

# *Channels of* Communication

*Serving Ventura, Santa Barbara, San Luis Obispo, and Kern Counties*

*FIRST QUARTER 2023*

The Official Publication of  
CHANNEL ISLANDS CHAPTER  
**community**  
ASSOCIATIONS INSTITUTE



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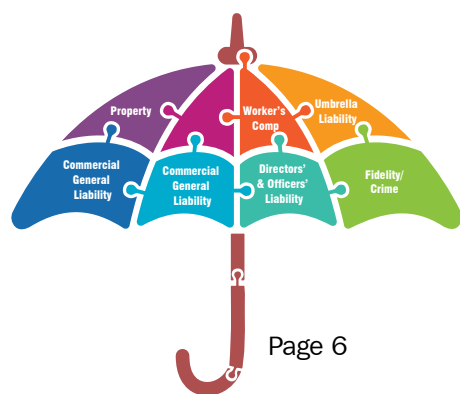
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# Channels of Communication

Serving Ventura, Santa Barbara, San Luis Obispo and Kern Counties

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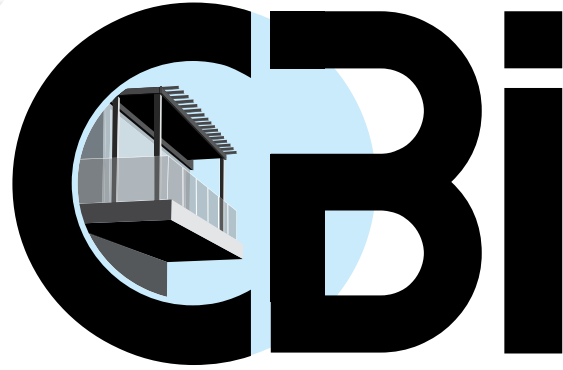
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# president's message



**Ryan Gesell, CIRMS, CMCA**  
Cline Agency Insurance Brokers, Inc.



Dear Members:

Welcome to 2023! Before we leave 2022 behind entirely, I want to acknowledge the contributions of our Channels Islands Chapter's Board of Directors, and particularly our 2022 Chapter President, Randy Stokes for their dedication and service to the Chapter this past year. And a special thank you to our Chapter Executive Director, Leah Ross, for all of her wonderful work.

What wonderful work you ask? Well...our Chapter now has over 1,000 members!! This is an absolutely incredible achievement and it's a direct result of the hard work our Chapter's Leaders, Committees, and Members have put in.

Our Chapter is well known throughout the CAI community for many things. Chief among them are our creativity (in our events and programs), our high percentage of Homeowner members, and the friendly, relaxed atmosphere that make our events so enjoyable. We're like the Cheers of CAI. Sometimes you wanna go, where everybody knows your name.

Our past and future success would not be possible without the members of our committees and board who all volunteer their time to advance the chapter. We welcome and encourage involvement from all of our members. Seriously!! It may seem daunting, but it's not. Nine out of 10 doctors will tell you that joining a committee is the best way to get to know the folks in our Chapter. It's science...so get involved! Please reach out to Leah Ross at [leah@cai-channelislands.org](mailto:leah@cai-channelislands.org) if you are interested in serving on a committee, speaking at a program, writing an article, or helping out in any other capacity.

The 2023 Board met at the end of last year, and we set a number of goals. At the top of our list is our effort to make our Chapter Events so educational and so much fun, that you won't want to miss them. We want folks to be bummed if they can't make an event. We want them to have serious FOMO! We have some ideas of our own, but if you have any yourself, please reach out to a Board member and let them know. In fact, if you have any thoughts or concerns, we'd love to hear from you. You can speak to us in person at the events, or email Leah if you'd rather.

Another item the Board discussed, was new ways of bringing our Chapter closer together. To that end, we're going to start doing short interviews with some of our Business Partners at the beginning of luncheons. It's our Business Partners that provide the majority of the funding for CAI, and we want to make sure they feel seen. And not just a commercial for their business, we want to get to know them as people. That's the CIC way!

Toward that end, we have brought back the Social Media Committee! And these short interviews will be posted on our Chapter's Socials where you can tag and hashtag and share and whatever else it is that you young folks do on the interwebs. We plan to introduce some new icebreakers as well, to help encourage conversation among our members.

In addition to continuing our membership drive, we'll keep pushing fundraising for our California Legislative Action Committee. This group, consisting of "delegates" from all eight California Chapters of CAI, advocates at the California state legislature for the interests of planned communities, community managers, and others in our industry. The delegates are all volunteers, but CLAC has expenses such as the costs of hiring an advocate to represent CLAC's interests with state representatives, and bearing other administrative costs. All eight California Chapters help raise funds to support CLAC's mission. And their work is invaluable! Every year, they help shape legislation to benefit our industry. If you would like more information on how you can support CLAC and stay up-to-date on legislation impacting our industry, please visit [caiclac.com](http://caiclac.com).

On behalf of Leah, your Board of Directors, all of our committee members, and myself...we thank you for being a part of our amazing Chapter and we look forward to an amazing year!

