

# *Channels of* Communication

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

*FOURTH QUARTER 2018*

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# Channels of Communication

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# president's message



Dear Members,

Thank you for your support of our Chapter throughout 2018!

This year, our Chapter experienced a tremendous growth spurt increasing to over 800 members. This is outstanding and I thank everyone who accepted the challenge to help spread the word about the Channel Islands Chapter. I know our numbers will continue to increase as we continue to Cultivate Communities by fostering growth and our commitment to education.

As you know, our industry relies on advocacy for our communities, owners, and residents. There is power in numbers. Our voices are heard and our grassroots efforts are as impactful as ever. This year, we effectively amended the balcony bill to exclude common interest developments. At our December luncheon, we welcomed our CAI-California Legislative Action Committee (CLAC) Advocate, Louie Brown, Esq. who recognized our chapter for our grassroots efforts, discussed our successful advocacy, and addressed new legislation affecting our industry. We would also like to thank the companies and associations who made a financial contribution to our Legislative Action Committee and assisted the chapter in reaching our annual contribution goal. (*see page 21*)

Please recall, that my hope for you, as members, is that you gain as much value from your membership as I do. As my time as Chapter President comes to an end, this year has been extremely rewarding. I am truly grateful for the opportunity to have served as the Chapter's President – the experience it provided will carry with me throughout my career. I step aside with great confidence in our incoming President, Joe Smigiel, together with Leah Ross, the Chapter's Executive Director, and the Board of Directors, they will make 2019 our best, brightest, and most exciting year yet. Joe and the existing and incoming members of the Chapter's Board of Directors are working on new and fresh ideas, for the upcoming year and look forward to your continued participation.

I hope that you will put on your calendar to attend the January 29, 2019 educational luncheon, and save the date for our annual awards dinner on February 8, 2019 to be held at the Camarillo Ranch. You will not want to miss it!

As always there are many ways to benefit from participating and being actively involved in CAI – it enhances our Chapter, builds relationships, cultivates community, and can add some joy.

Thank you.

Your 2018 President,

*Tracy R. Neal*

Tracy R. Neal, Esq.  
CAI-Channel Islands Chapter President



# Preparing for and Dealing with Disaster

**By Kelly G. Richardson, Esq. CCAL**

*Richardson Ober PC*

**A**n unfortunate reality is that communities can be confronted with disaster, when earthquake, wildfire, or other calamity transforms a community within a few dreadful hours. Planning for the unthinkable can improve the association's recovery prospects.

## PREPAREDNESS

**Enhance communication.** Embark upon an aggressive campaign to build email contact points for every association resident or owner. The ability to flash bulletins to owners is critical in emergencies and saves labor and postage and increases communication in normal times. As of January 1, 2019, under an amended Civil Code 4040, a member can by email request to receive future notifications via email.

**Check the association insurance.** Does the association have replacement cost or code upgrade coverage? What is covered? Some years ago an association sustained hundreds of thousands of dollars of landscaping and irrigation equipment destroyed in a major brush fire. Fortunately, their policy covered landscaping and the insurance paid to restore common area hillsides. Does the association have earthquake coverage? Check the deductible and inform members of the amount that will be association responsibility in the event of major seismic damage. A meeting with the association's broker may reveal gaps or inadequacies in the insurance protection.

**Create emergency policies and plans.** The manager should be empowered to respond to emergencies, and each director should know association policy regarding who makes emergency calls to vendors if the manager is not available.

**Risk management.** Is the association adjacent to any hillsides or other brush areas? When was heavy vegetation last cleared from the association perimeter? Your local fire department or a consultant may provide a risk assessment.

**THE EMERGENCY - IMMEDIATE ACTIONS.** Call first responders. Call management. Issue an update via email and bulletin board, avoiding unsubstantiated reports or anything promoting panic. If evacuation is not required, and if circumstances allow a safe property tour, assess the number and location of affected homes. A board representative should establish a single point of liaison with first responders, to avoid unduly burdening them with multiple points of contact.

