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FOURTH QUARTER 2023

The Official Publication of 
CHANNEL ISLANDS CHAPTER
community
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...HAPPY...
Holidays
...BEST WISHES...

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Are Here To Stay!

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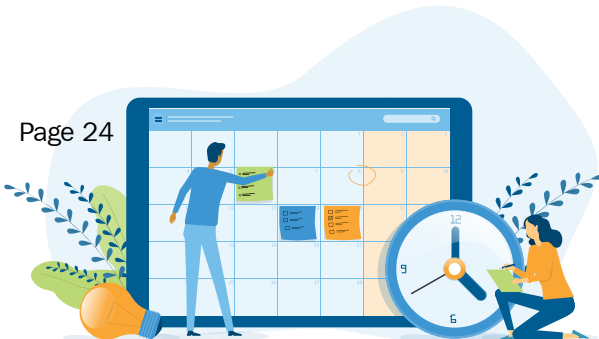


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president's message



Ryan Gesell, CIRMS, CMCA
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Dear Members:

It's the end of the year! The holidays are upon us. It actually felt like the holidays were upon us in September this year. I think that's when I started seeing Christmas decorations at the hardware store. I wanted this letter to be a short dissertation on why Die Hard is indeed a Christmas Movie, but unfortunately, Leah told me that I needed to stick to the theme of the magazine, which in this edition is a legislative update.

Hopefully you were able to attend our excellent Annual Legislative Update Luncheon in November where we heard from our CLAC representative in Sacramento, Louie Brown, Esq., alongside one of our chapter's delegates, James Perero, Esq. There have been some important updates this year to California law for community associations. If you happen to have missed the luncheon, this edition of Channels of Communication will have all that you need to bring yourself up to speed. And if you still have questions, please reach out to one of the FANTASTIC attorneys that are business partners in our chapter. Our website, www.cai-channelislands.org, has a list of them for your reference.

Since I'm not an attorney, I won't try to recap anything for you. But I will speak to some of what CLAC has planned for next year, as the main focus will be on insurance, and that happens to be my jam. I had the pleasure of attending the CLAC Annual Planning Meeting in October with our past president and current CLAC Delegate, Randy Stokes. It was a wonderful experience. The luncheons the chapter hosts almost every month are wonderful and are valuable for networking and learning about our industry. But this experience was different. Rather than an update or education, the intention of the CLAC Annual Planning Meeting is to discuss and decide what CLAC is going to focus on next year. Kimberly Lilley of the CLAC Insurance Task Force was there to discuss the current obstacles from a legislative standpoint, why the regulatory changes that the CA Department of Insurance has implanted are not long-term solutions, and finally, what changes we could make legislatively to help solve the insurance crisis in CA.

Sadly, the new CA Fair Plan changes are viewed by most insurance professionals that specialize in Common Interest Developments as a "band-aid" that might make policyholders happy in the short term (and just in time for an election year, what are the chances??!) but will not solve the situation in the long term. We informed CLAC's Executive Committee about some specific legislation we believed would be helpful for solving this crisis long term, and they agreed wholeheartedly. One of the focuses next year for our CLAC Advocate, Louie Brown and his team is to find authors for the bills we hope to push forward. It was fantastic to be a part of that discussion and planning session.

If you are interested in getting more involved with CLAC or learning more about what CLAC does, visit www.caiclac.com. I would also urge you to join us next year for CLAC's Advocacy Week where you can hear CLAC representatives talk to our legislators about what our industry needs their help with. Until then, thank you for a wonderful year in our Chapter! We look forward to another wonderful year in 2024! Yippee Ki-Yay!

Sincerely,

Ryan Gesell
CAI-Channels Islands Chapter President

ZOOMING



AB 648 Signed! Virtual HOA Meetings

By *Steven J. Tinnelly, Esq.*
Tinnelly Law Group, PC

On September 22, 2023, Governor Newsom signed AB 648 into law to finally permit homeowners associations (“HOAs”) throughout California to conduct board meetings entirely by teleconference (aka “virtual meetings”). While existing law permits an HOA to conduct teleconference meetings, HOAs are still required to specify a “physical location” for the meeting at which members or directors may physically attend the meeting if they desired to do so. The only exceptions to this physical location requirement are if the meeting is held solely in executive session, or if the meeting is held during a government declared state of emergency under Civil Code section 5450.