Sincerely,

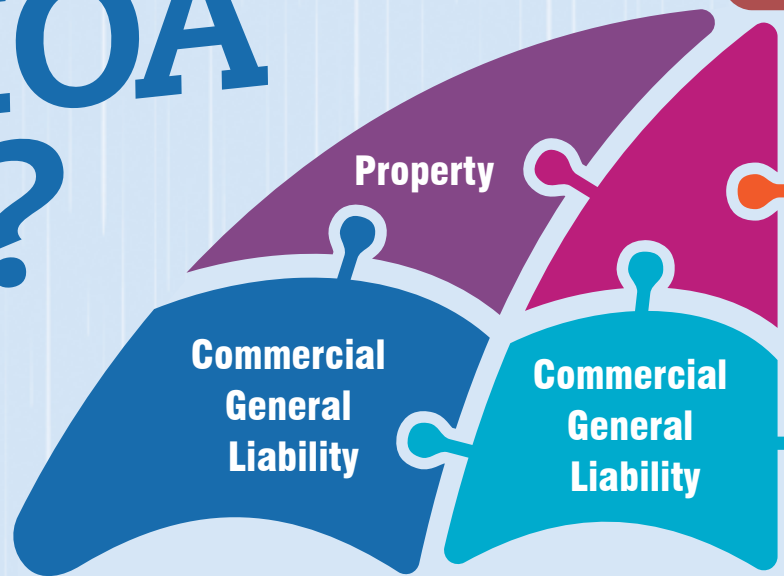
Ryan Gesell  
CAI-Channels Islands Chapter President



# Is Your HOA Covered?

By Pamella De Armas, CIRMS  
Silicon Beach Insurance Services

To protect the interests of the HOA and its members, it's important for HOAs to have proper insurance coverage.



Homeowners associations (HOAs) are responsible for maintaining and managing shared areas within a community or condominium complex. Here is an overview of some common insurance coverages and descriptions for homeowners' associations:

## ■ Property

Provides insurance coverage for damage to the association's structures, common area and property owned in common by the association, such as the clubhouse, pool, and landscaping. It can also cover damage to personal property owned by the HOA, such as office equipment and maintenance tools. Usually there is limited interior coverage depending on the CCRs and policy. Covered items are usually Built-ins, fixtures, common walls.

Unit Owners are usually responsible to insure their interiors for items commonly known as tenants "betterments and improvements". Any improvements made by the unit owner, should be insured by the unit owner. This includes, finishes, like floor coverings, window coverings, paint, crown-molding, customized closets, etc.

## ■ Commercial General Liability

Liability insurance protects the association against legal claims made by third parties who suffer bodily injury or property damage as a result of the HOA's actions or negligence. For example, if a guest slips and falls on a wet floor in the clubhouse and sues the HOA, liability insurance would cover the costs of the lawsuit. In other words, the policy covers defense costs, awards, or settlements



associated with lawsuits. Unit Owners should have their own personal liability policy for their individual unit. If a loss is due to a Unit Owners negligence and affects other units or property of others, the unit owner is responsible and should have personal liability coverage.

### ■ Umbrella Liability

Umbrella insurance provides additional liability coverage beyond the limits of the HOA's other insurance policies. It's designed to provide protection in the event of a catastrophic event or lawsuit. The Umbrella provides additional liability coverage to the General Liability Limit and some umbrella policies also provide excess liability coverage to the Directors & Officers Liability limit. Excess liability coverage is recommended for associations with more risk exposure such as pools, spas and playgrounds.

### ■ Directors' & Officers' Liability

Directors and Officers of an association may be subject to personal liability for suits brought by owners and third parties. The Directors & Officers liability coverage provides protection to the associations' officers, volunteers and employees. This policy functions as a "management errors and omissions liability insurance," covering claims resulting from managerial decisions that have adverse financial consequences. There is coverage as long as the decision or act was 1) within the scope of the officer or directors' duties 2) performed in good faith, and 3) not willful, wanton, or grossly negligent. These policies are written on a claims-made basis. To avoid personal liability in excess of the association's insurance limits, boards must maintain minimum levels of D&O Insurance required by the Davis-Stirling Act.

### ■ Fidelity/Crime

Fidelity Coverage protects the association's money (dues and reserves). A multi-line policy provides coverage for Employee Theft, Forgery or Alteration, Theft of Money and Securities, Robbery or Safe Burglary, Computer Fraud, Funds Transfer Fraud, Money Orders and Counterfeit Paper Currency.

This coverage is also known as Employee Dishonesty. The following are considered an Employee: Officer, Director or employee who is not compensated when performing acts coming within the scope of the usual duties of an officer or employee of the HOA; Members of any of the HOA's committees duly elected or appointed to examine or audit or have custody of HOA property; any of the HOA's "Property Managers", including its employees, providing real estate property management services to the Named Insured pursuant to a written contract. Coverage is required by Civil Code §5806, associations must purchase a fidelity policy with coverage limits in an amount equal to or greater than the combined amount of the reserves and total assessments for three months unless the governing documents call for greater limits.

*(Continued on page 8)*



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### ■ Worker's Compensation

**Association with Employees:** If the association has any employees, it is required to carry workers compensation insurance. In CA, it is mandatory that all employers carry workers compensation insurance regardless of whether they have only one employee. Sole proprietors are not required to have workers compensation unless they are roofers. Roofers are specifically required to have this insurance.

**No Employees:** Associations should carry "If-Any" workers' compensation insurance even if they have no employees. If the board hires a painter, landscaper, roofer, plumber, part-time handyman, etc., the association could be liable for employment-related injuries even though the vendors are independent contractors and may have provided proof of insurance. Coverage is also extended to Board members, committee members and volunteers for injuries of members serving voluntarily without pay.

It is important for associations to work with an insurance agent who specializes in community association insurance.

These agents have expertise in the unique insurance needs of HOAs and can help the association find the right coverage to protect their assets and mitigate risks. They should also consider the agent's reputation, customer service, and availability to answer questions and provide support when needed. Additionally, it may be beneficial for the HOA to work with an agent who represents multiple insurance companies, as this can provide greater flexibility and access to a range of coverage options. ⬆

**Pamella De Armas** is a licensed Insurance Agent in California, and founder of Silicon Beach Insurance Services, an Independent Insurance Agency in the Los Angeles/Ventura area specializing in community association insurance. Pamella can be reached at [pam@siliconbeachinsurance.net](mailto:pam@siliconbeachinsurance.net).