## Immediate Action Items:

- Identify what cannot wait. Do not confuse immediate needs with longer term recovery decisions to be made in the coming weeks and months.
- Use extreme caution before entering damaged structures. They may be structurally unsafe, with hazards in the rubble.
- Secure the property – Determine if temporary fencing, guards, or other measures are needed to make the property safe and secure.
- If fire remains a concern, locate the gas line to each home or building and properly shut off the lines.
- Notify the utility companies of disruption of gas, water or electricity.
- Homeowners who sustained vehicle damage should contact their automobile insurer.
- Determine if temporary measures are needed to protect against further loss. Tarps or plywood sheeting may be needed to protect damaged roofs or walls.
- Take photographs before anything is moved, changed, demolished or hauled away.
- Homeowners, if they do not already have an inventory of belongings, should make one, listing all items which were in the property and were destroyed. The association should prepare its own inventory of equipment, furniture and appliances in common amenity or office spaces on the property.
- Displaced residents should provide their temporary contact information to the board or manager.
- Establish communication to as many owners as possible. The HOA should issue frequent updates to homeowners. Many boards will need to establish a temporary meeting site for "town hall" meetings.

**Control emergency contractors.** Contact emergency restoration contractors but limit them to only what is necessary to prevent further property damage or personal injury and secures the affected properties. Do not allow demolition beyond what is immediately necessary, so that a damage assessment and scope of repair can be developed by an independent consultant for contractor bids.

**Security.** Some temporary security may be required at vacated or damaged homes, such as boarding up windows, temporary fencing, or security guards.





**Don't Rush to Public Adjusters.** Major property casualties draw out public adjusters, who represent insureds against their insurance company in damage claim situations. They are not attorneys and must hold a specific state license. They charge a percentage of the insurance proceeds for their services, which percentage can be negotiated. The association's attorney and a competent construction consultant may be able to provide more expert representation at less cost, so check with association legal counsel first.

**Keep members informed.** Once the HOA has a recovery plan in place to restore the property, share it at a "town hall" meeting and then distribute it to all.

## NEXT STEPS

As the dust settles, consider this checklist:

### Insurance Claims and Public Adjusters

Your property will be assigned a claim number and an adjuster by your insurance company.

- You also may be contacted by other persons not working for your insurer who will seek to help with your claim. Called "public adjusters," they normally must be licensed by the Department of Insurance. Check license status at [www.insurance.ca.gov/license-status/index.cfm](http://www.insurance.ca.gov/license-status/index.cfm).
- Public adjusters are not paid by the insurance company but take a percentage of the money the insurer pays out. The percentage is not set by law and is subject to negotiation.
- The association may not need a public adjuster. Most insurance claimants are able to process their claims without such assistance. Discuss this with your insurance broker and lawyer.

### Banks

It can seem impossible to pay for a temporary home and also the mortgage loan payments on a destroyed residence, but do not be too quick to give up on your home. Some lenders may give relief such as a temporary moratorium on payments.

### Contractors – The Non-Emergency Work

The association needs a contractor. After disasters, contractors seem to be everywhere, soliciting repair contracts. However, the association must pursue its due diligence -- a firm handshake or friendly smile does not prove a contractor's competence or honesty -- caution is essential.

- Confirm the contractor's license with the Contractors State Licensing Board <http://www.CSLB.ca.gov>.
- Confirm the contractor holds current insurance for liability, completed works and workers compensation. Get a copy.
- Some contractors may try to win you over by promising you will not have to pay to them the amount of your insurance deductible. This is insurance fraud -- don't do it.
- Will the contractor agree in advance to accept what your insurer will pay for repairs, plus your deductible amount? Rather than arguing with the insurer over the amount of the repair cost, a better approach may be to focus on the extent of repairs. Then hire a contractor who will work within the insurer's cost guidelines.
- Obtain bids from several contractors, preferably which have been in business for many years.
- Get the entire contract in writing. Don't accept any unwritten promises.
- Contractors cannot legally require deposits over 10% of the contract price or \$1,000. Beware anyone asking for more.
- Get consultants on board who are not vested in the scope of the repair.
- Do not allow bidders to also develop the scope of the repair.

