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SELF-MANAGEMENT

I can start simply enough. 6D is playing the stereo a little too loud. 3B is upset that 3C keeps parking a stroller in the hallway. Night-shiftworking 2F can't get any sleep during the daytime because the upstairs neighbor in 3F has a playgroup at 3 P.M.

These are some of the more common complaints that arise from apartment living. Some might say accepting noise and other inconveniences is just a fact of life in New York City, but small problems have a bad habit of turning into bigger ones, and life can quickly turn ugly if disputes between shareholders spin out of control. Hurt feelings, stubborn shareholders, and even lawsuits are all potential unwanted byproducts of a disagreement that isn't resolved. All the hard work that goes into running a self-managed co-op can evaporate over smells, noise, pets, and loud babies.

In self-managed buildings, disputes can escalate quickly and boards may be loath to get involved. Usually, friendships and personal allegiances come into play. There is no buffer zone, either; i.e., having a managing agent who can play the "bad cop" role, sending out stern letters to those shareholders behaving badly. In those co-ops with only a few units, everyone knows everyone else, and it's hard for board members to remain indifferent. Board officers may be great at making board and building decisions, but how well can they step into a dispute and play Solomon?

Settling disputes and keeping a building in harmony requires following procedures, setting up lines of communi-



CONFLICT RESOLUTION

We Can Work It Out

BY MICHAEL GWERTZMAN

cation, and being even-handed. Surprisingly, most disputes can be peacefully resolved through a combination of these three principles. For those buildings in need of serious help or outside assistance, there are a number of mediation resources in the city with plenty of experience specifically in resolving housing conflicts. Mediation is an ideal alternative to lawsuits. Not only does it save money and time but it also generates agreements and resolutions that are more likely to last.

When disputes between shareholders arise, it's up to the board to make sure they get settled. "The board has to take leadership, sit the people down, and say, 'You guys have got to behave,'" says attorney Geoffrey Mazel, a partner at Hankin, Handwerker & Mazel. "Someone's got to take charge, and I think it's completely the board's job and major function. All buildings should have a procedure to follow when there is a dispute between two shareholders or more." Self-managed buildings, even those with boards that have no experience in settling conflicts, must take a leadership role in creating a resolution process.

That procedure begins with hearing everyone out. First, get a written description of the problem or of a shareholder's bad behavior from whoever is making the complaint; don't take any action until this has been submitted to the board. Board members are advised not to handle complaints personally or informally; addressing problems on a one-on-one basis could potentially lead to exposure and liability for the entire board. Compelling a shareholder to detail his or her issues in writing sometimes makes the critic realize the complaint is simply not worth pursuing.

Once a board learns of a problem, the next step is to gather all the information. Contact the offending shareholder

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"Self-Management" is a monthly column. If you are on the board of a self-managed co-op and would like to offer ideas please e-mail Michael Gwertzman at mgwertzman@habitatmag.com.