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## HOA INSURANCE CHECKUP!

*By Timothy Cline, CIRMS*

*Cline Agency Insurance Brokers*



### Is your HOA in good standing?

- ☐ Our owners are aware of what the master insurance policy covers, and what they're responsible for individually.
- ☐ We've read and understand our CC&Rs and our insurance meets its requirements.
- ☐ Our insurance complies with the California Civil Code with respect to Directors and Officers Liability (§5800), General Liability (§5805), and Fidelity Bond (§5806).
- ☐ We review our Insurance Coverage annually with our agent/broker.
- ☐ We have a written procedure for submitting claims.

#### **Our owners are aware of what the master insurance policy covers, and what they're responsible for individually.**

**COMMENTS:** Board Members are often surprised how many unit owners fail to purchase individual insurance coverage to supplement the HOA's protection. In studies conducted on condominium associations, as many as 25% neglect to purchase a Condominium Unit Owner Policy (or HO-6), likely due to a lack of understanding regarding the limitations of the HOA's insurance. As condominium projects begin to age (or, after a season of busy loss activity), two things often begin to occur: (1) deductibles on Master Policy claims creep higher; and (2) the scope of what the Master Policy will cover inside the home narrows. These two changes can have a significant impact at the time of loss – and if

an individual is uninsured, the outcome can be financially catastrophic. The key to this problem is communication! The more often individual owners are reminded, the more likely they are to contact their own individual agent/broker to obtain the right coverage.

#### **We've read and understand our CC&Rs and our insurance meets its requirements.**

**COMMENTS:** You can be an expert in running a successful board meeting and have a pocket "Roberts Rules of Order" should there be a dispute, but you can really run afoul if you fail to keep the community running based on the guidelines in the CC&Rs. Here's the deal: If the CC&Rs or By-Laws specify a certain coverage or endorsement, then the Association is contractually required to maintain it, to the extent that such coverage is commercially (and in some cases, reasonably) available. If the Association does not maintain a required provision, it would greatly behoove the Board to document the reason(s) for its omission. To this end, have your insurance agent/broker review your CC&Rs and By-Laws, and have them confirm in writing that coverage, as purchased or proposed, is in compliance (to the extent commercially/ reasonably available).

#### **Our insurance complies with the California Civil Code with respect to Directors and Officers Liability (§5800), General Liability (§5805), and Fidelity Bond (§5806).**

**COMMENTS:** California's Common Interest Development Act provides certain protections to individual owners in the community, but only if the Association maintains the prescribed minimum liability limits outlined in the Civil Code. With respect to Fidelity/ Crime insurance, the stipulated coverage is not merely a quid pro quo but is

unconditionally required by law for all communities subject to the Act. A knowledgeable insurance agent/broker who specializes in condominium and planned developments will be able to ensure the necessary coverages and endorsements are in force to protect the community and comply with these statutes.

### **We review our Insurance Coverage annually with our agent/broker.**

**COMMENTS:** It should cost absolutely nothing to have your insurance agent/broker come out and review your coverages with you. A knowledgeable representative can explain your various coverages and provide you with suggestions and recommendations that may highlight gaps or bring you added value. And it is not unreasonable to expect them to be available to educate the individual owners in person. The recent California firestorms have reminded us that building limits should be reviewed regularly, so don't be afraid to ask your agent/broker if there are any new carriers, programs, or broadening endorsements that would benefit your community. The marketplace is constantly adapting their forms to the changing marketplace, and sometimes broader endorsements may be added at renewal with no additional premium. It's worth asking!

### **We have a written procedure for submitting claims.**

**COMMENTS:** Who in your community has the authority to submit a claim? Is it a board member? The community manager? Individual owners? This is a question that may not be fully addressed by your CC&Rs, yet a hyperactive claim history can cause a community a headache if it results in a large premium increase or non-renewal. Developing and formally adopting a written procedure for handling insurance claims (and Deductibles) will manage expectations and minimize confusion if and when a loss occurs. 🏠

**Timothy Cline, CIRMS**, is one of the United States' foremost authorities on insurance for common interest developments and is CEO of Cline Agency Insurance Brokers, which specializes exclusively in coverage for condominium associations, homeowners associations, planned developments and cooperatives throughout California, Oregon, Washington, and Arizona. In addition to speaking weekly before homeowner groups, Tim is a regularly featured speaker at educational seminars and programs throughout California and the U.S., including numerous programs sponsored by Community Association Institute (CAI). For questions, Tim can be reached at [tim@clineagency.com](mailto:tim@clineagency.com).



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# Soaring Insurance Costs — Why and What to Do?

**By Steve Reich**

*Steve D. Reich Insurance Agency, Inc.*

**I**nsurance renewals in 2022 and 2023 have opened the eyes and created or will create a great deal of uncertainty for many HOA Boards. These communities with any type of brush exposure may have seen or will see much higher rates along with a reduction in coverage. Even those Associations with limited brush exposure will see rate increases due to rising claims costs along with adjustments to their estimated replacement cost. It is essential for communities to be aware of the changes they can expect in the coming years.

**So why now, you ask?** Globally, insured losses from natural catastrophes reached 130 billion in 2021, up 18% over 2020. In California, the catastrophic nature of wildfires has caused many insurers to exit the marketplace. The re-insurers, companies that provide insurance to the standard market to protect against large losses, have reduced capacity and increased rates. Without the support and backing of the re-insurers, the standard insurers are

unable to adequately underwrite and price for the exposure. These companies are subject to strict solvency regulations. If they are unable to charge an adequate premium for the catastrophic loss potential associated with wildfire and are legally prevented from reducing their risk by limiting coverage, the insurance options to owners in these locations will continue to erode. In addition, rapidly rising building costs, supply chain issues, general inflation, and cost of money all contribute to the problems we face. In simple terms, the demand for coverage far exceeds the supply.