**Emergency Assessment.** Civil Code 5610 allows boards to impose emergency assessments without membership voting. Per Civil Code 5615, the assessment will not be due until 30 days after the Notice of Assessment is issued. Planning is essential. Don't be too quick but be ready to pass an emergency assessment if necessary

Initially after the disaster, things can seem truly hopeless. However, you can get through this. The community can unify and bring out the best in common interest living. 🏡

**Kelly G. Richardson, Esq.**  
*is a Fellow of the College of  
 Community Association Lawyers,  
 Senior Partner of Richardson Ober  
 PC, and former National President  
 of CAI.*





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# The Role of Your Security Company if Disaster Strikes

By **Russell Cornwall**, Cornwall Security Services, Inc.

In any disaster having an action plan in place is the key for survival. Having a “go-bag” always ready or knowing when, how, and where to go once the disaster has begun. The role of the security officer in any disaster like the Woolsey Fire or the Borderline Shooting is giving direction. The security officer’s precise training includes emergency and disaster preparedness, how to coordinate with a community’s emergency plans, and assist during an evacuation.

Whether a community has been evacuated or is still inhabited, the security officer is responsible for securing the perimeter and observing and reporting all activity inside the perimeter. The most substantial threat to an uninhabited business or housing development is looting. With a secure perimeter from security officials most often looters are caught before they enter the area.

One of the main responsibilities of the board of directors and HOA during a disaster is to provide as much assistance to the property that is humanly possible. Protecting the safety of their community and residents from any outward source is a challenging task. Therefore, HOA and others rely heavily on security officers for protection.

The Board should prepare a list of members in their community who are not ambulatory and who may require assistance — including the elderly and disabled. This helps emergency and security officials to better locate the individuals who need the most help.

HOA’s responsibility to their community is to have a well-published and accessible emergency plan in place. That plan includes but is not limited to: the

ability to alert residents of emergencies, provide a clear and efficient evacuation plan/map — including an alternate route in the eventuality that the main route is inaccessible, provide information on nearby evacuation centers, give updates on the state of the residents’ homes and possibly setting up a group text message.

One of the main roles of the security officer is to observe and report.



They are also required to help and assist all who are in need. Security officers should be the eyes and ears on the property and be ready to assist all disaster response personnel. The security officer is there to assist people in a safe and orderly form and then return to their priority that is to observe and report.

The security officer may need to yield to the authority of law enforcement

and emergency response teams and when asked, they will need to evacuate. Most all security officers are the last to leave.

Another part of your action plan, should be to plan for the possibility of having to prepare your community for sheltering-in-place. It is important to remind residents who are unable to evacuate to have enough food and water per

person for one week, have a plan for self-protection, have a first aid kit readily available and have the necessary means to communicate to persons outside the disaster area (i.e. a fully charged cell phone or satellite phone). Additionally, there should be a generator on the property in the case of loss of power.

Being proactive and working with your community manager and security officers now is the best measure you can take to make sure your community is prepared should a disaster occur. A set plan allows for the security officers and other community leaders to respond calmly and facilitate order as they are all acquainted with the disaster plan. 🏠

**Cornwall Security Services** has gained a reputation as a leader in the private security industry since 2007. Built on the experience and expertise of Russell Cornwall, a retired, decorated Police Officer, Cornwall Security Services applies over 35 years of professional experience. Cornwall Security Services has solutions for all security needs from gated communities, parking enforcement, camera installation, camera monitoring in real time, alarm response, events, executive protection and much more.



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# CAI-CHANNEL ISLANDS CHAPTER LUNCHEON RECAP

## *Holiday Luncheon & Educational Program*

**2018 LEGISLATIVE UPDATE**

**Tuesday, December 11, 2018  
Los Robles Greens**



**THANK YOU TO OUR PROGRAM SPEAKERS  
Steven A. Roseman, Esq., Louie Brown, Esq. and James Perero, Esq.**





# A Restoration Company's Response When An Emergency Happens

By Elisabeth Hanlin

California Premier Restoration-Ventura Branch

When asked how we as a restoration company handle emergency calls and what it takes, it is hard to put these thoughts and actions into words. However, when I was asked to write this article, I was excited to be able to share how restoration helps complete the puzzle.

