

Channels of Communication

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

FOURTH QUARTER 2022

The Official Publication of
CHANNEL ISLANDS CHAPTER
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IN THIS ISSUE...

Neighbor-to-Neighbor
Conflict Resolution:
What is the Board's Role?

Effectively Resolving
Conflict in Your
Community

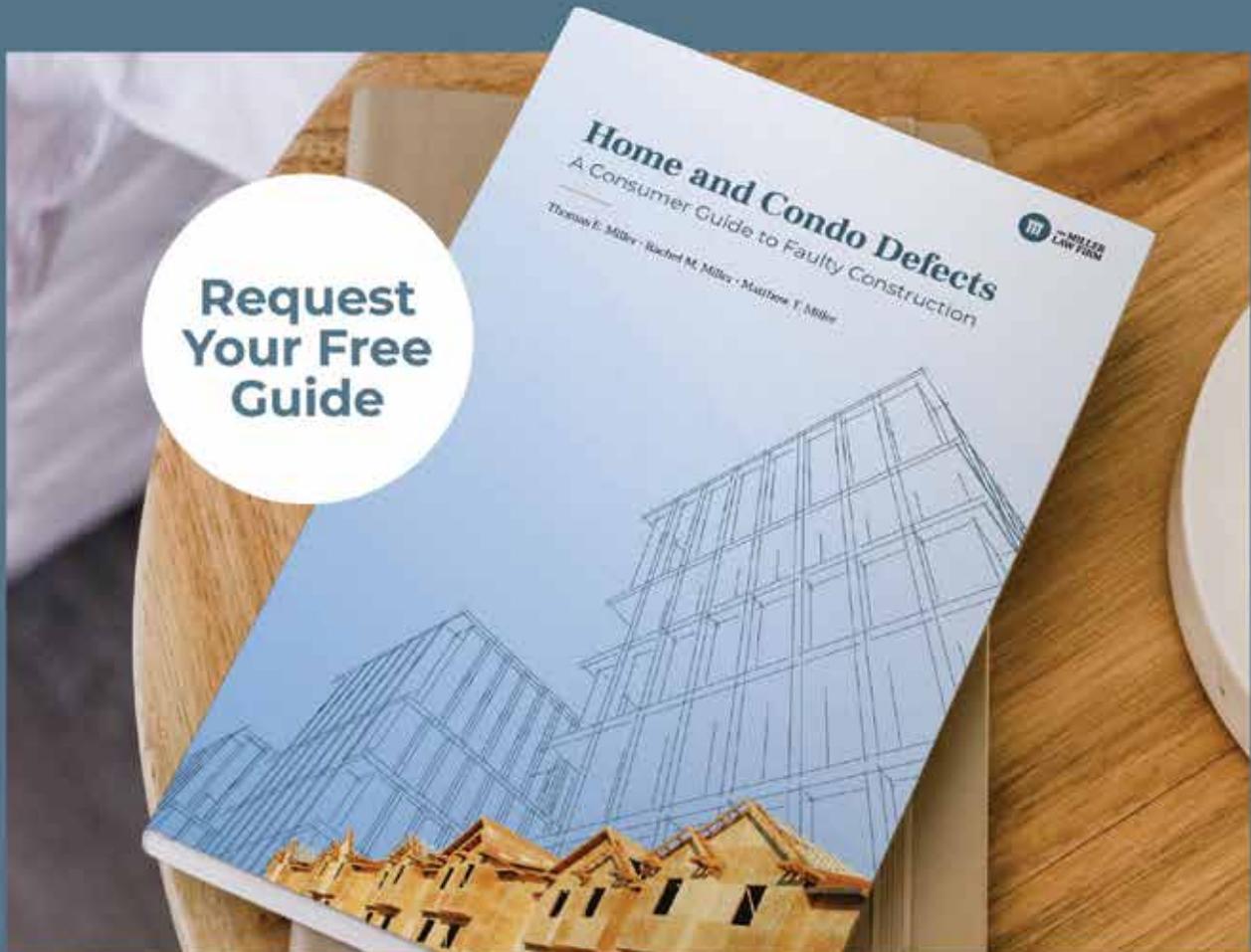
Managers' Corner:
12 Christmas Wishes
For Managers

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Community Within
Your Community



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Page 14

Channels of Communication

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Page 6



Page 10



Page 18

Your Chapter

- 5 President's Message
- 24 Chapter Announcements
- 25 New and Renewing Members
- 26 Chapter Sponsors

Chapter Happenings

- 13 Holiday Luncheon & Educational Program: Ask The Expert
- 16 CAI-Channel Islands Album
- 21 CLAC Corner
- 22 CAI-CLAC 2022 Accomplishments

Special Features

- 6 Neighbor-to-Neighbor Conflict Resolution: What is the Board's Role?
- 10 Effectively Resolving Conflict in Your Community
- 14 Managers' Corner: Twelve Christmas Wishes For Managers
- 18 Building Community Within Your Community

Resources

- 27 Advertising with the Chapter
- 29 Classified Directory/Advertisers

Channels of Communication is a quarterly publication of the Channel Islands Chapter of Community Associations Institute prepared expressly for Association leaders, managers and other related community association professionals. This publication is designed to provide accurate and authoritative information in regard to the subject matter covered. It is issued with the understanding that the publisher is not engaged in rendering legal, accounting or other professional services. If legal advice or other expert assistance is required, the services of a competent professional should be sought. The views expressed and the accuracy of