Effective January 1, 2024, AB 648 will add another exception to the physical location requirement by adding new Civil Code section 4926 to the Davis-Stirling Act. AB 648’s enactment is based upon the Legislature’s findings that:

“Virtual homeowner association meetings improve and enhance homeowner members’ ability to participate and comment on business-related matters of the association and their community” and “enable greater access for all members of the association.”

Under Section 4926, an HOA will be permitted to conduct its open board meetings entirely by teleconference (without a physical location), provided that all the following requirements are satisfied:

Notice Requirements

The notice for each meeting conducted under Section 4926 must include, in addition to other required content for meeting notices, all the following:

- Clear technical instructions on how to participate by teleconference;
- The telephone number and e-mail address of a person who can provide technical assistance with the teleconference process, both before and during the meeting; and
- A reminder that a member may request individual delivery of meeting notices, with instructions how to do so.

Equal Participation Requirement

Every director and member must have the same ability to participate in the meeting that would exist if the meeting were held in person.

Roll Call Vote Requirement

Any vote of the directors at a Section 4926 meeting must be conducted by a roll call vote.

Option to Participate by Telephone Requirement

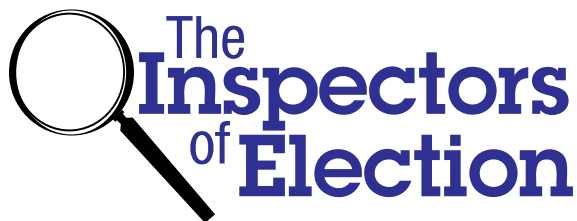
Any vote of the directors at a Section 4926 meeting must be conducted by a roll call vote.

INTO THE FUTURE

It is important to note that AB 648 did not have any impact on existing law governing HOA meetings at which ballots are counted and tabulated pursuant to Civil Code section 5120. If an HOA wants to conduct a ballot counting meeting via teleconference, it must still specify a physical location as discussed above.

AB 648's passage is welcome news to HOA board members and industry professionals that appreciate the convenience and efficiencies of conducting board meetings entirely by teleconference, utilizing popular tools such as Zoom and Go2Meeting. [↑](#)

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 over 30 years. For more information, visit our website at tinnellylaw.com.



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Are Board Email Discussions Now Okay?



By Kelly G. Richardson, Esq. CCAL
Richardson/Ober

There is a longstanding transparency law within the Davis-Stirling Act called the “Open Meeting Act,” containing requirements regarding governance openness. For years, many HOA lawyers have discouraged their clients’ boards from deliberating in email regarding HOA issues, because it seemed to violate the Open Meeting Act. The Act at Civil Code Section 4910 bars taking action outside of board meetings except for emergencies and bars conducting meetings via electronic mail. This seemed to most HOA lawyers to bar board email discussions of open session business items, but that has now changed due to a new court decision.

On August 25, 2023, the appellate court in San Diego County issued its opinion in *LNSU #1 LLC v. Alta Del Mar Coastal Collection Community Association*. Because the decision is “certified for publication” it is precedent throughout the state. In the *LNSU #1* case, 2 of the owners in a 10-unit HOA challenged the board’s discussion of several HOA business items in emails, including items involving the two appealing homeowners.

The court ruled that exchanging emails is outside the Civil Code Section 4090 definition of a “board meeting” since the definition includes in-person or teleconference gatherings, and because the directors were not “congregating” when they sent the emails. The court further ruled that *discussing* HOA business via email is not barred by Civil Code Section 4910’s prohibition of taking action outside of board meetings because discussion is different

than deciding or acting. The court deemed “action” to mean voting on a matter, and that was different than simply discussing matter.

Some may applaud the ruling as helping boards and easing the Open Meeting Act, but HOA boards and managers should still avoid email deliberations for several important reasons.

First, this case presents a new interpretation of the term “board meeting” definition. Other appellate courts in California could take a different interpretation. Additionally, the subject might be taken up by the state Supreme Court and weaken or overrule this ruling.