It's 2:17 am and my phone is vibrating on the nightstand. I look at my phone and it's a text for an emergency call. I can feel the surge of adrenaline hit my body and I am fully awake by 2:30am. The emergency is a water loss. The homeowner wakes up to go to the restroom and they step onto water saturated carpet. Now we're off to the races. I start calling and texting my crew, waking them up for what is surely going to be a long day ahead. I text the property manager back that we are on the call and my day has officially begun.

That's how it happens, emergency calls are never polite and happen between the hours of 8:00am and 5:00pm, they can occur at any time. They happen on Holidays, and weekends, they happen during vacations, weddings, birthdays, and Bar Mitzvahs. They are unapologetic and don't discriminate. I've seen my share of emergency calls, everything from water loss to fires.

Being in restoration has its challenges. We're dealing with a whole range of emotions from homeowners. Some are angry and need to lash out, some are so devastated that all they can do is cry. That's why planned construction and restoration work are so very different. When you plan on remodeling your kitchen you anticipate the disruptions from a construction crew. You go into the project with the mindset of delays and material lead times. In restoration we aren't allowed that mindset. It's a race to the finish, and can

include long hours and lots of stress for the homeowners and association board members. It can also involve the restoration company on the phone calling every supplier in three counties looking for in stock cabinets, helping to pack a homeowner's personal items, building a temporary fence so their pets can still go outside, being compassionate and understanding

that they aren't mad at us but just the ones standing in front of them. It's human nature and in those moments that's where the restoration company shines.

Here are some best practices and helpful tips should water damage, fire and/or other emergency occur –  
**Information:** Names, numbers, what has happened and when it happened. Gate codes, or entry codes. Is it a water loss? Sewage? Board up? All of this information is important to the restoration company so the right crews and equipment are sent to the association.

**BEFORE**



**AFTER**






**Communication is KEY.** Communication to the homeowner(s) on who the emergency restoration company is that is being sent out. And throughout the entire process, continued communication is important with the manager and association as they need to know the steps that are being taken and why. Request daily field notes and progress reports.

**Documentation:** Pictures, moisture readings, phone logs, etc. is all needed especially for the manager as they need to understand why the damage happened and if it is the HOA responsibility or is it homeowner's responsibility. If there is any type of testing after remediation make sure you are provided with copies of all clearance certificates and test results.

**Insurance & Claims:** Advise the restoration company you're working with what the deductible is before you contact insurance. The restoration company should tell you at that time if it will be necessary to open a claim. Provide the adjusters name and contact info to your restoration

company. Request to be copied on all communication with the insurance company for your files.

In conclusion, there is so much value in making sure your association is obtaining services from industry professionals who understand how homeowners associations operate. Emergency calls happen and with the right call your next emergency shouldn't be an emergency at all. 

**Elisabeth Hanlin**, Director of Operations at California Premier Restoration-Ventura Branch. CPR is a family owned business specializing in general construction services for all residential, commercial and institutional properties with a strong focus on restoration and mitigation services. Elisabeth has extensive knowledge of emergency and restoration work with over 10 years of experience in this area.



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# A Manager's Perspective in the Midst of an Emergency

**By Frank Jauregui, CCAM**

*Property Management Professionals, LLC*

**I**t was a blustery Thursday afternoon on November 8, 2018 when the first reports of a fire were detailed starting out in the Santa Susana/Ventura County areas. Our Ventura County neighbors and friends were still reeling from the horrific mass-shooting incident that happened at a local Thousand Oaks establishment when this clear and present danger loomed on the horizon. Our amazing first responders had to divert their attention from this terrible event and refocus their attention and efforts on defeating this new threat to our Ventura County community.

