

CASE DECISION HIGHLIGHTS HOA'S NEED FOR HARASSMENT COMPLAINT POLICY

📅 November 21, 2025 🔗 Case Decisions, Dispute Resolution, Ownership and Transfer of Interest

This case involved a dispute over claims of harassment between neighbors in a community governed by a homeowner's association in which the owner alleging harassment was a member of the Association's board of directors. He sought a restraining order against his neighbor who he alleged repeatedly approached his home, sometimes late at night, sometimes near bedroom windows, while holding a phone or recording device. He documented more than 20 incidents on video.

The trial court granted a three-year restraining order designed to provide safeguards for both the plaintiff and his partner. The neighbor appealed contending that the factual findings made by the judge did not support the granting of the civil harassment restraining order, and that her Constitutional rights to procedural due process were violated.

The appellate court found that sufficient evidence had been presented to the trial court to support the issuance of the civil harassment restraining order and that, despite having ample opportunity, the defendant failed to present evidence showing a procedural due process violation. Accordingly, the appellate court affirmed the trial court's judgment issuing the civil harassment restraining order for three years.

Commentary:

This case highlights the challenges that homeowners association management personnel have when confronted with complaints from association members contending that they are being harassed by other residents and expecting the association to take action on their behalf. Associations must respond to such complaints consistently, neutrally, and in writing. To meet this responsibility, the association should have a written harassment complaint policy that protects the association and ensures that the homeowners who claim they are being harassed are provided with information as to what the association can and cannot do.

A formal written harassment complaint policy should: (i) clarify the HOA's limited authority over personal disputes; (ii) provide a neutral process for logging complaints; (iii) direct residents to law

enforcement and civil harassment procedures; (iv) encourage documentation (photos, videos, dates, times); (v) keep the board from being dragged into dangerous situations; and (vi) prevent the association from appearing biased or inconsistent. A sample Harassment Complaint Policy and a resolution adopting same may be viewed via the below links:

See:

- [Sample Harassment Complaint Policy >](#)
- [Directors' Resolution Adopting Harassment Complaint Policy >](#)

California Appellate Court Decision (November 6, 2025).

See case decision: [Daughtery_v._Powell](#)

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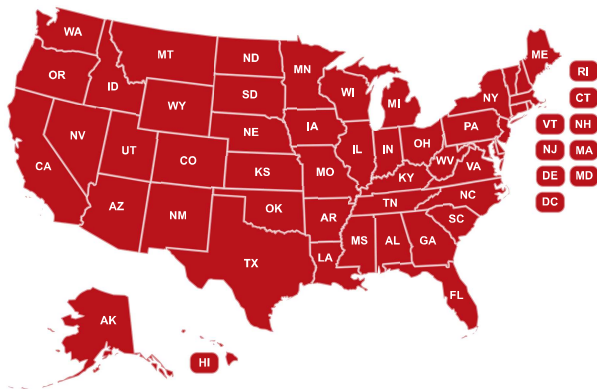
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