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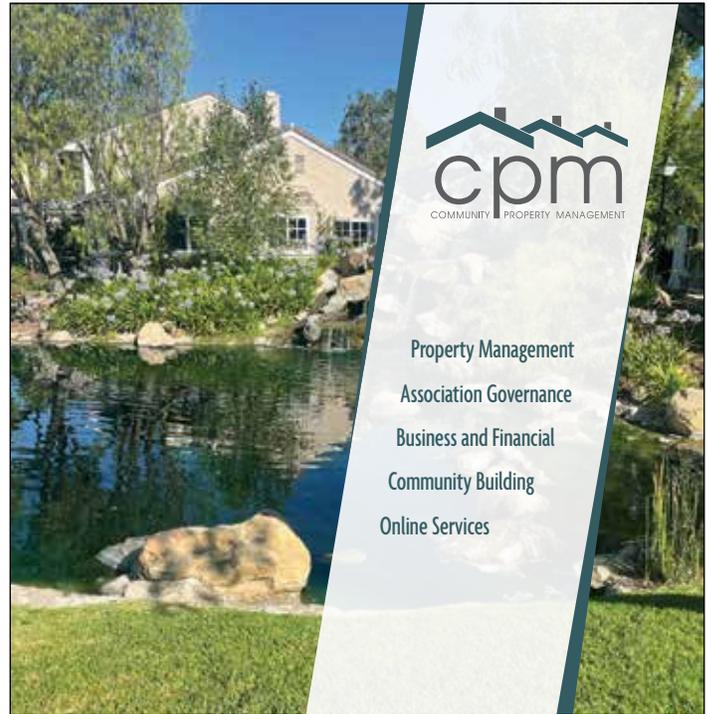
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president's message



Randy Stokes
Surfside III Condominium Association



Dear Members:

Several months before my term as Chapter President began, I asked several of my predecessors for advice on how to prepare to serve the Chapter in that capacity. The best advice I got from several of those I consulted was "The year will fly by before you know it, so hang on and enjoy the ride." As my term as President is coming to an end, I can say that the year has flown by, and I have enjoyed every minute of it. This has been a great year and a great ride, and I have many people to thank for it.

First, I have my fellow members of the Chapter's Board of Directors to thank for their hard work and support. Much of their work goes on behind the scenes, and perhaps goes unnoticed by many within the Chapter. However, our Board Members are hard-working volunteers who devote many hours to serving the Chapter, and their work helps make this organization great.

Second, I want to thank all of our committee members. Like our Board Members, they unselfishly put in many hours to plan our events, organize our luncheons and webinars, work to support our statewide legislative actions, and assist with all the things that make the Chapter work to provide support and education to our members.

Third – but really first among all of these – I want to thank our Chapter Executive Director, Leah Ross. Truly, Leah is the heartbeat of our Chapter. She supports our Board, our Committees, our members, and me every day (including weekends!), in many ways. All of the many great things our Chapter does have Leah's fingerprints on them. So be sure to give Leah an extra-wide smile and a "thank-you" next time you see her!

And finally, I want to thank the members of the Channel Islands Chapter, without whom none of this would be possible. Thank you to those members who serve on Committees, or serve on the Board, or speak at events, or sponsor our events. Thanks to all of you who come to our luncheons and other events, who help with decorations and set-up, or who personally or through their HOAs contribute to CLAC, our California Legislative Action Committee. Your support and dedication does not go unnoticed!

And this year, I want to give special thanks to all of our members. Whether new members who recently joined or long-time members who continued their membership even during all the anxieties, viruses, and shut-downs, together you have helped the Chapter reach an important milestone... **CAI-Channel Islands Chapter membership now exceeds 1,000 members for the first time in our history!** Last year we celebrated our 40th anniversary, and this year we celebrate our highest-ever total membership! So, thanks to all of our members for your continued support of the chapter!

Thank you, all, for making my presidential year a fun one! Wishing you each a wonderful holiday season and a happy and healthy New Year! I'm looking forward to seeing each of you in 2023.

Sincerely,

Randy Stokes
CAI-Channel Islands Chapter President

Neighbor *to* Neighbor

What is the Board's Role?

By David A. Loewenthal, Esq.

Loewenthal, Hillshafer & Carter, LLP

Anyone who has served on a Board of Directors knows that one of the most difficult situations to deal with involves neighbor-to-neighbor property disputes. There is really no limit as to what may constitute a neighbor-to-neighbor dispute since what one individual may find offensive, another may find acceptable.

Examples of issues that may give rise to neighbor-to-neighbor disputes includes nuisances such as noise, odors, visual eyesores, etc. between neighbors; property damage between neighbors who share a common wall or floor/ceiling assembly and harassment related issues where there may be housing related discrimination.

Historically, in evaluating “neighbor-to-neighbor disputes” Boards would generally consider whether the dispute was limited to two owners and/or did not involve the common area. Assuming that was the case, Boards often would take the position that the Association would not get involved nor conduct any investigation.



In my opinion, the day of simply telling a neighbor that “the issue is between you and your neighbor and that the Association will have no involvement” is over. Boards of Directors have an obligation to perform a reasonable investigation when a neighbor dispute is brought to their attention and decide what, if any, action is warranted. Management’s role in these matters may include obtaining and compiling information regarding the dispute; preparing a warning/violation letter; discussing the issues with the Board including recommending that the Association’s counsel be brought in to evaluate the matter, etc.



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Conflict Resolution



“ There is really no limit as to what may constitute a neighbor-to-neighbor dispute since what one individual may find offensive, another may find acceptable.”

Neighbor disputes often arise from a claim of nuisance. Homeowners are not entitled to complete isolation and separation from their neighbors; however, unreasonable noise, smell or eyesores certainly can constitute a nuisance. If the Board, after reasonable investigation, determines that a nuisance exists, the Board may take several steps including issuing a warning letter to the member who is allegedly creating the nuisance, request further information as to the issue and demand that the owner cease and desist the action that is the basis of the nuisance.

If the conduct continues, the Board can schedule a Board hearing for the individual who is allegedly creating the nuisance pursuant to Civil Code section 5855 for the purpose of determining if a fine or other disciplinary action should be taken against that homeowner. In the event of a hearing, the offending member must be given at least ten (10) days prior notice of the date, time and location of the hearing, the purpose of the hearing, and that they have a right to address the Board of Directors regarding the issues that are the subject of the hearing. The Board must decide whether or not the information presented justifies taking further action such as issuing a fine. Within 15 days of the completion of the hearing, the Board of Directors must advise the owner in writing of the result of the hearing including if there will be a levying of fines or other disciplinary action.