Santa Ana wind gusts reaching up to 50 to 60 mph whipped through the region and took what should have been a manageable burn event and created a scenario where the velocity and ferocity of these flames moved through Liberty Canyon and overtook the areas of Calabasas reaching all the way to the vicinities of Malibu.

I received my first emergency after hours phone call on Friday November 9, 2018 at 12:30 AM from residents and onsite security staff advising me that their communities located within Thousand Oaks and Calabasas had been issued an immediate mandatory evacuation order by local law enforcement.

Here were some immediate steps that were taken to facilitate the safe and orderly evacuation of my communities:

- Immediately contacted my security company command centers to advise of this evacuation order.
- Directed security personnel to immediately OPEN vehicle access gates to be UNLOCKED and left in the OPEN position to allow owners to exit the community unobstructed and emergency response teams to enter the community as needed.
- Ordered security personnel to evacuate the areas to avoid imminent danger and harm to themselves.
- Reached out to each board president of each respective community to advise of the directive to evacuate.
- Advise all board members to secure whatever belongings they may have and leave the area immediately.
- By direction of the board, prepared an email blast, created from previously collected emails, to the members of the community providing them with pertinent phone numbers and website addresses (i.e. [www.vcemergency.com](http://www.vcemergency.com)) to help them plan accordingly for this evacuation and any important regional updates that they would need to be made aware of





- Keep in direct contact with at least one designated board member who can provide decision making authority on any important and necessary community services


It's a surreal moment I'm sure to drive away from your home and all your earthly belongings. There were many phone calls that needed a gentle, yet firm reminder to owners and board members that the most important thing to focus on was their personal safety and well-being before deciding to 'stay in place'.

Over the course of the next two-day barrage of phone calls, emails and texts, I would take 5-10 minutes breaks every 30 minutes or so to quiet my mind and remind myself of the immense opportunity to serve my clients. Doing this not only allowed me to interact with many residents and board members in a more empathetic and genuine manner but also helped me to focus on my immediate family concerns as well. Relentlessly working with no physical or mental break tends to create the opportunity for mistakes and oversights.

It's important to immediately contact your insurance carrier as soon as possible to advise of any sort of possible fire damage, smoke damage or any other sort of damage associated with a loss of this magnitude even if none are known of at the time of the call. Make sure you follow up

on any phone call to your insurance agent with some sort of written correspondence such as an email or formal letter. It would be safe to assume that there will be many persons and communities opening fire-related claims whenever such events happen. Any delay in opening an insurance claim could result in a delay on having an adjuster process this sort of loss. Provide your assigned adjuster with any photos or an inventory list for any related losses you may be aware of.

Moving forward, put into place an 'Emergency To Do' list that will assist you in checking off and addressing those important items that are not readily thought of when things are happening in a fast and furious scenario.

Managing an emergency requires compassion, empathy and fortitude. Partner all of these with the appropriate planning and foresight will allow you to navigate uncertain waters during the most harrowing experiences. 

**Frank Jauregui** is a Certified Community Association Manager, having the CCAM credential and has served within the common interest industry for over 13 years. Frank is a Senior Community Asset Manager at the Ventura Division of Property Management Professionals LLC.





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# 2018 CLAC YEAR IN REVIEW

## Important Legislation and Case Law Throughout the Year

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

This has been a busy year for the California Legislative Action Committee (CLAC). We had some big wins and some close, but disappointing losses. If you're unfamiliar with what CLAC is, we are a volunteer committee of homeowners and industry professionals dedicated to the monitoring of legislation, educating elected state lawmakers, and protecting the interests of those living in community associations. Here is a brief overview of what we have been busy with in 2018:

### NEW CALIFORNIA LEGISLATION

#### **SB 2912 - Association Finances**

This bill amends sections 5380, 5500, 5501, 5502, and 5806 of the California Civil Code setting forth the following changes: (1) homeowners associations are now required to maintain fidelity bond coverage for boards of directors; (2) transfers greater than \$10,000.00 or 5% of an association's total combined reserve and operating account deposits, whichever is lower, without prior written approval from the board are now prohibited; and (3) the review of various financial documents and statements on a monthly basis by the board is now required. The bill requires that the board of directors conduct monthly reviews of the check register, general ledger, and delinquent assessment receivable reports. Fortunately, it also authorizes these requirements to be met when every member of the board, or a subcommittee of the board including the treasurer and at least one other board member, reviews these documents and statements outside of an official board meeting, so long as the review is ratified at the board meeting subsequent to the review and that ratification is reflected in the minutes of that meeting.

