

Board should exercise caution in assisting an aging resident

Published May 22, 2005

Q. We live in a 42-unit condominium building in the northwest suburbs. As a member of the board of directors, I am concerned about the well-being of one of our resident owners, who is 98 years old.

Though he has children nearby and out of town, he does not want them to interfere with his life.

Recently, after failing to reach him by phone, another board member and I entered his apartment with an emergency key and found him lying on the floor. He had fallen and could not get up.

This situation has occurred five times. Once, he could not get up to turn off his stove, and smoke permeated the building.

This individual cannot live alone on a 24-hour basis. The board has urged his children to provide live-in assistance, but nothing has happened.

What can we do to force this man's children to move ahead with action to relocate him to a new facility or provide live-in assistance?

A. Unless the conduct of the individual creates a nuisance or a danger to other residents, the board cannot force family members to take the obvious action -- find another facility for the gentleman or hire a full-time caretaker.

The Office of the Public Guardian and charitable organizations provide assistance in finding an alternative residence for people who cannot live alone. The board also can seek assistance from the local police department; they may be able to obtain an inspection by a social service official and determine that this owner cannot live alone.

The situation you describe is not unusual and does present a potential risk to the building, particularly if this person still uses cooking appliances.

If an incident occurs or damage is caused to the building by the elderly gentleman, the board may have to sue and ask the court to order intervention by a public agency. This is not a case where the board follows strict legal remedies but, rather, seeks assistance from the family and outside agencies.

Q. I am a board member of a condominium complex in the suburbs. Our board meetings give owners an opportunity to raise concerns and ask questions. One owner, who is a former board member, does nothing but complain. He ignores board direction to call the management company for repairs. We believe that this individual wants to be on the board again -- but none of the existing directors want him to serve. He will only be a negative influence. He seems to thrive on being argumentative.

What can be done about a resident who acts this way?

A. The board does not have to recognize this malcontent at board meetings or owner forums that the board may conduct before or after the meetings. Except for emergencies, association personnel do not have to respond to this individual's continuing complaints. He must follow the same procedures as other residents to contact management for service requests.

This individual should not be a director. A director should exemplify good conduct, not be an individual who ignores regulations established by the board.

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