(Continued on page 8)

Neighbor to Neighbor Conflict Resolution (Continued from page 7)

A Board should only levy a fine if the Board has performed a reasonable investigation to determine the validity of the complaint which may include evaluating evidentiary support against the violating member. This includes considering any written complaints that have been presented to the Board; violations witnessed by members, residents, third parties, Board members, or the manager; independent confirmation by outside sources such as a police, animal control, building department report, etc. Ultimately, if the Association wishes to collect on a fine or enforce the governing documents, it may be forced to file a lawsuit. As such, unless the Board reasonably believes that its decision regarding the issuance of a fine or taking other disciplinary action is supported, it should not so proceed.

It is important to note that simply because the Association issues a warning letter and conducts a disciplinary hearing does not automatically obligate the Board to proceed forward with litigation even if the conduct continues. Generally, the Board has discretion in determining whether to proceed forward in instituting legal action against the offending party.

Neighbor disputes also arise when there is physical property damage between units often caused by water originating

from one unit into an adjacent/connecting unit with attached walls or floor/ceiling assemblies. Generally, if the source of the water is a separate interest item, such as a washing machine hose, refrigerator water line, etc. the owner in control of that separate interest item would be responsible for the costs associated with the damage. Conversely, if the water source is a common area element, the cost of repair would generally be the Association's responsibility. A thorough review of the facts and the Association's governing documents including the Condominium Plan, Covenants, Conditions and Restrictions, Maintenance Matrix (if one exists) and Civil Code are essential in making these determinations.

Regarding neighbor-to-neighbor property disputes, the Association should perform a reasonable investigation into the cause and extent of the damage in determining responsibility. Board action may include submitting a claim to the Association's master policy of insurance since it is often the case that the Association's insurance has broader coverage than what the CCR's identify and members are often identified as beneficiaries under the policy and/or pursuant to the CCR's. Also, in cases of water related damage between neighbors, it is often better to attempt to limit the claim by remediating the damage, including dry

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out, as soon as possible and then continue to sort out who is actually responsible and costs.

Finally, an area that has become hotly contested over the last several years pertains to claims of harassment and housing related discrimination. Boards have an obligation to investigate claims of housing related discrimination once it is brought to the attention of the Board of Directors. Specifically, effective October 14, 2016, the U.S. Department of Housing and Urban Development (HUD) established regulations requiring all housing providers to take steps to end harassment. Homeowners Associations are included as a housing provider.

The alleged harassment must be related to the complaining persons membership in a protected class which includes harassment based upon race, color, religion, national origin, sex, familial status, or disability. This includes homeowners Associations involving harassment by other residents, Board members, managers and vendors.

Pursuant to 24 Code of Federal Regulations section 100.7(a)(1)(iii) a person is “directly liable” for “failing to take prompt action to correct and end a discriminatory housing practice by a third party, where the person knew or should have known of the discriminatory conduct, and had the power to correct it.” Pursuant to CFR Section 100.20 a “Person” includes associations which can be held liable for a resident’s harassment of another resident when:

- The harassment is based upon race, color, religion, sex, national origin, disability and familial status;
- The homeowners Association knew or should have known of the harassment;
- The homeowners Association had the power to correct and end the harassment; and
- The homeowners Association failed to take prompt action to correct and/or end the conduct.

In order to attempt to avoid liability, an Association’s Board must take some action to address any alleged discrimination by residents or other people within the authority of the Board of Directors/Association. In a neighbor-to-neighbor discrimination claim, the Board’s failure to take action could lead the Association to being sued and potentially be liable for monetary damages.

The type of action to be taken by the Association depends on the circumstances and factors involved. It could include a warning, either verbally or in writing, as well as the demand that the discriminatory conduct stops. If preliminary

steps fail to correct the actions, a Board may consider proceeding forward with making a request for Alternative Dispute Resolution (Civil Code section 5925 et seq.) prior to commencement of an enforcement action. If ADR fails, legal action, including seeking a harassment restraining order, may be warranted. In performing its investigation, the Board may wish to engage the services of an independent investigator to interview the parties involved, witnesses, etc. and provide an opinion.

HUD’s position on these types of claims is that a Community Association generally has the authority to deal with harassment claims as empowered by the Association’s CCR’s or by other legal authority including notices of violations, fines, etc.

In the Association’s evaluation of the issues, facts, evidence, claims, etc. it could arrive at a decision that the complaining party is not a member of a protected class or that the discrimination is not attributable to that status. Not every claim of discrimination in fact rises to the level of a housing act violation. The Association should conduct a thorough review of the issues and claims and make an informed determination of what it can do to eliminate the claimed discrimination, if it determines the discrimination exists, or whether it is even actionable discrimination in the first place.

The historic positions of Boards that disputes between neighbors were not the Association’s concern is no longer the case. Boards need to take appropriate steps, including a reasonable inquiry and investigation, in order to determine what action, if any, is required. [↑](#)

David Loewenthal is a founding partner of Loewenthal, Hillshafer & Carter, LLP, headquartered in Woodland Hills with offices in Westlake Village, Santa Barbara, and San Luis Obispo. David has practiced in the Homeowners Association field for over 30 years. The firm’s primary practice is representing Homeowners Associations in all of their legal needs including general counseling, construction defect litigation, general litigation, enforcement matters, redrafting of governing documents, contract negotiation, insurance disputes, and assessment collection.





EFFECTIVELY RESOLVING CONFLICT IN YOUR COMMUNITY

*By Matt D. Ober, Esq., CCAL
Richardson / Ober*

“ ...you can achieve greater compliance with community rules while maintaining a degree of harmony.”

It has been said that conflict in a relationship can be healthy. Can the same be said about conflict in your community? Most can agree that now, more than ever, emotions are high throughout our communities challenging our ability to amicably resolve conflicts between the Association and its residents and between neighbors.

It is not surprising that whenever you have people of divergent cultural, ethnic, social, or political backgrounds, who live in close proximity to one another and who share common property rights and obligations, you will have conflict. Addressing and resolving conflict in your community, however, doesn't have to be toxic. With a well-defined dispute resolution procedure in place, coupled with a consistent approach to rule enforcement, and an overriding philosophy of respect for differing points of view and to allowing everyone to be heard, you can achieve greater compliance with community rules while maintaining a degree of harmony. In the process, you may even improve the health and well-being of your community and its residents.