Second, some lawyers (both HOA and anti-HOA) have filed “requests for de-publication” of the case. If the appellate court removes the certification for publication, the case no longer is a legal precedent in California and may not be cited in court. It remains to be seen if that request will be accepted by the court.

Third, email deliberations are not subject to member review and such emails are not included in the documents, which homeowners may request to review. It isn’t difficult to foresee a board using the case precedent to pre-discuss an entire agenda via email, resulting in the board rushing through all its votes in the open meeting without discussion or explanation. When it becomes clear that the board meeting is more show than anything and that the real



deliberation happens outside of the members' presence, the board's transparency and credibility will suffer. Homeowners will trust the board more if they know the board has the discipline to wait until meetings to discuss things.

Fourth, emails are evidence under Evidence Code Section 250. Emails are not automatically privileged or protected from disclosure – there must be some other reason why the law would protect email from being disclosed, such as, for

(Continued on page 10)

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Are Board Email Discussions Now Okay? (Continued from page 9)

example, attorney-client privilege. Emails are not privileged unless legal counsel is involved in the email exchange. So, the HOA or any Director can be forced by subpoena or litigation discovery demand to produce emails. Emails, unlike oral remarks, are a permanent record of what someone says. Therefore, directors must be far more restrained in their written comments – what would a judge or jury say if they read that email? By the way, all of this discussion applies to text messages as well.

Fifth, sometimes emails are misinterpreted or taken out of context by the reader, leading to misunderstandings that could have been avoided by a conversation. In-person discussion could reveal a different take on a given business item than what seemed to be the opinion in an email exchange.

Sixth, and not least, do directors want to be on duty 24 hours, 7 days a week? Strict compliance with the Open Meeting Act helps protect directors' off-duty time. I often receive emails from client directors feeling intimidated or even harassed by other directors who daily bombard their board colleagues with email suggestions, ideas, questions, and opinions.

Clients often tell me they want to minimize open meeting discussions due to member disruption. My response is that the HOA needs to get its meetings in order and should avoid the temptation to dispense with open discussion of association business.

This new judicial interpretation should not encourage opening the floodgates for boards to discuss anything and everything by email and then wait for the formality of a board vote in the board meeting. Consider using email only to relay information and not to relay opinions, saving the discussions for the board meeting. ⬆

Kelly G. Richardson, Esq. is a Past President of CAI, Fellow of the College of Community Association Lawyers, and Partner of Richardson Ober LLP, a Chapter member. Kelly can be reached at kelly@roattorneys.com



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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.



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CAI-CLAC 2023: What We Achieved

At CAI-CLAC, our primary objectives remain constant: to propose, monitor, evaluate, provide input, and take formal positions on state legislation affecting community associations. In 2023, CAI-CLAC achieved just this. We were successful in the sponsorship of two bills and the integration of cleanup measures into the Housing Omnibus bill. Furthermore, we played a pivotal role in securing critical amendments for three additional pieces of legislation. Overall, 2023 was a successful year for CAI-CLAC. We look forward to building on these successes in 2024.

AB 1458 – Common Interest Developments: Association Governance: Member Election

CAI-CLAC SPONSORED LEGISLATION

- If a community association has a quorum requirement for director and/or recall elections, the association must provide general notice of (1) the date, time, and location of the meeting at which quorum will be determined, and (2) a statement that board may adjourn the meeting for at least 20 days if quorum is not reached
- If quorum for a director election is not met, the association may adjourn the meeting to tabulate the votes for a minimum of 20 days
- Unless a lower quorum is authorized by the governing documents, the quorum for the adjourned meeting drops to 20%
- General notice of the adjourned meeting must contain (1) the date, time, and location of adjourned meeting, (2) the list of candidates, (3) a statement that the quorum requirements are reduced to 20%, and (4) that the ballots will be opened if the 20% quorum is reached. Notice shall be provided not less than 15 days prior to adjourned meeting

(AB1458; Codified at Civ. Code, § 5115, Corp. Code, § 7512)

