

Co-op Coalition Survey: Bad Behavior

Thanks to all who replied.

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 In a message dated: Wed, Apr 8, 2020 9:37 am

Can you help another Coalition member? They have a significant social behavior problem. We have suggested they work with their legal counsel, but perhaps your co-op has had a similar problem and can help guide them. Their question is below. Please respond by 5pm, Friday, April 24. We will share the results with everyone a few days later.

We know everyone is dealing with the many different aspects of the coronavirus, but perhaps you can take 5 minutes to help another co-op. Thanks, and be safe!

We've been having issues with an owner's erratic behavior while "under the influence" including several incidents where neighbors complained to management and the board, sometimes resulting in the police being called. Things got really bad several months ago when the owner was stabbed by their roommate. At that point the roommate was arrested and court ordered the person not to return to the property. Since then the owner has had several different visitors/guests coming and going, inviting strangers to their apartment and allowing them to wander around the building. The individual has been intoxicated in common spaces and has been reported being seen in the lobby in just under garments. Most recently, the individual intimidated a prospective buyer and their agent in the lobby because of his aggressiveness and intoxication. Our rules and regulations are kind of non-existent on reprimanding. Have other co-ops experienced this situation and, if so, what actions did they take to hold the member accountable? Thanks for your help.

<25 units	<p>Fortunately, this issue has not arisen at our building while I have been a resident. But if it did, our House Rules would address this type of behavior. They provide:</p> <p><i>Appropriate use.</i> The Bylaws and the Stockholder's Lease specify the appropriate use of apartments. The apartment is leased to you, and you cannot sublet or share it, or any part of it, without the Board's prior written permission. House/apartment exchanges are prohibited. The Board has the right to revoke your ownership and occupancy rights if you or any person dwelling in your apartment or visiting you does not abide by the House Rules or engages in objectionable conduct. If you have a guest(s) staying in your apartment when you are not also in residence, you must send an email to the stockholders notifying them of your guest(s)'s presence and the length of their stay in your apartment. You must obtain the Board's prior written permission to have any guest stay in your apartment for more than 30 days in the aggregate during any 12-month period.</p> <p>Faced with this type of situation, we would refer it to legal counsel to determine if there are grounds for eviction.</p>
25 – 49 units	<p>We don't have any advice for this but would love to find out other coops' advice. We have not had a problem of this severity, but we have discussed a resident whose behavior is erratic. We were in the process of seeking legal counsel, before the virus crisis put that on hold.</p>
25 – 49 units	<p>We (thankfully!) have no similar experience. I suggest the Board look at their House Rules and By-Laws to see if there are any applicable grounds for termination of the individual's ownership contract. Definitely involve legal counsel before proceeding with this type of action.</p>

25 – 49 units	Can't say that we have experienced this or that we have specific rules. I would use my smart phone to take a video and use that as evidence for the police and for an eviction lawsuit.
25 – 49 units	<p>Fortunately we've not had to deal with anything remotely approaching this type of situation, at least during my time in the building. However, our Bylaws do contain a provision that could be brought into play in such a case:</p> <p>"The Board may, either on its own initiative or in response to a written petition signed by at least five Members, make a formal complaint against a Member for violating any of the provisions of the Bylaws, for conduct detrimental to the Co-op, or for being otherwise undesirable as a Member."</p> <p>They go on to state that there then may (but not must) be a hearing before the Board, which has the option of calling a special meeting of the membership. If the conduct were deemed sufficiently serious the Member could expelled by a majority of those voting. There aren't really any other intermediate steps outlined to ensure that the person changes his or her ways, however.</p>
50 – 124 units	No responses
125 – 149 units	Get legal counsel involved immediately and take every action the Cooperative can. This person is a danger to themselves and others. The Proprietary lease demands certain actions by shareholders and this individual in not abiding by those terms. The cooperative must take swift action to address this immediate danger.
150+ units	<p>We have the following in our House Rules:</p> <p>Treatment of Residents, Staff, and Management strives to provide its residents with an environment conducive to the peaceful enjoyment of their homes. also strives to provide the members of its staff with a positive and productive work environment. Accordingly, no shareholder, resident, or guest shall harass or do anything unreasonably offensive or threatening that creates an oppressive environment to the detriment of any other resident's peaceful enjoyment of their home and the common areas of Similarly, no shareholder, resident, or guest shall harass or do anything unreasonably offensive or threatening or that creates an oppressive work environment to the staff.</p> <p>Violations of the House Rule are subject to a hearing and fines, up to \$1000 per occurrence.</p>
150+ units	We had a disruptive co-owner who failed to heed the warnings of the Board to conduct their self in a civil manner. After repeated warnings, the Board worked with legal counsel. The result was a letter forbidding the co-owner from participating in any public function for one year. Failure to comply would result in actions that could include loss of ownership. The co-owner complied and honored the restriction and has since improved their behavior.
150+ units	I have never dealt with this situation, but my recommendation is to contact their attorney, and the Board to put something in place, so they can take action in the future.
150+ units	<p>Two clauses in our Occupancy Agreement are 1) Premises to be Used for Residential Purposes Only and 2) Member's Right to Peaceable Possession, which include wording such as "... shall not permit... anything... obstruct or interfere with the rights of other occupants or annoy them by unreasonable noises or otherwise, nor will he commit or permit any nuisance on the premises or commit or suffer any immoral or illegal act to be committed thereon."</p> <p>We have not established any rules regarding penalties or fines (other than late/no payment) but are working on adding such rules.</p>