compliance

If compliance is not voluntary:

- Have a plan to compel compliance – a policy that establishes a process.
- Ensure due process -
 - Notice
 - Hearing
 - Hearing Results
 - Representation
- Act in a consistent manner.



Statutory Authority

Rules and regulations may be enforced by any method normally available to the owner of private property in Virginia, including application for injunctive relief or actual damages, during which the court shall award to the prevailing party court costs and reasonable attorney fees.

Condominium Act, Section 55.1-1915

Property Owners Association Act, Section 55.1-1819.B



Document Authority

Established in the declaration for communities governed and administered by a property owners association and in the bylaws of a condominium unit owners association.

Based on court trends – **document-based** authority is fundamental – **REQUIRED!**



Roles in Rule Compliance

Board - Board typically has both the authority **and** duty to enforce restrictions and rules.

Committees and Management - Board may delegate to a committee or management, but delegate with care. **Confirm and document authority.**

Local Government - Association covenants may reflect municipal ordinances and standards or proffer and site plan conditions, and may be enforceable by the local government.

Legal Counsel – Assist Board and management with notices and legal action, if necessary.



Mediation

- Facilitated negotiation.
- Conflict resolved with assistance of neutral third party.
- Parties must agree – non-binding unless resolution reached.
- Shared expense.



Due Process Procedures

- Gather all the facts
- Documentation
- Photographs
- Identify those who can support the issue – *witnesses*
- Confirm ownership of the property -
 - Owner or tenant.
 - Involve owner where you have to.



Owner Rights & Due Process

- Notice and opportunity to cure
- Notice of Hearing
 - At least 14 days prior
 - Date of hearing
 - Description of noncompliance
 - Action that may be taken if left uncorrected
 - Hand-delivered or via certified or registered mail, return receipt requested

Condominium Act, Section 55.1-1959C

Property Owners Association Act, Section 55.1-1819C



Owner Rights & Due Process

- Hearing (Board function unless delegated to committee).
- Hearing results
 - Hand-delivered or via certified or registered mail, return receipt requested
 - Within 7 days of hearing

Condominium Act, Section 55.1-1959C

Property Owners Association Act, Section 55.1-1819C



Remedying Issues

- Timely handling of the process
- Notice letters
 - Encourage compliance – give ample opportunity to cure
 - Be specific but consider tone
- Possible defenses
- Waiver



The Seven Deadly Sins of Enforcement

1. Regulating the personal lives of residents.
2. Giving into political pressure.
3. Going to extremes.
4. Imposing harsh consequences for small infractions.
5. Failing to make exceptions in exceptional circumstances.
6. Acting on anonymous, unverified, or unsubstantiated complaints.
7. Failing to be flexible, creative, and reasonable.



Do's and Don'ts of Conducting a Hearing

The Do's:

- Keep it simple and informal.
- State the case against owner.
- Let the owner respond in their own words.
- Listen carefully to the owner's explanation.
- Require complainants to attend hearing.
- Obtain Compliance.



Do's and Don'ts of Conducting a Hearing

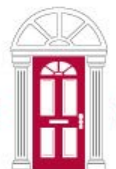
The Don'ts:

- Use a court-like setting.
- Confront or cross-examine owner.
- Engage in an argument.
- Ask questions unless you need clarification.
- Act on anonymous complaints that place the Association in the role of the accuser.
- Inflict punishment.



Reporting & Safety

- Inappropriate behavior should be reported to management immediately:
 - Dates
 - Times
 - Persons involved
 - Details of conduct
 - Requested outcome
- All reports handled with discretion and sensitivity.
- Concerns for personal safety should be reported to **local law enforcement** immediately.



Barring Notices

- Also known as a ***Banning*** or a ***Trespass Notice***
- Owners of private property or governing bodies - *community associations* - may restrict access to property.
 - Unusual or suspect conduct
 - Acts in manner contrary to wishes of owner
- Issued by owner and enforced by police.
- Informs recipient that recipient -
 - Is prohibited from entering property.
 - May be arrested if they return.



Barring Notices

Process varies slightly between jurisdictions -

- Contact local police to obtain preferred form.
- Complete notice and deliver - *witness may be required to verify delivery.*
- Submit copy of notice to police with evidence that notice was delivered.
- If individual returns to property after receiving notice, police should be contacted.
- If found on property, individual may be arrested and prosecuted for trespass.



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