#### **SB 1016 - Electric Vehicle Charging Stations**

This bill amends section 4745 and adds to Section 4745.1 of the Civil Code regarding the installation of Electric

Vehicle Charging Stations. These changes are summarized as follows: (1) The requesting homeowner must first to agree and pay for all costs associated with the installation of an electric vehicle charging station located in the common area or exclusive use common area; (2) Owners of charging stations are required to maintain a liability coverage policy, and provide the association with a corresponding certificate of insurance within fourteen (14) days of approval and annually thereafter; (3) Prevailing homeowner plaintiffs are entitled to recovery of their attorney fees in the event there is a lawsuit filed to enforce their right to an electric vehicle charging station; and (4) Any preexisting governing document or transfer instrument that restricts the installation or use of an electric vehicle charging station or of an EV-dedicated Time of Usage (TOU) meter, is void and unenforceable. The association may still enact reasonable restrictions on electric vehicle charging stations and TOU meters, however California has stated a clear intent to remove all obstacles possible to allow for their installation.

#### **SB 261 – Association Governance & Notice**

Under current law, an association that is required to deliver a document to a homeowner is authorized to deliver the document by email, facsimile, or other electronic means, only if the recipient has consented in writing. This bill amends sections 4040 and 4360 of the Civil Code and authorizes the recipient to consent to that delivery and revoke that consent by email. It also changes the general notice requirements of a proposed rule change from a minimum of thirty (30) days before ratifying the rule change, to twenty-eight (28) days.

#### **SB 721 - Building Standards: Decks and Balconies**

CLAC fought hard against this bill, which would have been disastrous for community associations, and were able

to have common interest developments completely excluded from its requirements, including a mandatory inspection of all exterior elevated elements and waterproofing elements (decks and balconies) with any necessary testing, to be completed by January 1, 2025, and subsequent inspections every six (6) years.

#### **SB 1128 - Elections by Acclimation**

**\*\* VETOED \*\***

This bill would have allowed for elections by acclimation, where when the number of director nominees at the close of the nomination period is not more than the number of vacant director positions available, the director nominees could be considered elected by acclamation and no formal balloting process would be necessary. This bill would have also made changes to an association's ability to establish and enforce acceptable director qualifications. This bill was vetoed by the Governor on September 30, 2018.

#### **SB 1265 – Director Qualifications**

**\*\* VETOED \*\***

This bill would have, among other things, required the association's rules to mandate that the inspector of elections deliver to each member the ballots and a copy of the election operating rules at least 30 days before an election. The bill would have required rules to prohibit the denial of a ballot to a member and to a person with general power of attorney for an owner, and it would have made it unlawful for an association's management company to serve as Inspector of Elections. This bill was vetoed by the Governor on September 30, 2018.

### STATE AND FEDERAL COURT DECISIONS

#### **Greenfield v. Mandalay Shores Community. Assn.**

230 Cal.3d 827 (Cal. Dist. Ct. App. 2018) (Short-term Rental Restrictions by Associations in Coastal Zones) Mandalay Shores Community Association which is in the Oxnard coastal zone, adopted





a resolution barring the rental of units within the community for less than 30 days. A homeowner sued the Association for violation of the California Coastal Act. The Coastal Commission deemed the short-term rental ban a “development” under the Coastal Act, which is any change in the density or intensity of the use of land, and therefore unenforceable. Thus, any new short-term rental bans imposed by associations in “Coastal Zones” are likely also unenforceable. Coastal Zones generally extend inland 1,000 yards from the mean high tide line of the sea. In significant coastal estuarine, habitat, and recreational areas the Coastal Zone extends inland to the first major ridgeline paralleling the sea, or five miles from the mean high tide line of the sea, whichever is less. In developed urban areas the zone generally extends inland less than 1,000 yards.