AB 648 – Common Interest Developments: Procedures: Meetings by Teleconference

CAI-CLAC SPONSORED LEGISLATION

- Board meetings and member meetings may be conducted entirely by teleconference (i.e., audio, video, or both) and without a physical location
- Notice of the meeting must provide (1) clear technical instructions on how to participate, (2) telephone number and email address of person who can provide technical assistance before and during the meeting, and (3) other existing statutory requirements
- Directors and members must have same ability to participate as if the meeting were held in person
- Any matter to be voted on by directors shall be by roll call vote
- Does not apply to meetings where ballots will be tabulated

(AB648; Codified at Civ. Code, §§ 4090, 4926)

The California Insurance Crisis

CAI-CLAC has continued to express its extraordinary concern for the insurance crisis in the State of California. We have worked with both Insurance Commissioner Ricardo Lara and state legislators to educate them on the financial impact of increased insurance premiums and the shrinking availability of coverage for community associations. CAI-CLAC supports Commissioner Lara's Safer from Wildfire Regulation, the expansion of California's FAIR Plan, and his Sustainable Insurance Strategy. CAI-CLAC will continue to invest significant resources into this critically important topic as we work towards ensuring affordable coverage for all California community associations.

Continued on next page

Additional 2023 Legislative Developments

AB 1764 – Committee on Housing and Community Development. Housing Omnibus, Common Interest Developments: Elections

CAI-CLAC NEUTRAL

- If a community association disqualifies a nominee for a board seat based on (1) the failure to be a member at the time of nomination, (2) term limits, (3) the failure to be current in the payment of assessments, (4) serving on the board at the same time as another owner who holds a joint ownership interest in the same separate interest parcel, (5) being a member for less than a year, or (6) the conviction of a criminal offense that would prevent the association from obtaining or maintaining insurance required by Civil Code section 5806, then the association's election rules must also require existing directors to comply with the same requirements

(AB1764; Codified at Civ. Code, § 5105)

AB 572 – Common Interest Developments: Imposition of Assessments

CAI-CLAC OPPOSED

- Applies to community associations if original declaration recorded after January 1, 2025
- Community association may not impose regular assessment of more than 5% plus percentage change in cost of living, and not to exceed 10% greater than the preceding fiscal year's regular assessment on a deed-restricted affordable housing unit
- Community associations may impose a lower regular assessment on deed-restricted affordable housing units
- Limited exceptions exist

CAI-CLAC IMPACT: CAI-CLAC secured the amendments to make the bill prospective, only impacting new builds after 1/1/2025.

(AB572, Codified at Civ. Code, § 5605)

AB 1033 – Accessory Dwelling Units: Local Ordinances: Separate Sale or Conveyance

CAI-CLAC NEUTRAL

- Authorizes local government to pass ordinances allowing the separate conveyance of a primary dwelling unit and accessory dwelling unit(s) as condominiums
- Lot owner in a planned development shall not record a condominium plan against the Lot without the express written approval of the community association
- If required by community association's governing documents, the lot owner may be required to obtain the approval of association membership

CAI-CLAC IMPACT: CAI-CLAC secured the language requiring written authorization of the association.

(AB1033; Codified at Govt. Code, §§ 65852.2, 65852.26)

AB 1572 – Potable Water: Nonfunctional Turf

CAI-CLAC NEUTRAL

- California's use of potable water to irrigate nonfunctional turf is wasteful and incompatible with state policies on climate change, water conservation, and reduced reliance on Sacramento-San Joaquin Delta ecosystem.
- Regional water management group required to address the water-related needs of owners and occupants of affordable housing, including the removal and replacement of non-functional turf, tentatively effective January 1, 2031
- Prohibits use of potable water for irrigation of non-functional turf in common interest developments effective January 1, 2029
- Use of potable water not prohibited if necessary to ensure health of trees; other exceptions may apply
- Authorizes State Water Resources Control Board to implement compliance measures and local government to enforce compliance through imposition of civil liabilities and penalties

CAI-CLAC IMPACT: CAI-CLAC worked to secure additional time before an association is required to comply.

(AB1572; Codified at Water Code, §§ 10540, 10608.12 et seq.)

Kieran J. Purcell, Esq., CCAL Epsten, APC 2023/24 CAI-CLAC Chair



Kieran Purcell graduated from the University of Colorado at Boulder. After serving seven years in the United States Navy, Kieran attended California

Western School of Law and joined Epsten, APC in 1995. Kieran's work on behalf of community associations includes providing advice on all types of corporate matters including litigation, interpretation and enforcement of governing documents and reconstruction issues. He has been a shareholder of Epsten, APC since 2002 and now serves as Vice President and CFO of the firm.