It is difficult to predict what the future holds, but I doubt that this market will improve any time soon. The insurance industry feels that the insurance to value (ITV), or estimated replacement cost, is off by at least 30%. Underwriters are pushing hard to have properties insured for their true replacement cost. If not, there will most likely be reductions to the quality of coverage provided. Large players in the

property market have publicly stated that they will be focusing more on the return to profitability as opposed to growth. Inflation has eroded some of the past rate increases and it is expected that we will see most insurers continue to be bullish on rates.

The problems in the property market are not the only issues we face. Over the years, commercial umbrellas have been fairly easy to place and at very reasonable prices. However, larger jury awards have forced some long-term insurers to exit the market. Placing umbrella coverage that was a simple and inexpensive proposition has become much more difficult. Underwriters have become very cautious and accounts with poor loss histories, boat docks, unfenced water features, golf courses, and equestrian exposure may be declined or must pay much more than in the past. I feel we may see a similar situation with Directors & Officers Liability as both frequency and severity of claims rise. It is difficult to say how long this current trend of tighter underwriting and rate increases may last. If the frequency and severity of claims continue to rise, we could be looking at a number of years.

## What should the Board and managers do?

**Be prepared** for the increases ahead and budget accordingly.

**Consider increasing deductibles** to help reduce claims costs.

**Take care of your property** in order to avoid losses that occur due to lack of maintenance.

**Be sure to work with an agent/broker** that is a condo specialist and understands the market, CCRs, and civil codes that affect you. Most often, engaging multiple brokers can have negative consequences; it's best to rely on one expert from the start.

**Finally, we need our politicians to get involved** and create programs to help protect our properties. Call or write to the Department of Insurance along with your state legislators and voice your concerns. 🏠

*After graduating from Arizona State University with an Insurance Major, **Steve Reich** has owned and operated his multi-line agency in Ventura County since 1975. He has a staff of seven with over 90 years of combined insurance experience. Steve has received numerous awards and is a member of the Farmers Insurance Group President's Council, which is awarded to only the top quarter of 1% of all agents nationally. The agency has specialized in insuring Community Associations for over 45 years.*



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Fax: 805-445-1373  
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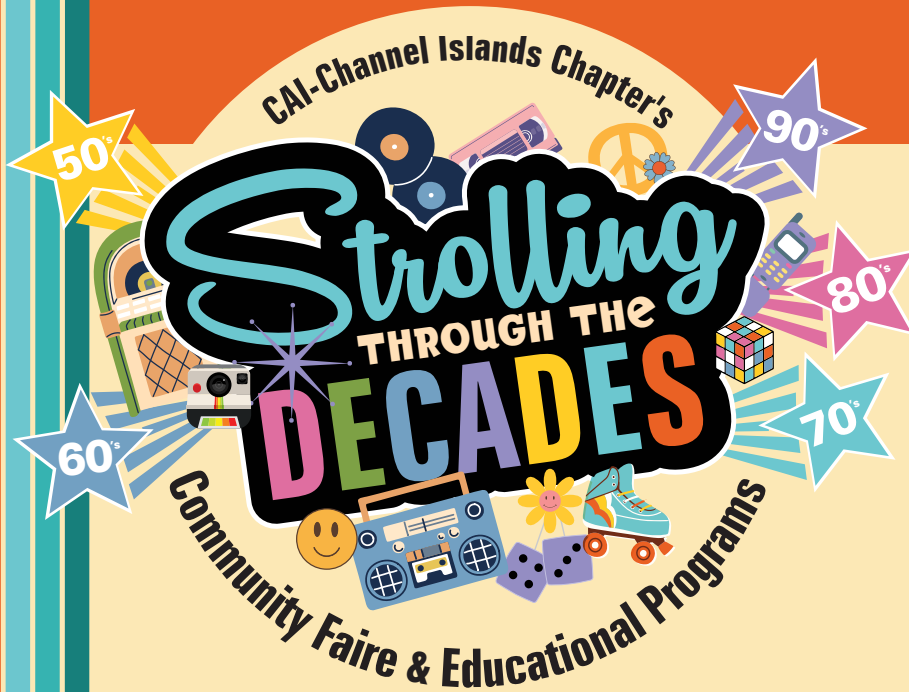


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**HOA BOARD MEMBERS' / HOMEOWNERS' SCHEDULE**

**4:30 pm** Exhibit Hall, Hors d'oeuvres, and Give-a-ways  
**6:15 pm** Educational Dinner Program "Recession Ready"  
**7:30 pm** Event Concludes

**COMMUNITY MANAGERS' SCHEDULE**

**3:15 pm** Educational Program "Recession Ready"  
**4:15 pm** Hosted Happy Hour with event sponsors  
**5:00 pm** Exhibit Hall, Hors d'oeuvres, and Give-a-ways  
**6:30 pm** Event Concludes

**EDUCATIONAL PROGRAM: RECESSION READY?!**

A possible recession may have you on edge as many are reevaluating costs and priorities in preparation for an uncertain future. For HOAs, there's concern that economic hardship could add to the intense pressure of already increased expenses. Join us for this educational program as our speakers discuss lessons from the last recession and what we can apply to this one, collection processes, what's in your reserves, funding options, and tips to help recession-proof your HOA.