**Branches Neighborhood Corp. v. CalAtlantic Group, Inc.**  
**237 Cal.3d 411 (Cal. Dist. Ct. App. 2018)**

(Necessary Board Actions on Construction Defect Claims)  
 An association filed a construction defect claim against the developer. The association failed to obtain the consent of a majority of its members prior to commencing the action, and the case was decided in favor of the builder. The association appealed the decision and lost. The Court of Appeal held that the plain language of the CC&Rs, which required a vote of the members to make a claim against the developer, was controlling. Thus, if a requirement exists in an association’s CC&Rs that a vote of the membership be taken to approve a construction defect action, then that requirement must be met before such an action may be filed.

**Staats v. Vintner’s Golf Club, LLC**  
**236 Cal.3d 236 (Cal. Dist. Ct. App. 2018)**  
**(Association Premises Liability)**

A golfer brought an action for negligence and premises liability against a golf course operator and the association after she was stung by swarm of yellow jackets on the course. California Court of Appeal held that the duty of golf course operators to maintain their property in a reasonably safe condition includes a duty to exercise reasonable care to protect patrons from nests of yellow jackets. Therefore, a person (including an association) who controls property must inspect the premises or take other proper steps to ascertain its condition and, if a dangerous condition exists that would have been discovered by the exercise of reasonable care, that person has a duty to give adequate warning of such condition or to remedy it.

**Goudelock v. Sixty-01 Ass’n of Apartment Owners**

895 F.3d 633 (9th Cir. 2018)  
 (Collection of Assessments)

A homeowner stopped making assessment payments to the association. In response, the association initiated foreclosure proceedings. The homeowner filed for bankruptcy and the association moved the bankruptcy court for an order finding that the assessments which accrued between the time the owner filed her bankruptcy petition and the time the lender foreclosed (“post-petition” assessments) were not dischargeable. The United States Court of Appeal held that the debtor homeowner’s obligation for post-petition assessments was within fair contemplation of the parties at time that the unit was purchased and qualified as “pre-petition debt” dischargeable in her Chapter 13 bankruptcy case. Thus, association assessments that become due after the debtor has filed for Chapter 13 bankruptcy may be dischargeable in the bankruptcy case. [⬆](#)



**Sean D. Allen** is a partner with the law firm of Roseman Law, APC, and is the head of the firm’s HOA department. Having exclusively represented common interest developments for several years, he has broad experience with issues and disputes that impact community associations. Sean also serves on the California Legislative Action Committee (CLAC) for our chapter.

**Thank you . . .**

to everyone who joined us for our December Chapter Luncheon “Annual Legislative Update” and to those who brought non-perishable food items as a donation to Food Share of Ventura County. Through your gracious donations, we were able to donate food to FoodShare of Ventura County. And for our food donation, the following companies made a \$300 contribution to CLAC to help the chapter meet our annual fundraising goal!

**Thank you to the following members for their contribution to CAI-CLAC:**

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## Chapter Calendar of Events 2019

- Jan 29** Luncheon Program, 11:30 am, Los Robles Greens, Thousand Oaks
- Jan 31** Central Coast Luncheon Program, 11:30 am, Ventana Grill, Pismo Beach
- Feb 8** Chapter Awards Dinner, 5:00 pm, Camarillo Ranch
- Feb 21** Luncheon Program, 11:30 am, Hyatt Centric Santa Barbara
- Feb 26** Luncheon Program, 11:30 am, Los Robles Greens, Thousand Oaks
- Mar 26** Luncheon Program, 11:30 am, Los Robles Greens, Thousand Oaks
- Apr 11** Central Coast Dinner Program, 5:45 pm, Ventana Grill, Pismo Beach
- Apr 18** Luncheon Program, 11:30 am, Hyatt Centric Santa Barbara
- Apr 23** Luncheon Program, 11:30 am, Los Robles Greens, Thousand OaksPlease

Note: Event dates, times and locations are subject to change. Please check the chapter website: [cai-channelislands.org](http://cai-channelislands.org) for the most current information

## ATTENTION Business Partners and Management Companies

Grow your business with CAI-Channel Islands Chapter by taking advantage of our marketing opportunities in 2019!