Kieran is a four-time recipient of the San Diego Chapter's President's Award, and also received the Samuel L. Dolnick Lifetime Achievement Award. In 2023, he was recognized with the San Diego Chapter's Legacy Award. He is a fellow of the College of Community Association Lawyers (CCAL).

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.



THE FUTURE IS ELECTRIC!

*By Les Weinberg, MBA, RS & Scott Clements, RS, PRA, CMI
Reserve Studies, Inc.*

The popularity of electric vehicles (EV) as a mode of transportation continues to accelerate. Accordingly, the demand for electric vehicle charging stations (EVCS) has, and will continue to increase. However, implementation of EVCS in common interest developments can be a complicated and contentious process.

What We Know Now

California Civil Code (CCC) § 4745 essentially states that any provision which either prohibits or restricts the installation of an EVCS within an owner's unit / parking space, conflicts with this section and is unenforceable. California AB1738 requires the Department of Housing and Community Development to research and develop, and may propose for adoption by the commission, building standards for the installation of EVCS in existing multifamily dwellings, hotels, motels, and nonresidential developments during retrofits, additions, and alterations to existing parking facilities.

Although there are no current requirements regarding EVCS in existing buildings, the Building Standards Code is anticipated to address adding parking facilities, or adding/altering an electrical system. New requirements will mandate 10% of the altered spaces to be "EV Capable" (power, no plugs or charger).

Current new construction requirements state that 10% of spaces must be EV Capable for multi-family developments and hotels, motels with less than 20 units, and 25% of the spaces must be "EV Ready" (power & EV plug, not a charger), although no more than one receptacle per dwelling unit is required. In the case of more than 20 units, 5% of spaces must be "EV Installed" (power, & EV plug **and** charger).

Where It's Headed

Electrical power requirements per the 1950's buildings standards addressed basic needs: essentially lighting and receptacles. By the 1970's changes were implemented due to larger demand appliances, including electric ovens, air-conditioners, and clothes dryers. However, even systems designed after 2000 did not foresee the increased demand due to high-powered computer systems (there is a reason cryptocurrency mining is done in remote locations with few regulations!), millions of gamers using PS5's and giant monitors continuously, EV, e-bikes, air-fryers, and 90" televisions. And, add the recent changes to California law prohibiting the sale of gas-powered landscape equipment after January 2024...which all leads us to our current circumstances.

What Can Be Done To Prepare Going Forward?

- **Electrical Engineer Evaluation:** Identify current capacity and potential future demand needs, and what system modifications may be necessary. Add direct current charging stations or Level 2 EV stations? How many stations? How far away is the utility power source? Will new service connections be necessary, or interior wiring upgrades? New meter bays? Transformers?
- **Add A New Reserve Study Component: Electrical Infrastructure.** The CCC requires major components with a remaining useful life of less than 30 years to be included in a Reserve Study. Adding “electrical infrastructure” without a cost estimate serves as a notification that an evaluation is in process and that funding will ultimately be assigned.
- **Discuss With Owners.** Be transparent regarding the future needs, timing, and the options under consideration. Provide information on recent laws and trends as well as anticipated electrical consumption.



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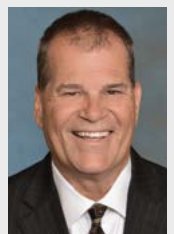
- **Provide Detailed Cost Estimates:** With ever-growing budgets due to minimum wage increases, exceptional current inflation rates, property insurance hikes due to wildfires, and inspections mandated by “The Balcony Bill”, it is critical to itemize the potential new costs – both immediate as well as future.

The addition of EVCS will obviously necessitate current as well as future additional expenditures. However, included in the estimates presented to the owners there should also be mention of the anticipated benefits. Cost savings from elimination of gasoline as well as Federal, State, and local rebates from the acquisition of EV’s. Perhaps introduce the concept of a partial solar panel system to reduce electricity costs. Then there’s the health benefits due to elimination of internal combustion, the convenience of no more stops to get gas, and the prospects of bluer skies – a brighter future overall! 🏡

Les Weinberg, RS, MBA, is the co-founder and Chief Financial Officer of Reserve Studies Incorporated, a full service Reserve Study provider to homeowners associations since 1991. He can be reached at les@reservestudiesinc.com.