**SPEAKERS**

**Jeff Beaumont, Esq., CCAL, Beaumont Tashjian**

**Danita L. Vaughn, CMCA, AMS, PCAM,**  
 Concord Consulting & Association Services

**Les Weinberg, RS, MBA, Reserve Studies, Inc.**



**REGISTRATION**

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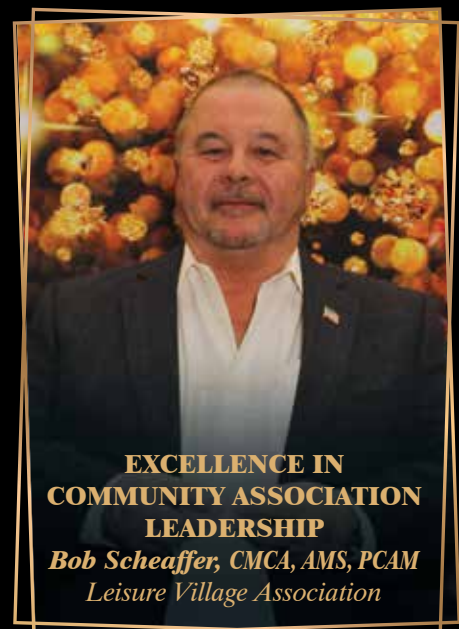
*Thank you to everyone who joined us for the Chapter's Annual Awards Dinner hosted on Friday, February 2 at Hyatt Regency Westlake. It was a fabulous evening of networking, entertainment, and recognizing our chapter volunteers. Thank you to our generous sponsors for making this night possible and congratulations to all of our award winners!*



**RISING STAR AWARD**  
*Carrie Simmons, CMCA*  
*PMP Management*



**COMPANY SPOTLIGHT AWARD**  
*PMP Management*



**EXCELLENCE IN  
COMMUNITY ASSOCIATION  
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*Bob Scheaffer, CMCA, AMS, PCAM*  
*Leisure Village Association*





**PRESIDENT'S AWARD**  
**Chelsi Rueter,**  
**CMCA, AMS, PCAM**  
*Community Property Management*



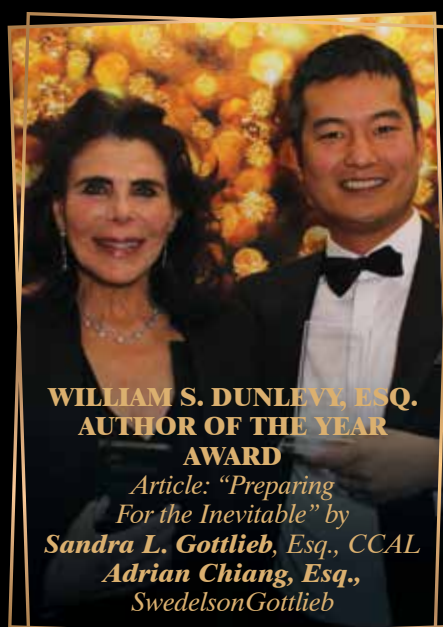
**PROGRAM OF THE YEAR**  
*"The Devil's Advocate" – Presented*  
*by: Lisa Tashjian, Esq., CCAL,*  
*Beaumont Tashjian*  
**Sean Allen, Esq.,** *Roseman Law*



**DIANE DORIA VOLUNTEER**  
**OF THE YEAR AWARD**  
**Lupe Aguilera**  
*Spectrum Property Services*



**COMMITTEE OF THE**  
**YEAR AWARD**  
*Bingo & Brews chaired by*  
**Sascha Macias, Roseman Law**



**WILLIAM S. DUNLEVY, ESQ.**  
**AUTHOR OF THE YEAR**  
**AWARD**  
*Article: "Preparing*  
*For the Inevitable" by*  
**Sandra L. Gottlieb, Esq., CCAL**  
**Adrian Chiang, Esq.,**  
*SwedelsonGottlieb*



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# Skyrocketed Premiums

*By Steven J. Tinnelly, Esq.*

*Tinnelly Law Group, PC*

**QUESTION:** *Our insurance was cancelled and with the new policy the premium skyrocketed. There is not enough money in the operating account or budget to pay for the new premium. Can we pay from reserves?*

**ANSWER:** California has suffered significant wildfire damage in recent years. Coupled with several years of severe drought and increased wildfire risk, fewer and fewer insurance companies are willing to write policies for communities that may experience wildfire damage. In addition, admitted carriers are highly regulated by the Department of Insurance, which limits the amounts they may charge for insurance premiums. This has caused many associations to be cancelled or non-renewed by admitted carriers or those in the “primary” market.

As a result, associations are left to purchase insurance from the non-admitted or “surplus” market. Carriers in the surplus market are less regulated and, when demand is high and supply is low, prices skyrocket. The association’s CC&Rs generally include language specifying that the association “shall” purchase insurance, and may require coverage to provide for “full replacement cost.” If the association does not purchase the insurance as required by the governing documents, the association and its board of directors could be exposed to liability for failure to obtain adequate coverage.

So, what is an association to do if it doesn’t have the money to pay for the skyrocketed insurance premiums? Yes, an association may temporarily borrow funds from reserves in this situation without membership approval because this act would be needed to “meet short-term cash flow requirements or other expenses.” (Civ. Code § 5515(a).)

This action should only be taken with the guidance from the association’s legal counsel due to the significant procedural requirements that must be satisfied under Civil Code section 5515. Those requirements include, among others, providing the membership with notice of the board’s intent to borrow the funds. The notice must additionally include the reasons the transfer is needed, the options for repayment, a description of how the funds will be restored to the reserve account within one (1) year of the date of the transfer, and a whether a special assessment will be utilized for that purpose.

A special assessment will likely be the mechanism utilized to restore the borrowed reserve funds. However, special assessments greater than five percent (5%) of an association’s annual budget cannot be imposed without membership approval. Civil Code section 5605 fortunately exempts boards from having to comply with this membership approval requirement in situations where the special assessment (regardless of its amount) is needed to address an emergency expense which “could not have reasonably been foreseen by the board when preparing and distributing the annual budget report.” While this emergency special assessment could allow for the board to restore the borrowed reserve funds the first time, the question then becomes whether levying a similar assessment in future years would remain a legally valid option as the assessment would no longer be tied to an unforeseen expense. Associations should therefore consult with legal counsel on this issue before imposing an emergency special assessment to understand its implications on future budget planning.

