

DEAL ... OR NO DEAL?

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As Howie Mandel asks on TV, will you accept this deal and walk away feeling that you've gotten the best deal possible, or go for more? It's an armchair sport for gamblers, and gives vicarious thrills to second guessers, winner wannabes, and those with 20/20 hindsight. It's kind of like making laws ... lobbyists and legislators often put more in legislative bills than they expect to get and then walk away with half a loaf, proclaiming a good deal instead of losing the whole bill ... aka victory.

OK let's, for the sake of holiday fun and folly, imagine what legislative deals await the seven million of us who own homes or lots in homeowners associations. Would you gamble on getting more, or be satisfied with half of these possible new laws? Ask your spouse or friend and make a game of it: answer "deal" or "no deal" to each of these and see how much fun you'll have:

Legislative **Deal # 1**: A bill to limit the size and number of pets in a condominium.

Legislative **Deal # 2**: A bill to establish term limits for HOA board members.

Legislative **Deal # 3**: A bill to require monthly HOA board meetings.

Legislative **Deal # 4**: A bill to ban smoking in the association's common areas.

Legislative **Deal # 5**: A bill to eliminate all executive sessions for boards.

Legislative **Deal # 6**: A bill to require HOAs to allow governmental candidates for election to speak at annual membership meetings.

Legislative **Deal # 7**: A bill to require the CA Earthquake Authority to offer HOAs EQ insurance.

Legislative **Deal # 8**: A bill to require boards to inform the members whether their manager is a certified common interest development manager.

Legislative **Deal # 9**: A bill that gives board members an income tax credit equal to the amount they spent on tuition for education related to their role as a corporate association director.

Legislative **Deal # 10**: A bill that requires HOA boards to devote one meeting per year to educating the directors regarding their role, fiduciary duties, liabilities, and common interest development laws. (Otherwise known as a dispute prevention policy.)

Wasn't that fun? See how much mischief you can create if you were a legislator? In their defense, I must say that they are well-intentioned people and they're elected to address or respond to issues brought to them by constituents or perhaps learn about them through the media. (Remember the foreclosure issue and the swift introduction of no fewer than seven bills aimed at correcting the "obvious injustice" that occurred?) Often though, sometimes they promulgate solutions in search of a problem; then, once a bill's introduced, it tends to gather support and opposition from disparate groups. I guess that's the process, but it'll be exacerbated this year as fully 40% of the Legislature is brand new ... 48 new lawmakers out of 120. And most have no experience with community associations, HOAs, common interest developments, or whatever you wish to call them.

So, just as Charles Dickens began his *A Tale of Two Cities*, "It was the best of times, it was the worst of times; it was the age of wisdom, it was the age of foolishness; it was the season of light, it was the season of darkness...." I foresee dozens of bills being introduced before the end of February which will affect your association, i.e., you.

It'll be up to you to say "Deal" or "No Deal". Watch [this column] for some of these "must have" deals.

Skip Daum lives in a homeowners association in Truckee, and has been retained to represent the Community Associations Institute (CAI) for the last 14 years in the State Legislature. He started Capitol Communications, a legislative advocacy firm, in 1974. CAI's California Legislative Action Committee (CLAC) websites are www.clac.org and www.responsibleneighbors.com, each of which is undergoing content and web site revision so please be patient.