Scott Clements is Chief Executive Officer of Reserve Studies Inc. He has achieved the prestigious Reserve Specialist (RS) designation from Community Associations Institute (CAI), and the Professional Reserve Analyst (PRA) designation from the Association of Professional Reserve Analysts (APRA). He also holds the Certified Master Inspector (CMI) designation from the California Real Estate Inspection Association (CREIA).




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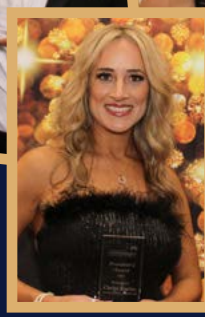


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THE EVOLUTION OF HOMEOWNERS ASSOCIATIONS

By Sean D. Allen, Esq.
Roseman Law, APC

Predictive Maintenance

AI's predictive capabilities are another game-changer for the HOA industry, particularly in the realm of maintenance. AI algorithms can analyze historical data, weather patterns, and property conditions to predict when maintenance issues are likely to arise. This proactive approach allows HOAs to schedule maintenance activities more efficiently, preventing costly repairs and enhancing overall property values.

For example, AI can predict the lifespan of common elements like roofs, roads, and playground equipment. By anticipating potential issues, HOAs can create maintenance schedules that align with predicted needs, minimizing disruptions and avoiding emergency situations.

Enhanced Communication

Effective communication is crucial for the success of any HOA. AI tools can facilitate smoother communication between management and residents. Chatbots and virtual assistants can handle routine inquiries, providing residents with quick and accurate information about community events, rules, and procedures. This not only improves resident satisfaction but also allows HOA staff to focus on more complex matters.

Additionally, AI can analyze communication patterns to identify potential conflicts or areas of concern within the community. By detecting early signs of discontent, HOAs can address issues promptly, fostering a more harmonious living environment.

Community Security

AI-powered security systems are becoming increasingly prevalent in residential communities, offering enhanced safety and peace of mind for residents. Smart surveillance cameras equipped with facial recognition technology can monitor entry points and identify unfamiliar individuals. This technology can alert security personnel or residents to potential security threats, helping to prevent unauthorized access and enhance overall community safety.

Moreover, AI-driven analytics can analyze patterns and identify anomalies in real-time, providing a more proactive



Homeowners Associations (HOAs) have long played a crucial role in maintaining the aesthetic appeal, property values, and community harmony within residential neighborhoods. As we venture further into the 21st century, the landscape of the HOA industry is undergoing a transformative shift with the integration of Artificial Intelligence (AI). From streamlining administrative tasks to enhancing communication and decision-making processes, AI is poised to revolutionize how HOAs operate and interact with residents.

Administrative Efficiency

One of the primary ways AI is impacting the HOA industry is by increasing administrative efficiency. Traditionally, HOA management involves a myriad of tasks such as processing payments, managing documentation, and addressing resident inquiries. AI-powered tools can automate these routine tasks, allowing HOA management teams to allocate resources more strategically.

For instance, AI-driven financial management systems can streamline payment processing, generate reports, and identify anomalies in financial transactions. This not only reduces the risk of human error but also frees up valuable time for HOA staff to focus on more complex and strategic aspects of community management.

approach to security. This not only deters potential criminal activity but also contributes to a sense of security among residents, making the community a more attractive place to live.

Data-Driven Decision Making

AI's ability to process vast amounts of data quickly and accurately empowers HOA management with valuable insights for decision-making. Analyzing historical data on community engagement, financial trends, and maintenance needs can inform strategic planning and resource allocation.

For instance, AI algorithms can assess the impact of different landscaping strategies on property values or evaluate the effectiveness of community events in fostering a sense of belonging. By leveraging data-driven decision-making, HOAs can make informed choices that benefit the community as a whole.