Associations should also consult with legal counsel and their association’s insurance professionals for guidance as

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to how the increased premium expense may be mitigated carrying forward. For example, boards may be able to reduce their association's insurance premiums by increasing deductible amounts. To illustrate, if the association has a \$5,000 deductible, an increase to \$25,000 or higher may be sufficient to generate a significant premium decrease under the master policy. That is because more risk (the higher deductible amount) is being transferred from the association's master carrier onto the individual homeowners and the carriers of their respective HO-6 insurance policies. The HO-6 (aka "unit owner's insurance") policies are designed to cover anything that the association's master policy does not—namely, anything below the deductible on the association's master policy. Most sets of CC&Rs fortunately allow the board to make these adjustments to deductible amounts without triggering the need for any membership approval or vote on the matter.

Other options may include reducing the scope of insurance coverage the association is required to purchase under the CC&Rs. For example, if the CC&Rs require full replacement cost, or an 'All-In' policy, consider an amendment to a 'Bare Walls' policy, which only covers the common areas. This type of amendment would likely require membership approval and should therefore only be considered if

the board is ready to devote the time and resources needed to properly educate the membership and secure enough participation in the voting process. We typically recommend in these situations that the board conduct one (or more) townhall meetings to show the cost comparisons of (a) the special assessment(s) and/or assessment increase(s) that would be needed to maintain All-In coverage over the coming years versus (b) shifting to Bare Wall coverage for the association and each homeowner only incurring a minor increase in premium under the average HO-6 policy. This is often successful in giving the membership a clear and powerful explanation as to why voting for the amendment is in their best interest; in our experience, this substantially increases the likelihood that the ballot measure will be successful. [▲](#)

**Steven J. Tinnelly, Esq.** is the Managing Partner at Tinnelly Law Group, PC, a law firm which has been devoted exclusively to providing legal representation to California community associations for 30 years. For more information, visit our website at [tinnellylaw.com](http://tinnellylaw.com).





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# *Navigating the* **INSURANCE CLAIMS** *for Water*

**By Tina Neubauer, CMCA, CIRMS**  
*Roy Palacios Insurance Agency*

**W**ater damage claims in homeowners' associations (HOAs) can be a complex and often frustrating experience for the association board, the manager, and its members. Water damage can result from a variety of issues, including burst pipes and can cause significant damage to the units and common areas. It is important that HOAs have a clear understanding of their responsibilities and the claims process in order to effectively manage and resolve these issues.

To effectively manage and resolve water damage claims, it is important for associations to have clear policies and procedures in place for handling such incidents. By taking a proactive approach to water damage claims, HOAs can minimize the risk of costly damage to units and common areas and ensure that their members are properly protected and informed.

## **Understanding the Association's Insurance Policy**

One of the first steps in managing water damage claims is to understand the association's insurance policy. Typically, an HOA will carry a master insurance policy that covers common areas and the association buildings. This policy may also provide coverage for either some, all, or none of the interior of the units. Reviewing the associations governing documents will assist with understanding the association's insurance responsibility. Members should also carry an HO6 policy to cover any items the master policy does not cover including, but not limited to the association's deductible, any upgrades or improvements, personal property, loss of use, personal liability and depending on the type of coverage the interior of the units.

## **Filing a Claim with Personal Insurance Carrier**

When a water damage incident occurs, the first step is for the affected member to file a claim with their personal insurance carrier. Their insurance company will investigate the claim and determine the extent of the damage and the cause of the incident. If the damages exceed the association's deductible or affect portion of the association common area, management should be notified as the master policy will likely need to get involved. It is important for members to understand their responsibilities and the limits of their insurance coverage; they should consult with their personal insurance agent to determine their coverage needs.



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# PROCESS

## Damage

### HOA Insurance Claim Process

When a water damage claim is made against the HOA's insurance policy, the association's insurance company will investigate the claim and determine the cause and extent of the damage. The association may need to provide documentation and evidence to support the claim, such as maintenance records, expert reports and/or photographs. The insurance company will then investigate and complete a built-back estimate of the covered damage. It is important for the homeowner or association to send out a water mitigation company to start the dry out process as soon as possible and the estimate should be sent to the carrier as well for review.

### Deductible

If the claim is approved and goes through, the carrier will issue payment to the association minus the HOA's deductible. It is recommended that associations have a deductible protocol in place. This will assist the board, manager, and homeowner in determining who is responsible for the deductible in the event of a covered loss. Providing a clear and concise deductible protocol will assist with eliminating confusion in the event multiple units are affected by the same loss. The HOA should consult with their legal counsel to be sure that any protocol that is put into place does not conflict with any of the association's governing documents. In the event the association is responsible to cover the deductible, it is important for the association to have sufficient funds to cover these deductibles.

### Preventing Water Damage


Associations can take steps to prevent water damage incidents. Regular inspections of common areas and units can help identify and address potential issues before they become significant problems. Associations should also encourage members to take preventative measures, such as



*Continued on page 22*

regularly checking for leaks and maintaining their plumbing systems. These things can be communicated in the monthly newsletter or on the community website.

Water damage incidents can be stressful and aggravating for all parties involved. It is important for HOAs to have a clear understanding of their responsibilities and insurance. By maintaining regular inspections and maintenance records, HOAs can minimize the risk of water damage incidents. Also, a clear and concise water intrusion policy may assist all those involved in the frustration of dealing with these types of claims. The water intrusion policy should outline the steps the homeowner should take in the event of a water loss and action to mitigate damage. The policy should also clearly spell out the responsibilities of all involved including the homeowner, association, and management. Again, be sure that any protocol or policy that is put into place does not conflict with the association's governing documents. Counsel should be involved when drafting any protocol or policy that is put into place.