There are procedural dispute mechanisms provided in the Civil Code that provides an Association much needed structure for resolving disputes. Community associations have at their disposal a three-phased approach to resolving disputes before resorting to the courts. Well drafted rules enforced through these statutory tools, coupled with a climate of open discussion, mutual respect, and tolerance between residents, the board, community managers and business partners, your community can be governed by a comprehensive dispute resolution philosophy that will lead to conflict resolution, or at least keep your community dispute from escalating into costly, time-consuming, and often destructive litigation.

The Dispute Resolution Process Starts With Your Governing Documents

Effective dispute resolution begins with your governing documents. If rules or restrictions are vague or not clearly defined, they cannot be effectively enforced. If the rules are not reasonable or understandable, the members will ignore or reject them outright. Thus, it is critical to an effective dispute resolution philosophy that the governing documents are clear, understandable, reasonable, fair, and capable of being enforced.

Equally important is communicating the rules to the community. The fact that an association's governing documents are to be provided to every owner at the time of purchase won't help develop awareness of and compliance with the rules and restrictions. Communication is particularly important to a greater understanding of the rules and their application to your community. Use newsletters, e-blasts, or periodic notices to the community residents to remind them of particular rules. For example, a notice about removing holiday decorations at the beginning of the holiday season, or a newsletter column outlining the pool rules at the start of the summer season, would serve as a reminder and encourage compliance.

Finally, it is advisable to periodically review your association's rules with legal counsel to determine if your rules are still relevant to your community. Rules should evolve to reflect either changes in technology, demographics

or the needs and desires of your particular community. Otherwise, the rules become obsolete, foster resentment or can be difficult to enforce. For example, a community that once prohibited use of portable basketball hoops may consider changing the rule to allow temporary use to reflect an increase in young families with a desire for more recreational use.

Due Process: Notice and An Opportunity To Be Heard

Of course all communities must adhere to its due process requirements both from the governing documents and the Civil Code Section. The new dispute resolution procedure does not eliminate the basic requirement of due process, codified in Civil Code Section 5855. Whenever a board of directors is to meet to consider and impose discipline on a member, the member must have received written notice of the hearing, including the nature of the violation, and must be provided an opportunity to address the board at the disciplinary hearing. This is the first step of the dispute resolution process and most often occurs before IDR.

Because the written notice of violation is a prerequisite to imposing discipline on a member, the notice should be specific, and respectful about the violation committed. The notice should describe: 1) what the member must do to correct the violation, 2) invite the member to a hearing before the board if the violation is not corrected,

(Continued on page 12)



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3) encourage the owner to correct the violation before the hearing, and 4) warn the owner of the consequences of noncompliance, including the imposition of fines.

Further, the notice of violation should give the owner the benefit of the doubt. A board should not presume the owner committed the violation. The purpose of the hearing is for the board to investigate the facts and deliberate on whether the owner committed the violation noticed and, if so, the appropriate enforcement or discipline.

Internal Dispute resolution (“IDR”)

Following the hearing, and notice of decision following the hearing, if the owner has not corrected the violation or if an owner contests the violation imposed, the association is faced with the choice of how best to compel the owner’s compliance. Internal Dispute Resolution (“IDR”) provides a second phase of community association dispute resolution before proceeding to court.

At the outset, the IDR statute mandates that associations adopt a “fair, reasonable, and expeditious” procedure for resolving disputes (Civil Code Section 5900 through 5920). The statute requires annual disclosure to owners of the association’s IDR procedure. And gives the association the option of adopting the “default” procedure set forth in the statute or implementing its own IDR procedure, provided it contains the following:

- That the IDR request must be in writing; the owner may refuse, but the association cannot refuse a request for IDR;
- That the association board of directors must designate a board member to meet with the member;
- That the parties meet promptly and in good faith and that the IDR procedure provide for prompt deadlines for responding to the IDR request and for conducting the meet and confer; and,
- That the owner shall not be charged any fee or incur any costs in connection with the IDR.

A resolution through this meet and confer process binds the parties and is judicially enforceable provided the following: 1) the resolution is in writing, and signed by both parties; 2) the resolution is not in conflict with the association’s governing documents; and, 3) the resolution is consistent with the authority granted by the board or is ratified by the board.

Finally, the parties may be assisted by counsel or another person during the meet and confer (although often the presence of counsel may interfere with the parties ability to resolve matters quickly and amicably.)

Alternative Dispute Resolution: A Pre-requisite To Filing A Lawsuit

The final effort to resolve a community dispute amicably is contained in Civil Code Sections 5925 through 59965

(“ADR”). The ADR procedure requires that before owners and the association file a lawsuit for certain types of claims, that parties endeavor to submit their dispute to dispute resolution with a third party. The categories subject to this final prelitigation procedure includes disputes over the governing documents, certain provisions of the Corporation Code, and the Davis-Stirling Act.

Similar to IDR, a party initiates ADR by serving a Request for Resolution. But unlike with IDR, an association may decline to participate in ADR by rejecting the Request for Resolution, or allowing the thirty (30) day reply deadline to lapse.

The Importance of Civility

Finally, despite the well-defined statutory framework for community dispute resolution, there remains an underlying frustration in a resident’s inability to discuss, engage, exchange, debate, and disagree about community association issues civilly. Conflict resolution is more than IDR or ADR. No amount of dispute resolution protocol can overcome the emotional hostility felt by a community resident who feels she has not been heard or he has not been addressed with fairness or respect. Community leaders must recognize that the absence of civil discourse is impacting the ability of our community associations to effectively govern. To be effective in resolving conflict in our communities, community associations should strive to find common ground and encourage open, respectful discussion. Only by recognizing what each of us has in common can we effectively encourage compliance, resolve conflicts, and find common ground to move forward on important community issues.