Challenges and Ethical Considerations

While the integration of AI in the HOA industry offers numerous benefits, it also presents challenges and ethical considerations. Privacy concerns related to the collection and analysis of resident data must be addressed transparently. HOAs must establish robust cybersecurity measures to protect sensitive information from potential breaches. Additionally, there is a need for ongoing education and training to ensure that HOA professionals understand the ethical implications of AI and use these technologies responsibly.

As the HOA industry embraces the transformative power of Artificial Intelligence, the way communities are managed is evolving. From administrative tasks to community security and decision-making processes, AI is enhancing efficiency and improving overall resident satisfaction. While challenges such as data privacy and ethical considerations must be addressed, the future of the HOA industry is undoubtedly intertwined with the capabilities of Artificial Intelligence, promising a more efficient, engaged, and sustainable community living experience for residents.

Some of you reading this might be skeptical, but before you dismiss these claims, please note that this entire article was written in less than ten seconds by an AI called ChatGPT based on a single, one-sentence prompt. [↑](#)

Sean D. Allen, Esq., is a partner with the law firm of Roseman Law, APC, and is the head of the firm's HOA department for Ventura County and Central Coast. Having exclusively represented common interest developments for several years, he has broad experience with issues and disputes that impact community associations. Sean has served on the California Legislative Action Committee (CLAC) for our chapter since 2011 and is a current co-chair of the chapter's Programs Committee.



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Investig INSURANCE SOLUTIONS

By CAI-CLAC's Insurance Task Force



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The Insurance Task Force of CAI's California Legislative Action Committee (CLAC) has been actively advocating to address the insurance crisis that many California community associations are currently experiencing.

As you have heard from us in previous articles, the California Department of Insurance (CDI) has acknowledged the distinction between the insurance needs of a single-family home vs. a community association's commercial insurance needs and has begun to include community associations when they are considering changes to current insurance code and regulations. They formed a working group in July to explore more deeply what solutions might be to the insurance crisis that we are in, and CAI-CLAC was invited to the table for that discussion. This is something that, even only two years ago, would have been unheard of.

We have also been attending meetings requested by legislators as a result of our Advocacy Week and have had some excellent opportunities for education and engagement. The Insurance Staffer for Senator Rubio's office (Senator Rubio is the Chair of the Standing Senate Committee on Insurance) had some really positive things to say about our definition of the problem and proposed short- and long-term solutions. She invited us to a Senate hearing (yet to be scheduled) to dig into some of those solutions more deeply.

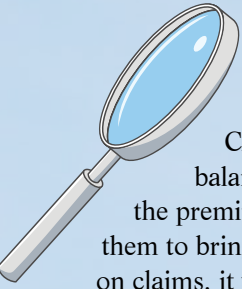
As you may have heard, the California FAIR Plan (CFP), created to be a "market of last resort" for homes and businesses unable to obtain insurance elsewhere, announced an increase in limits available as of November 1, 2023, and have clarified that condominiums are also included as risks that can be insured by the CFP. These changes may help some associations that are desperate for coverage to get SOME insurance coverage for their members. While this is certainly a "win," it is in no way a final solution. The coverage offered by the CFP does not provide all of the coverage that a community association needs, and a companion policy will be necessary to fill in those gaps. This is also not a sustainable solution for the insurance industry. Those higher limits do not create enough money coming IN to pay OUT on all of the potential claims. That means prolonged use of this model for the CFP will eventually lead to financial harm for all of the members of the CFP, which are the admitted carriers in California.

Speaking of admitted carriers in California, we have all heard about State Farm pulling out of the state of California entirely. While this made national news, many smaller insurance carriers had been pulling out of the state already. Increased costs were created, in large part, because carriers were unable to write business in many parts of the state. Remember, insurance companies are subject to strict solvency regulations, and if they are (a) unable to obtain adequate premium for the loss potential

Continued on page 22



Investigating Insurance Solutions (Continued from page 21)



associated with wildfire, and (b) legally prevented from reducing their risk by limiting coverage for wildfire, then the insurance carriers **CANNOT** underwrite that risk. Insurance carriers balance the possible losses they might incur against the premium they can bring in. If it is **IMPOSSIBLE** for them to bring in more than they will most likely be spending on claims, it would be bad business practices to continue. If we do not find a way to make it financially possible for carriers to participate in California's insurance market, this crisis will only get worse.