In conclusion water damage claims can be a stressful time for all involved especially the homeowner. The best approach a manager can have is to be understanding of this and provide as much guidance as possible. It is also important to work with the association insurance agent, as they are there to assist all parties involved and help to navigate through the process. 

**Tina Neubauer, CMCA, CIRMS**

*has been servicing clients in the HOA space since 1998. She is a seasoned insurance professional with a deep understanding of the unique needs of HOA communities and their residents. Tina's expertise in risk assessment and risk management has been instrumental in helping HOA communities secure coverage that meets their specific needs and budget. Tina can be reached at [tinap@palinsur.com](mailto:tinap@palinsur.com).*










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## An Update from the Wildfire Insurance Task Force



If you're wondering what CAI-CLAC's Wildfire Insurance Task Force has been up to over the last two years, here is a summary of our efforts on behalf of California community associations and where we stand currently.

The Wildfire Insurance Task Force of CAI's California Legislative Action Committee (CLAC - Home - California Legislative Action Committee - CAI-CLAC ([caiclac.com](http://caiclac.com))) has been actively advocating to state legislators, the California Department of Insurance (CDI), and the California FAIR Plan (CFP) that urgent change is needed to address the wildfire insurance crisis, specifically with respect to California community associations.

Here is an overview of our efforts and the hurdles we've encountered – which will serve to at least partially explain why change has been so slow and may yet take some time:

- We had to begin by educating the various parties that community associations purchase commercial insurance – as virtually all past efforts of state-level agencies (like the CDI and CFP) have been focused solely on individual homeowners' policies (personal insurance). While these are important and appreciated, more is needed to provide relief to the 14 million+ California homeowners who live in HOAs and condos. The California Department of Insurance (CDI) has acknowledged this distinction and is now aware of it, but we need to continue to educate our legislators about this nuance, because many of the draft bills we see are still focused exclusively on personal/ homeowner's insurance.
- The California FAIR Plan (CFP) was created to be a "market of last resort" for homes and businesses unable to obtain insurance elsewhere, but the program's lack of transparency, clarity, and coverage options for community associations (which do not fall neatly into either the "home" or "business" category) are hindering that mission when it comes to common interest developments. The Task Force testified about this at a hearing in July 2022 and submitted detailed, technical suggestions at that time regarding how these issues could be improved by the CFP.
- We're all aware that the catastrophic nature of the wildfire peril has caused a mass exodus of insurers from the marketplace; very few companies remain available to write ANY coverage in California's wildfire-exposed areas. Similar

to hurricanes, floods, and earthquakes, wildfire has become a cause of loss which the standard insurance market is unable to adequately underwrite or price. Current regulation, however, prohibits standard insurers from excluding wildfire or even applying different deductibles, limits, or other terms or conditions to coverage for that peril. We do not even have a standardized definition of "wildfire" in the insurance industry at this time. (A member of the Task Force addressed the Insurance Services Office (ISO) about this at their annual conference in early November, but they are unwilling to move forward on it until there is a reasonable pathway cleared with regulators for it to be useful.)

Insurance companies are subject to strict solvency regulations, and if they are (a) unable to obtain adequate premium for the catastrophic loss potential associated with wildfire, and (b) legally prevented from reducing their risk by limiting coverage for wildfire, then the insurance options available to owners in these locations will continue to erode.

- In October 2022, California Insurance Commissioner Lara enacted a new regulation ("Safer From Wildfires") requiring insurance companies to recognize mitigation efforts and provide discounts for these. This regulation applies to both personal and commercial insurance and was intended to assist community associations as well as individual homeowners, but there are some technical issues with the rule's language that will prevent it from being much help to associations. This said, it's still a great step for homeowners, and we're surely thankful for it.

The Task Force is working to compile an up-to-date handout with talking points for homeowners to reference as they contact their legislators and the California Department of Insurance. We are planning to host a (Virtual) Town Hall after Advocacy Week in April where we will review these talking points and answer questions about them. If you haven't already done so, we urge you to take a moment to sign up for CLAC Updates by going to [www.cai-clac.com](http://www.cai-clac.com).

Thank you for your support of CLAC and for your interest in the progress of our Wildfire Insurance Task Force. We are motivated to find sustainable solutions to this crisis, as we recognize the untenable burden it has created for so many California communities, and we're grateful for your partnership in these efforts. [📌](#)