We encourage all associations to make a commitment to a better community-wide dialogue on all issues by adopting CAI’s Civility Pledge as part of the community’s dispute resolution protocol. www.caionline.org/CivilityPledge

***Matt D. Ober** is a partner of Richardson / Ober where his practice is dedicated to the exclusive representation of community associations throughout California. Matt has served as counsel to community associations for over three decades and has made significant contributions to the industry through both CAI and CACM. Matt is a member of CAI’s National Faculty, a CACM faculty member, a Fellow of CAI’s College of Community Association Lawyers, and is a past President of the College. Matt currently serves as a member of CAI National’s Board of Trustees, its Business Partners Council, a member of the Government and Public Affairs Committee and a member of the Diversity, Equity and Inclusion (DEI) Task force. In addition, Matt has earned the Martindale-Hubbell® AV Peer Review Rating™ signifying the highest rating in legal ability and ethical standards.*



CAI-CHANNEL ISLANDS CHAPTER

Holiday Luncheon & Educational Program: *Ask The Experts*

THURSDAY, DECEMBER 15 • 11:15AM

11:15am: Lunch & Networking Noon: Educational Program
Spanish Hills Club 999 Crestview Ave., Camarillo

Join us for our annual Holiday Luncheon with educational program "Ask The Expert". This Q&A session will provide an opportunity for you to get your insurance and legal questions answered by industry experts.

Please email your questions in advance to cai@cai-channelislands.org.
(When submitting a question, please keep it brief and not too specific to your community.)



Let's Celebrate!

This luncheon will feature special give-a-ways and member gift as we celebrate the chapter reaching over 1,000 members!

PROGRAM SPEAKERS



Tracy Neal, Esq., The Miller Law Firm

Tracy Neal has more than 20 years of experience in corporate law, business transactions, real estate transactions, and Community Association law. Tracy's role in the firm includes constant interaction with Boards and homeowners including commencement of CD claims and ranging from disclosures to mediation efforts to settlement negotiations. Tracy is an active CAI member and past chapter president.



Matthew A. Gardner, Esq., Richardson|Ober

Matthew A. Gardner is a partner of Richardson|Ober and works with community associations to amend governing documents, resolve homeowner/member disputes, manage assessment delinquency matters, and provide leadership training to volunteers and members. Mr. Gardner is an active member of CAI-Channel Islands where he serves as the Webinars Programs Committee co-chair and is a frequent author for the chapter's magazine.



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

Ryan Gesell is the Vice President for The Cline Agency. He's been an active member of CAI-Channel Islands Chapter for the past 19 years serving on and chairing a multitude of committees during that time. He currently serves on the Chapter's Board of Directors and is the incoming chapter president.

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For more info or questions, call 805-658-1438 or visit cai-channelislands.org



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

PREMIER EXHIBITORS



EXHIBITORS



Twelve Christmas Wishes For Managers

By Julie Adamen
Adamen Inc.

Is it just me, or did Christmas come really, really fast this year? Before I knew it, it's December and here I am working on another article. I've got a sleigh load of topics to discuss, but for the holidays I just can't top this one. This is a Christmas Card to all of you: My 12 Christmas Wishes. A version of, but not exactly like the Angel City Chorale's version of "The Twelve Days of Christmas." With each wish there is a little Latin as a brainteaser, and wonderful Christmas music or seasonal video. This is a great time of the year to come together, break bread, be thankful, give to others and be proud of what you do - and remember **you do make a difference**. I mean this with all my heart.

"A posse ad esse."

The bombardment of continual communication creates a sense of urgency, thus giving all incoming communication a false sense of importance. Everything is urgent, yet not everything is important. I wish to you the small luxury of not responding instantaneously to the 'urgent' when it takes us away from the truly 'important.' —*Carol of the Bells* by The Piano Guys

3 Less Urgency and more importance

"Veritas vos liberabit."

I wish for you Boards that recognize your competence and understand your job and your role. I wish you Boards that release personal agendas, have a sense of humor and never, ever, micromanage. There is nothing that puts a manager in the groove like a great Board. —*Little Drummer Boy* by Alex Boye' and Genesis Choir

4 Great Boards

"Semper fidelis." I wish you great vendors to make life easier. Over the years, the relationships you develop with vendors will produce dividends of which the communities will never know. I also wish you to remember they make your education more affordable and keep our professional organizations viable. —*What Child is This?* by Linsey Stirling

5 Great Vendors

"Maxima enim est hominum semper patientia virtus."

If I could wrap it up in a bow and hand it to you, it would be the gift of patience along with a reminder that the vast majority of those with whom we deal are pleasant people who only want something resolved. A deep breath, close the eyes, count to 5, ever so slowly. Think patience. —*The First Noel* by Pentatonix

1 Patience

"Post tenebras spero lucem."

I wish you gratitude because there is no positive purpose in railing against a bad situation. Be grateful, through gritted teeth if you must, for what you have. Gratitude will make for good in your life. —*Silent Night* by Pentatonix

2 Gratitude



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6 Seeing your true effect

“Fluctuat nec mergitur.” I wish for community managers to realize they touch dozens, hundreds, or even thousands of people in a single day, affecting each of those persons, sometimes quite profoundly. What you do matters greatly. —*Veni, Veni, Emmanuel* with *O Come, O Come, Emmanuel* by The Piano Guys

7 Integrity

“Spectemur agendo.” Our industry is a small one: Each of us is separated by only 2 or 3 degrees i.e., if I don’t know you, I know someone who does. The only thing you really have is your integrity. Thus, I wish you integrity in all that you say and do, and wish that those with whom you interact all have that same integrity. How much easier your life would be! —*Libera In the Bleak* Midwinter by Susan Boyle

8 Laughter

“Castigat ridendo mores.” Our business is ripe with ridiculous and absurd situations. It may take you a few days, weeks or months to see the humor in some situations, but if you let it, it will come. Seriously, folks, you can’t make this stuff up! So, laugh at those absurd situations, and laugh at yourself. —*Penny’s Christmas Gift to Sheldon* by The Big Bang Theory

9 Less Stress

“Memento mori.” I wish you the ability to deal with things as they come, to be able to do your best and then let go of the result. This wish is for you and about your good: Your mental and physical health well-being, because I want you to be in this business for the long run. —*Nutcracker Waltz of the Flowers* by Royal Ballet

