

Addressing Unacceptable Behavior by Condominium Tenants

How can Owners and Associations Protect Themselves from Dangerous Tenants?

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How do you address the potential unacceptable behavior by this tenant? How can condominium trustees or association managers address these types of situations? It starts by requiring unit owners and their tenants to abide by the condominium association's rules and regulations, which should

contain a provision that requires tenants to comply with the rules and regulations of the condo association. If the tenants violate this provision, the unit owner will have grounds to evict the tenants. An association should also require unit owners to provide copies of the condominium rules and

The Massachusetts Condominium Statute contains a special provision that condominium associations can utilize to keep unruly tenants from engaging in unacceptable behavior. This provision gives the condominium association the power to assess the unit owner with any expenses incurred from the misconduct of the unit owner, the unit owner's family members, tenants or invitees. Furthermore, the statute allows the condominium association to collect these costs, if unpaid by the unit owner, as a common expense assessment by filing a civil action after proper notices have been sent to the unit owner.

This little-known legal tool called the Notice of Misconduct can address a situation with problem tenants like the ones described above.

forbid disruptive, criminal, and otherwise unacceptable behavior.

If a condominium association is going to allow unit owners to rent their units, then the condominium association should enact rules and regulations pertaining to leases and rentals of the units. For example, an association can mandate that the lease

regulations to the tenant; that way the tenant cannot plead ignorance when they are cited for a violation. Furthermore, unit owners should be required to provide a copy of the tenant's lease to the association. The association will then be able to ascertain if the rules and regulations have been properly incorporated into the lease.

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tenants like the ones described above. If a tenant is engaging in problematic behavior the condominium association can have a Flynn Law Group attorney send a notice to the unit owner describing the misconduct of their tenant. The Notice of Misconduct should explain to the unit owner that if the tenant's misconduct does not stop immediately, then under the Massachusetts condominium statute the unit owner will be responsible for the association's court costs and legal fees if legal action is necessary. As you can imagine, when unit owners realize that they will have to pay the costs of a lawsuit, they will quickly act to put an

end to the tenant's misconduct. If not, the association can bring a legal action seeking an order from a court requiring the unit owner to evict the tenant. The condominium association can also file an injunction seeking an order from the court requiring the tenant to cease engaging in the misconduct. The costs of the litigation, in either case, would then be charged to the unit owner.

The ability to assess all expenses associated with misconduct by tenants against the unit owner gives the association a powerful tool to combat misconduct. Being able to collect these costs as a common expense assessment under the condominium

statute provides the condominium association with additional enforcement powers. A condominium association should have an experienced legal counsel, who can advise the board of trustees and association manager on how to implement the legal strategies described above. Moreover, an experienced legal counsel will be able to properly prepare the Notice of Misconduct for the condominium association.

The process described herein is very effective but it is complicated. Contact Attorney Flynn to assist you with this process.

If you have any questions or need assistance addressing unacceptable behavior by condominium tenants please contact our office today!