## 2023 CHAPTER EVENTS

### March

30 Community Faire, 3:30 pm, Westlake Village

### April

20 Santa Barbara Luncheon, 11:30 am,  
Convivo, Santa Barbara

24-27 Advocacy Week, Zoom

27 Chapter Luncheon, 11:15 am,  
Spanish Hills Club, Camarillo

### May

11 Chapter Webinar, 11 am, Zoom

17-20 CAI Annual Conference, Dallas, TX

23 Chapter Luncheon, 11:15 am,  
Los Robles Greens, Thousand Oaks

### June

1 Santa Barbara Luncheon, 11:30 am,  
Location TBA

15 Central Coast Luncheon, 11:30 am,  
Ventana Grill, Pismo Beach

29 Community Faire, 3:30 pm,  
Spanish Hills Club, Camarillo

July - no events -

### August

10 Chapter Webinar, 11 am, Zoom

29 Chapter Luncheon, 11:15 am,  
Los Robles Greens, Thousand Oaks

### September

7 CLAC Bingo & Brews,  
M on High Restaurant, Moorpark

14 Central Coast Luncheon, 11:30 am,  
Ventana Grill, Pismo Beach

19&26 Board Leadership Webinar Series  
(Sessions 1 & 2), 10 am, Zoom

28 Santa Barbara Luncheon, 11:30 am,  
Location TBA

### October

3 Board Leadership Webinar Series  
(Session 3), 10 am, Zoom

5 Community Faire, 3:30 pm,  
Hyatt Regency Westlake

24 Chapter Luncheon, 11:15 am,  
Los Robles Greens, Thousand Oaks

### November

9 Central Coast Luncheon, 11:30 am,  
Ventana Grill, Pismo Beach

16 Chapter Luncheon, 11:15 am,  
Spanish Hills Club, Camarillo

30 Holiday Happy Hour, 5-7 pm,  
Westlake Village Inn

### December

14 Chapter Luncheon, 11:15 am,  
Spanish Hills Club, Camarillo

For more information & to register,  
visit [www.cai-channelislands.org](http://www.cai-channelislands.org)

# Welcome

to our new members!

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Jacob Parvino, CMCA, AMS, Seabreeze Management Co.

Bobbi Primo, Aurora Property Services

Vanessa Silva, The Management Trust

Donna Wood, Farrell Smyth, Inc.

### Community Association Boards of Directors

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## Thank you

*to the following members for renewing your membership with CAI!*

### **Community Association Volunteer Leaders**

Daniel Finnegan  
Ursula Norby, Puerta Del Mar  
Adrienne Schuele  
Jane Shults, Creston Hills  
Pat Stone, Oak Ranch Estates

### **Community Association Boards of Directors**

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Hitching Post Estates  
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Lynn Meadows HOA  
Montaire HOA  
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Surfside II Condominium Owners Association  
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Westlake Village First Neighborhood POA  
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Christy Asher, Spectrum Property Services  
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Tami Chavin, AMS, PCAM, Community Property Management  
Mikaela Collerd, AMS, PMP Management  
Cheryl Crandall, AMS, A Diamond Association Management, Inc.  
Taylor De La Rosa, CMCA, Gold Coast Association Management  
Jerri Gaddis, CMCA, AMS, PCAM, The Management Trust  
Brandon Grosh, AMS, PCAM, PMP Management  
Carol Henderson, Leisure Village Association  
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Karen Kokowicz, CMCA, PCAM, Coro Community Mgmt. & Consulting  
Kevin Lehman, CMCA, AMS, PCAM, Blue Horizon Management Co.  
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Patsy Mazariegos, Blue Horizon Management Company  
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Concord Consulting & Association Services  
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CAI is an independent, national, non-profit research and educational organization dealing with issues concerning condominiums, cooperatives, planned unit developments, and homeowners associations. Members include: associations, homeowners, managers, lenders, insurance and real estate agents, developers, attorneys, public officials, accountants and other providers of services.

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Association: \_\_\_\_\_

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Return to Channel Islands Chapter-CAI  
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Curious? Log on today using your CAI website password at [www.caionline.org/exchange](http://www.caionline.org/exchange).

## YOUR VOICE OUR MISSION

**CAI-CLAC: ADVOCATING FOR CALIFORNIA COMMUNITY ASSOCIATIONS**

*Join us online to help educate legislators, seek support for specific bills and to connect with your industry peers.*

### Advocacy Week 2023

**WITH CAI-CLAC**





**JOIN US ONLINE**  
**Monday, April 24 – Thursday, April 27, 2023**

Working collaboratively with all eight California chapters, CAI-CLAC is excited to announce *Advocacy Week 2023: Your Voice, Our Mission*.


During this 4-day virtual event, CAI-CLAC's lobbyist, Louie Brown and California community association homeowners, managers and business partners come together at virtual briefing sessions to learn how CAI-CLAC is working in Sacramento on their behalf in 2023.

Virtual Legislative Meetings are scheduled with each California Chapter, local legislators and their staff.

**Register or learn more at [caiclac.com](http://caiclac.com).**

**Channel Islands Chapter Virtual Legislative Meeting**  
**Monday, April 24, 2023 | 11:45 am - 2:15 pm**





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# CAI-Channel Islands CHAPTER LUNCHEON

Thursday, April 27, 2023 • 11:15AM

## So You're Still Confused?!

Join us for this program as our  
speakers help clear up confusion  
on the following topics:

- Virtual vs. In-person Meetings
- Elections & Recall Issues
- Balcony Inspections
- ADUs/EV Charging Stations/Solar Panels, Etc. —  
What is required, and what can we do?



Community Associations Institute (CAI) provides education, resources, advocacy and networking to the Homeowners Association Industry.

### PROGRAM SPEAKERS



#### **Chelsi Rueter, CCAM, CMCA, AMS, PCAM**

Chelsi Rueter is the Operations Manager and Senior Community Manager at Community Property Management. She holds the highest designation in the industry, a PCAM. She is very active in the Chapter where she currently serves on the Board of Directors and served as the 2021 Chapter President. Chelsi also currently serves as the Chapter's Programs Committee co-chair.



#### **Steve Roseman, Esq., Roseman Law APC**

Steven Roseman, Esq. is the founder and managing partner in the law firm of Roseman Law APC. Over the past (26) years, Mr. Roseman has represented homeowners associations and their boards handling their Association legal matters. Mr. Roseman is an active member of both CACM and CAI is an emeritus member of CAI-CLAC.

### LOCATION

#### **Spanish Hills Country Club**

999 Crestview Ave., Camarillo

### REGISTRATION

**Register at [www.cai-channelislands.org](http://www.cai-channelislands.org)**

Please register by April 20

Fee (includes lunch)

HOA Board Member, Homeowner or Community Manager:

\$45 Member | \$55 Non-member

Business Partners: \$55 Member | \$75 Non-member

*This educational program has been approved for 1 hour  
of continuing education credit by CAI and CAMICB.*

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