10 Macro-management

“Sine ira et studio.” I wish you big-thinking Boards who are confident and don’t feel the need to mentor you, tell you how to think, write, organize, or manage people. Until that time, managers, look to developing and improving your professional detachment skills. They will go a long in assisting you to cope. —*Mary, Did You Know?* by Pentatonix

11 Indomitable Spirit

“Viriliter age.” Strong of character, unable to be subdued or overcome, the will to keep plowing forward, to go to work with an air of confidence and a glint in your eye. The fun in our work is in the challenge, and the real fun is meeting that challenge with our Indomitable Spirit. —*Beethoven’s Ode to Joy* by Flashmob Flash Mob

12 A Wonderful Life

“Esto perpetua.” Lastly I wish you all a wonderful life: Peace, joy, love. A better work life. Good coffee. Pets that love you. Family and friends. Most of all I wish you clarity: Clarity to see life as it is, to see others as they are, and to see yourself as you are, and to be okay with all of it. But also I wish you the clarity to see what you can be in the coming years. It’s truly a Wonderful Life. —*A Charlie Brown Christmas: The Meaning of Christmas* by Charles M. Schulz’s

Merry Christmas and Happy New Year!

Julie Adamen is the principal of Adamen Inc., a national consulting and employment firm specializing in the community management industry. She is a recognized and designated expert in community management and association and management company operations. She is a prolific author, educator, motivational speaker and trainer for community managers and Boards of Directors. She can be reached at julie@adamen-inc.com.



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Building Community *Within Your* Community

By Neda Nehouray, CMCA, AMS, PCAM
HOA Organizers, Inc.

Homeowners Associations, otherwise known as community associations, communities, HOAs or anything else along these lines. The core meaning behind any of the terms used to describe these entities is a group of people who live together and share common responsibilities to take care of their homes. In essence, a Homeowners Association is a business, but it is a community. Yet, so many HOAs are disjointed with many owners accessing their own homes without interacting much with their neighbors. How can we expect the community to be cohesive and homeowners working towards the betterment of the “business” if those that are making the decisions do not even know each other?

Apart from the obvious benefits of knowing your neighbors and collaborating with one another, one of the reasons that people choose to live in a Homeowners Associations is because of the community living. Without leadership to bring people together, we often find that individual homeowners or residents will not find ways to make connections beyond the people that perhaps park next to them or live right next door to them. I personally live in a Homeowners Association which consists of approximately 1,000 homes. When I first moved into the community,

my next-door neighbor informed me about a group of homeowners that are on a roster that participate in quarterly concerts in the community. It is a block party where one homeowner facilitates concerts on their street and ours. In total this block party includes about fifty of the thousand homes in the community, but I have to commend the homeowner that puts this together independent of the HOA! I witnessed time and time again, the lack of togetherness and community without leadership in the Homeowners Association to drive and facilitate events and circumstances to bring homeowners together.

How do we actually get people together and encourage them to get along? The answer is, Board Members and community managers should not simply focus on Board Meetings as the space to foster a sense of community. In fact, that is the worst place to try to build a sense of community. Consider your Board Meeting a space where community politics are aired. People have strong differences of opinions about topics raised in Board Meetings. This is the space where many people will find what they don't have in common with their neighbors or Board Members. If their point is not taken or considered, people may also harbor a sense of rejection or resentment.

I encourage managers and Board Members to create a space where homeowners can come together and find common interests. How can we get our residents together to get to know their neighbors? When there is an actual face to a name, people are less inclined to treat others poorly and are more inclined to value and respect someone they have connected with and with whom they share interests. In this article, I share a number of suggestions that we have actually put into practice. These really work and help build a sense of camaraderie and also creates a space where people can get to know one another without talking about difficult or divisive topics.

My first suggestion is to create community potlucks. This type of event does not place a financial burden on any one person or on the Association. Those homeowners and residents who often vocalize their concerns about overspending can rest assured that everyone who participates will do so on their own dime. Perhaps the Board or management can also encourage homeowners to make their favorite dishes. There can be a contest for a particular type of dish such as a pie making contest or a chili cookoff! Rather than awarding someone with a monetary gift for winning the contest, the Association may find a way to award something that is not monetary. Does the association own parking spaces? How about letting the winner use an Association owned parking space for one month without any cost? That sounds like a wonderful incentive that doesn't cost the Association a dime but will encourage residents to participate in the event. Depending on your amenities, you can get creative and consider ways to recognize and reward someone for their participation in the event, while making it fun. The potluck can offer a space where homeowners can share recipes, find common interests, and generally just enjoy a meal together. It's an opportunity for people to connect without pressure and in a fun environment.

Another example of a community event could be a block party. If you live in a community with single-family homes or with walkways, you can close off a section and play some music, perhaps hire a balloon artist or a face painter, and also encourage people to get together and learn more about each other.

We offer a mobile app to our communities, and it allows homeowners the opportunity to create groups online. We also inform homeowners and residents of their ability to create these groups. Homeowners have started dog walking groups, and residents in the community join and find common times to take their furry friends out with their neighbors. Some other clubs that we have seen formed include a wine club, a book club, a hiking club, a tennis club, a swimming club, etc. There are so many possibilities to what groups can be created, and for those homeowners who don't necessarily initiate engagement, there are options for them to participate and meet their neighbors.

In today's day and age, it's so important to get to know our neighbors and find and focus on commonalities. Home is our safe haven and place for peace, and knowing and enjoying our neighbors only makes home that much sweeter! When people get to know each other and appreciate one another, even Board Meetings become more pleasant. People who know and like each other can speak to each other with more courtesy and will value each other's perspectives more. 🏠

Neda Nehouray is the founder and CEO of HOA Organizers, a full-service community association management company serving 150+ communities throughout Southern California. Neda has worked exclusively with common interest developments for two decades. She holds her CMCA, AMS, and PCAM designations.



Neda is an active member of CAI's Los Angeles and Channel Islands Chapters and served as the Co-Chair to the CAI-GLAC's Programs Committee for over 5 years. Neda also served on the LA Chapter Board from 2017 – 2019 and concluded her final year on the Board as the Chapter's President.