Thank you for your support of CLAC and for your interest in the progress of our Insurance Task Force. We recognize the overwhelming burden it has created for so many California communities, and we're grateful for your partnership in these efforts. If you haven't already done so, we urge you to take a moment to sign up for CLAC updates on the website, www.caclac.com. Also, if you, or a community you manage, are directly impacted by the insurance crisis in California, we have created a three-step list of who to contact to make sure your voice is heard. (see page 23). The more we speak up, the more people start to listen.

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THREE ACTION STEPS FOR Communities and Homeowners Impacted by California's Insurance Crisis



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2024 CAI-CHANNEL ISLANDS CHAPTER

Event Calendar

JANUARY

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

FEBRUARY

- 2 **Awards Dinner**, 5:30 pm,
Hyatt Regency Westlake, Westlake Village
- 8 **Chapter Webinar**, 11 am, Zoom
- 22 **Chapter Luncheon**, 11:15 am,
Spanish Hills Club, Camarillo

MARCH

- 7 **Central Coast Luncheon**, 11:30 am,
Ventana Grill, Pismo Beach
- 14 **Santa Barbara Luncheon**, 11:30 am,
Mar Monte Hotel, Santa Barbara
- 21 **Chapter Luncheon**, 11:15 am,
Spanish Hills Club, Camarillo

APRIL

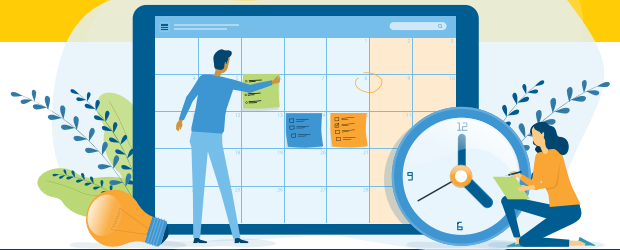
- 18 **Chapter Webinar**, 11 am, Zoom
- 30 **Community Faire**, 3:30 pm, Hyatt Regency Westlake

MAY

- 8-11 **CAI Annual Conference**, Las Vegas, NV
- 16 **Santa Barbara Luncheon**, 11:30 am,
Mar Monte Hotel, Santa Barbara
- 30 **Reverse Trade Show**, Location TBA

JUNE

- 20 **Central Coast Luncheon**, 11:30 am,
Ventana, Grill, Pismo Beach
- 25 **Chapter Luncheon**, 11:15 am,
Los Robles Greens, Thousand Oaks



JULY

— No Chapter Events —

AUGUST

- 8 **Chapter Webinar**, 11 am, Zoom
- 27 **Chapter Luncheon**, 11:15 am,
Los Robles Greens, Thousand Oaks

SEPTEMBER

- 5 **CLAC Bingo & Brews**,
M on High Restaurant, Moorpark
- 19 **Central Coast Luncheon**, 11:30 am,
Ventana Grill, Pismo Beach
- 24 **Chapter Luncheon**, 11:15 am,
Los Robles Greens, Thousand Oaks

OCTOBER

- 3, 10, 17 **Board Leader Certificate Webinar Series**,
10 am, Zoom
- 8 **Santa Barbara Luncheon**, 11:30 am,
Mar Monte Hotel, Santa Barbara
- 29 **Community Faire**, 3:30 pm,
Spanish Hills Club, Camarillo

NOVEMBER

- 7 **Central Coast Luncheon**, 11:30 am,
Ventana Grill, Pismo Beach
- 21 **Chapter Luncheon**, 11:15 am,
Spanish Hills Club, Camarillo

DECEMBER

- 5 **Holiday Happy Hour**, 5-7 pm, Westlake Village Inn
- 12 **Chapter Luncheon**, 11:15 am,
Spanish Hills Club, Camarillo

For the most up-to-date information on chapter events, venue address, and to register, visit

cai-channelislands.org



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to the following members for renewing your membership with CAI!

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Laura Passmore, Cottages on the Green

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San Luis Bay Mobile Estates • Shoshone Sycamore Owners Association
Silverado Owners Association • Stonebridge Owners Association
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Village Glen Property Owners Association • Vista Camarillo
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