Go to [www.cai-channelislands.org](http://www.cai-channelislands.org) to download the 2019 Marketing Plan.



## Happy New Year!

On behalf of the Chapter's Board of Directors and Executive Director, Leah Ross, We would like to thank you for your chapter membership! We are grateful for the support of our members and value your dedication and service to the Community Associations industry. We hope you had a wonderful holiday season and we look forward to continuing to work with you in 2019!

## Chapter Announcements

Thank you to the following chapter members for their service on the CAI-Channel Islands Chapter's Board of Directors. We greatly appreciate your dedication and support of the Chapter!

### Colleen Scott, CMCA, AMS

*Anchor Community Management*

Colleen has served on the Chapter's Board of Directors from 2007-2012 and from 2016-2018. Over the years, she has served as the Secretary, Treasurer and has actively chaired various committees for the chapter. Thank you, Colleen for your many, many years of service!



### Jose Glez, CIRMS, CMCA

*Cline Agency Insurance Brokers, Inc.*

Jose has served on the Chapter's Board of Directors from 2016-2018 and served as co-chair for the Chapter's Luncheons Committee for the past three years and is a past chair of the Awards Dinner Committee. Thank you, Jose for your dedication and service to the chapter!



### Tami Chavin, CCAM, CMCA, PCAM

*Community Property Management*

Tami has served on the Chapter's Board of Directors from 2016-2018 and served as a committee member for the Chapter's Luncheons Committee for the past two years. Thank you Tami for your dedication to the industry and chapter!



### Tracy Neal, Esq.

*Beaumont Tashjian*

Thank you to Tracy Neal, Esq. of Beaumont Tashjian for serving as the Chapter President for 2018. We appreciate your dedication to the chapter and to the CID industry. Thank you for leading the chapter and assisting with our growth of 800 Chapter Members!





# Thank you

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

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Madelene Young-Ellis, Oaknoll Condominiums

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## Community Managers

Raymond Metero, Spectrum Property Services  
Benito Meza, Association Services of Ventura  
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# Welcome

*to our new members!*

## Community Association Volunteer Leaders

Philip Morris, Hancock Village  
Ester Villegas, Hancock Village

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Shoshone Sycamore  
Stonebridge Owners Association  
Whalers Village / Malibu Shores Village

## Community Managers

Carla Campos, Farrell Smyth, Inc.  
Ashlee Holloway, Farrell Smyth, Inc.  
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**Thank you to our 2018 Chapter Committee Chairs.**  
*We appreciate your support and leadership with the chapter!*



**Pictured: Bob Scheaffer, Lupe Aguilera, Christy Asher, Jennifer Knauff, Teresa Agnew, Ryan Gesell, Sabrina French, Jasmine Hale, Tina Nakamura, and William Dunlevy.**  
(not pictured: Steve Roseman, James Perero, Tawnee Pena, Christi Moore, Jose Glez, and Donald Martin)

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CAI-CLAC is working toward legislative solutions that are right for California homeowner associations with the ongoing and generous support of HOA communities across the state. Join CAI's 2013 Legislative Action Committee of the Year and do your part by contributing a "Buck a Door or More" from your association.

**To receive CLAC updates and for more information on the Buck-A-Door, visit [www.caiclac.com](http://www.caiclac.com).**



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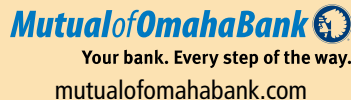
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## Schedule of Events

**January 29**

**Luncheon Program**

11:30 am

Los Robles Greens • Thousand Oaks

**January 31**

**Central Coast Lunch Program**

11:30 am

Ventana Grill, Pismo Beach

**February 8**

**Chapter Awards Dinner**

5:00 pm

Camarillo Ranch

For more information or to register,  
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