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- Rancho Ventura Association
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- The Seneca Gardens
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- Whalers Village Club
- Whalers Village Townhomes Association
- Woodbridge Park Townhomes Association

Good Neighbor Contributors

- Jim Boschee
- Randy Stokes

November CLAC Contributors

Thank you to the following companies for making a \$300 CLAC Contribution at our Annual Legislative Update Luncheon hosted on November 17.



Your association or company can participate and support the efforts of our Legislative Action Committee as they represent the interests of community associations at the capitol! For more information, visit www.caiclac.com.



2022 was truly a transformational year for CAI-CLAC. Our primary objective is, and will always be, to propose, monitor, provide input, and take formal positions on state legislation impacting community associations.

CAI-CLAC 2022 Accomplishments

In 2022, we extended our outreach to develop strategic relationships with state agencies, policy makers, and stakeholders to ensure they understand the important role community associations play in fulfilling housing needs in the State of California. We continued to emphasize the importance of self-governance, while acknowledging that certain issues are too large to be addressed on a community level. We believe these new relationships will continue to grow and will help frame necessary state and federal legislation in the years to come.

As the state slowly emerged from the Covid crisis, our delegates and legislative support committees continued to meet to discuss state legislation, wildfire emergencies, the insurance crisis, and the industry-wide impact of the fall of the Champlain Towers in Surfside, Florida. CAI-CLAC held a number of townhall meetings to keep people apprised of developments throughout the year. We also held our second virtual Legislative Days at the Capitol during which we shared our views on currently pending legislation, as well as our long-term goals for the next several years. CAI-CLAC was very well received by legislators and staff, and we continue to believe our legislative visits are a critical component of our success.

CAI-CLAC monitored 77 bills this legislative session. We are pleased to share both our summary of accomplishments as well as our outlook for the immediate future.

AB 1410 (RODRIGUEZ) – COMMON INTEREST DEVELOPMENTS

AS INTRODUCED: AB1410 sought to impose numerous additional responsibilities on boards and their directors including mandatory education, a statutory code of conduct, and sharing specific evidence in disciplinary proceedings. The bill also required that associations allow for the peaceful assembly of owners and guests as well as the rental of a portion of a separate interest. As amended, AB1410 no longer contains the language

requiring mandatory board education, the specified code of conduct, or the exchange of evidence prior to a disciplinary hearing.

POSITION: Neutral.

RESULT. This bill passed the Legislature and has been signed by the Governor.

SB 1323 (ARCHULETA) – FORECLOSURE: EQUITY SALE: MULTIPLE LISTING

AS INTRODUCED: SB 1323 sought to require that an equity sale of property under a power of sale or a mortgage or deed of trust be made by licensed real estate agent and by publicly listing the property for sale on a multiple listing service. The bill would have also required

CAI-CLAC 2022 Accomplishments (cont'd.)

the trustee that receives multiple offers to make counteroffers to each offeror. By adding to the requirements of a judicial foreclosure this bill would have increased costs to associations.

POSITION: Opposed

RESULT: Placed on the Assembly Inactive File and not brought up for a vote.

CALIFORNIA WILDFIRES

CAI-CLAC is working hard to bring awareness to how wildfires are impacting the availability and price of community association insurance. CAI-CLAC reached out to the California Department of Insurance to provide education on how community associations are insured and why changes were necessary. After issuing a very successful "Call to Action," the CDI acknowledged the impact of escalating costs. CAI-CLAC and the Department of Insurance are currently working together on the development of new wildfire regulations. CAI-CLAC is also advocating to make the California FAIR plan accessible to condominium owners.

CONSUMER DEBT

CAI-CLAC was persistent in its efforts to clarify whether community association assessments constituted consumer debt and whether collecting that type of debt required a license. In May of 2022, the Department of Financial Protection & Innovation determined that routine assessments are not "consumer credit transaction" as defined under the Debt Collection Licensing Act, and therefore do not constitute "consumer debt." Since the collection of routine assessments is not considered to be collection of "consumer debt," such activity would not constitute being engaged in the business of debt collection and does not require licensure under the Debt Collection Licensing Act.

WHAT IS COMING IN 2023?

Following the tragic collapse of the Champlain Towers in Surfside, Florida, CAI National organized multiple task forces who are working hard to prevent further catastrophic failures. CAI-CLAC looks forward to providing support for those policies in 2023.

RESERVE STUDY REQUIREMENTS AND FUNDING

CAI's Reserve Task Force is developing a policy that better defines what constitutes a building component and promotes long-term funding for critical building components. CAI-CLAC's Reserve Task Force will be evaluating the policy for the purpose of ensuring consistency in the language on the state and national levels.

INFRASTRUCTURE

CAI's Condo Safety Task force has published a Condominium Safety Public Policy Report that recommends appropriate building maintenance along with mandated structural inspections. The Taskforce recommended specific inspection standards. CAI-CLAC's Infrastructure Task Force has evaluated the Condominium Safety Public Report and intends to support legislative efforts in furtherance of structural safety.

WHAT IS CAI-CLAC?

The California Legislative Action Committee (CLAC) is a volunteer committee of the Community Associations Institute (CAI) consisting of homeowners and professionals serving community associations. CAI is the largest advocacy organization in America dedicated to monitoring legislation, educating elected state lawmakers, and protecting the interests of those living in community associations in California.



CAI-CLAC AS A VOLUNTEER ORGANIZATION

- Is a non-profit, non-partisan volunteer committee comprised of two Delegates and one Liaison from each of the eight CAI California chapters.
- Represents 13 million homeowners and property owners in more than 50,000 associations throughout California.
- Is NOT a PAC (Political Action Committee) and makes no financial campaign contributions.
- Depends solely on the donations of community associations, their boards of directors and those who serve association members.

CAI-CLAC'S MISSION

To safeguard and improve the community association lifestyle and property values by advocating a reasonable balance between state statutory requirements and the ability and authority of individual homeowners to govern themselves through their community associations.

JEFFREY A. BEAUMONT, ESQ. | BEAUMONT TASHJIAN CAI-CLAC 2021-2022 CHAIR



Jeffrey A. Beaumont, Esq. is the senior partner of Beaumont Tashjian, a full-service community association law firm providing general counsel, litigation and assessment collections services to its clients with offices throughout Southern California. Mr. Beaumont has been representing community associations for over 20 years. In addition to his practice, he is actively involved in industry organizations through his participation in Community Associations Institute (CAI) and California Association of Community Managers. Mr. Beaumont proudly served as a two-time past president of the CAI Greater Los Angeles and Channel Islands Chapters and is admitted to the College of Community Association Lawyers, earning his CCAL designation. Mr. Beaumont also served as the Channel Islands Chapter's CLAC delegate for over 10 years before being inducted in 2019 as a lifetime delegate. Mr. Beaumont has served as the Chair for CAI-CLAC's Executive Committee in 2021 and 2022.

LOUIE A. BROWN, JR. | CAI-CLAC ADVOCATE



Louie A. Brown, Jr., is a partner with Kahn, Soares & Conway, LLP. He manages the firm's Government Relations Group representing clients before the California State Legislature and various state administrative agencies. Louie specializes in providing clients with expert advice in maneuvering through California's complex legislative and administrative process. He has written numerous laws and played key roles in many of the Legislature's major accomplishments and budget negotiations over the last decade.

Louie earned his Bachelor of Science Degree from California Polytechnic State University in San Luis Obispo, California and his Juris Doctor from the McGeorge School of Law.

Louie and his wife, Kimberlee, reside in Elk Grove with their three children.

CAI-CLAC is always looking for ideas for common sense legislation to sponsor. Please send ideas/feedback to our Legislative Strategy and Research Committee at LSRC@caiclac.com.

2023 CHAPTER EVENTS

January

24 **Chapter Luncheon**, 11:15 am,
Spanish Hills Club, Camarillo

February

3 **Awards Dinner**, 5:30 pm,
Hyatt Regency Westlake

23 **Chapter Luncheon**, 11:15 am,
Spanish Hills Club, Camarillo

March

2 **Central Coast Luncheon**, 11:30 am,
Monarch Club at Trilogy, Nipomo

14 **Chapter Webinar**, 11 am, Zoom

30 **Community Faire**, 3:30 pm, Westlake Village

April

20 **Santa Barbara Luncheon**, 11:30 am,
Location TBA

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

May

11 **Chapter Webinar**, 11 am, Zoom

17-20 **CAI Annual Conference**, Dallas, TX

25 **Chapter Luncheon**, 11:15 am,
Spanish Hills Club, Camarillo

June

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

15 **Central Coast Luncheon**, 11:30 am,
Monarch Club at Trilogy, Nipomo

29 **Community Faire**, 3:30 pm, Camarillo
- no events -

July

August

10 **Chapter Webinar**, 11 am, Zoom

24 **Chapter Luncheon**, 11:15 am,
Spanish Hills Club, Camarillo

September

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

14 **Central Coast Luncheon**, 11:30 am,
Monarch Club at Trilogy, Nipomo

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, Westlake Village

26 **Chapter Luncheon**, 11:15 am,
Spanish Hills Club, Camarillo

November

9 **Central Coast Luncheon**, 11:30 am,
Monarch Club at Trilogy, Nipomo

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

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CAI-Channel Islands Chapter has reached 1,000 chapter members!

Thank you to all our members for supporting the chapter. We look forward to celebrating at our Chapter Luncheon on December 15, 11:15 am at Spanish Hills Club in Camarillo. For more information, visit www.cai-channelislands.org. Hope to see you there!

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Renaissance at Westlake Homeowners Association
Shoshone Sycamore Owners Association
Stonebridge Owners Association
The Colony at Mandalay Beach
Woodbridge Park Association

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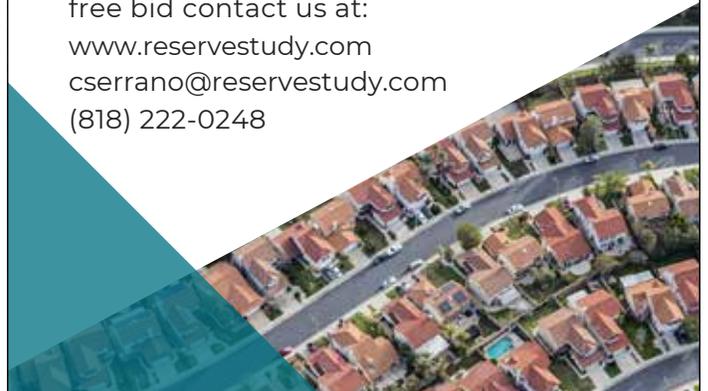
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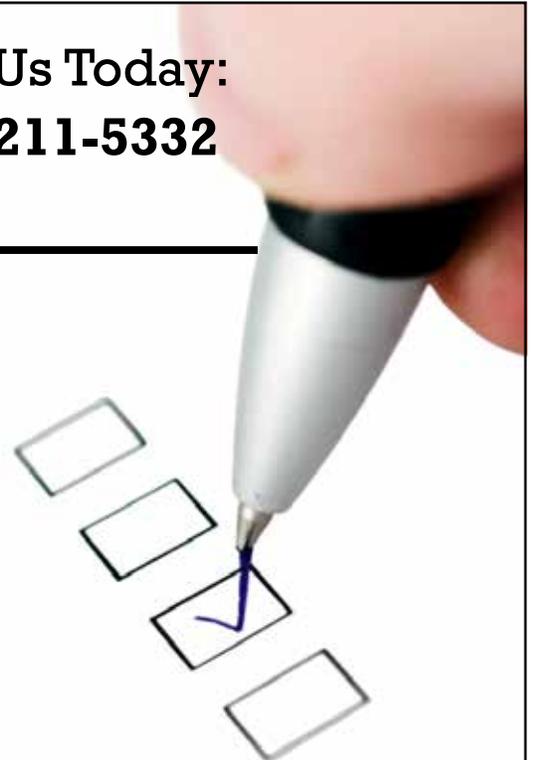
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