



Oct. 18–19, 2018 | Temecula, CA

CAI Legal FORUM CALIFORNIA COMMUNITIES



A one-day event for California community managers, association board members, and homeowners sponsored by Community Associations Institute (CAI)—an international organization that provides information, education, and resources to the homeowner volunteers who govern communities and the professionals who support them.

» Learn about new and updated California laws, regulations, and developments that continue to shape today's community associations.

Hosted by CAI's eight California chapters and the California Legislative Action Committee



community
ASSOCIATIONS INSTITUTE

Education Program

FRI., OCT. 19

Fast Facts

CAI Legal Forum: California Communities
October 19, 2018

Pechanga Resort & Casino
45000 Pechanga Parkway
Temecula, CA 92592
(888) PECHANGA

Please ask for the CAI Legal Forum group rate of \$169 per night when reserving your room. Use room booking code 2002927. The group rate will be available until Sept. 17, 2018, or until the room block is sold out, whichever comes first. Reservations may be made online at <https://reservations.travelclick.com/131333?groupID=2050577#/guestsandrooms>.

To register, complete the attached form or register online at www.caionline.org/events/CALaw.

For contact information for all of CAI's eight California chapters, visit www.caionline.org/Chapters

Schedule At-A-Glance

Thurs., Oct. 18

OPTIONAL PRE-FORUM SESSIONS

8 a.m.–5 p.m.

California Common-Interest Development (CID) Law Course

1–3 p.m.

Business Partner Essentials

6:30–9 p.m.

California Legislative Action Committee (CLAC) Benefit Fundraiser

Fri., Oct. 19

8–8:30 a.m.

Registration and Breakfast

8:30–9:15 a.m.

Keynote Speaker

9:15–10 a.m.

Trade Show

10:15–11:15 a.m.

Concurrent Sessions

11:30 a.m.–12:30 p.m.

Concurrent Sessions

12:30–2 p.m.

Luncheon and Trade Show

2:15–3:15 p.m.

Concurrent Sessions

3:30–4:30 p.m.

Concurrent Sessions

Life in a Post-SB721 World: Are You in Compliance?

Are you complying with California Civil Code 5550 and California Bureau of Real Estate Guidelines for reserve studies? Although community associations are exempted from the balcony inspection bill (SB721) since an inspection is required as part of the reserve study update process, HOAs and condos still have a legal obligation to maintain and repair common areas. This presentation examines requirements for updating reserve studies to ensure compliance, best practices for the process, and proper preparation of a scope and cost to address prematurely deteriorating common area building components.

Robert W. Browning, PCAM, RS, RSS, Browning Reserve Group; Michael T. Kennedy, Jr., ESQ., Kasdan LippSmith Weber Turner LLP; Bob Tedrick, Bob Tedrick Construction, Inc.

Just Because You Can, Doesn't Mean You Should: Rules Enforcement Without Remorsement

Every association has limited resources of time, money, and good will. How do you use those resources when considering rules enforcement options? This session explores scenarios of enforcement after long periods of non-enforcement, architectural violations gone wild, and use restrictions. You'll learn about prioritizing enforcement efforts, dealing with potential grey-area enforcement situations, and how to effectively communicate with members so enforcement efforts don't turn into remorse. This session covers tricky issues like entry onto separate interests, surveillance cameras, and cooperation (or lack thereof) with government agencies and other entities.

Melissa B. Ward, ESQ., Hughes Gill Cochrane Tinetti, PC; Christina Baine DeJardin, ESQ., Peters & Freedman LLP

Architectural Review: Process, Pitfalls, and Improvements

What do California Civil Code sections 4760 and 4765 require? Learn how to navigate building modifications and architectural review within community associations. This session's panel will walk through the architectural review process, its common pitfalls, and its problem areas. Explore real-world solutions to scenarios like how to deal with changes to approved plans, neighbor notification, rights to appeal, conditional approvals, discriminatory enforcement, defining "reasonable," solar issues, and the necessary findings associated with each topic.

Mark T. Guithues, ESQ., Community Legal Advisors, Inc.; Mary M. Howell, ESQ.,* Epsten Grinnell & Howell APC; Barry A. Ross, ESQ., Barry A. Ross, APC

Oh, the Rules We Need! Solar Rules, Access Rules, No Smoking Rules...Will There Be a Rule to Rule Them All?

Your association roofs are available for members to install solar panels, your clubhouse can be used for free for political discussions, you cannot ban clotheslines, and marijuana is legal. The California state legislature has been actively impacting our community associations, so what does that mean for your association? This fun and interactive session will discuss how your association rules can be updated to address the never-ending onslaught of legislation, including 2018 hot button laws regarding solar energy systems, free assembly/noncommercial solicitation, and fair housing issues that impact rule drafting.

Robert M. DeNichilo, ESQ.,* Nordberg|DeNichilo, LLP; Amy Tinetti, ESQ.,* Hughes Gill Cochrane Tinetti, PC

Neighbor-to-Neighbor Disputes: Doing Nothing Is No Longer an Option

In today's politically and emotionally charged climate, it seems that disputes between residents can no longer be resolved without the association getting involved. Not only are residents looking to the association to step in and solve their problems, but new developments in community association law suggest the association must play a greater role in resolving disputes. This session's panel will discuss a framework for determining whether association action is required, and, if so, what action is necessary? You'll also learn how an association can protect itself if it decides to take no action.

James R. McCormick, ESQ.,* Peters & Freedman LLP; Kelly G. Richardson, ESQ.,* Richardson Ober PC; Laura Ravazza, CMCA, Homeowners Management Co.

Mobile App

It's a paper-lite event! In an effort to be environmentally responsible, we are providing all Legal Forum handouts digitally. Electronic handouts will replace paper and will be accessible online after Oct. 1, during and after the Forum. A digital version of our on-site brochure will be posted on the Legal Forum webpage during the event and can be accessed via the mobile application for easy reference.

Continuing Education Units

(CEUs) for professional credentials, including CMCA, AMS, PCAM, and LSM, are awarded for attendance at the Legal Forum. Visit www.caionline.org/education for details.

Utopian Village v. Jack Sparrow—A Mock Mediation

In this session you'll observe and actively participate in a live mock mediation session involving a fictitious community association v. homeowner dispute about an architectural review committee (ARC) submission gone bad. The mediation will identify common pitfalls that plague community associations' ARC enforcements, demonstrate typical homeowner claims and defenses, and walk through the procedural aspects of an alternative dispute resolution mediation held under the Davis-Stirling Act.

Rachel Garrett, AMS, PCAM, Walters Management; Laurie S. Poole, ESQ.,* Adams Stirling PLC; Bradley Schuber, ESQ., Kriger Law Firm; Gloria Kirkwood, PCAM, Palm Valley HOA; Daniel Zimmeroff, ESQ.,* Zimmeroff Deutsch, APC

Don't Screw It Up: Construction Defects Protection for Managers and Associations

Construction defects are a growing risk for both managers and their community association clients. Failing to respond properly to construction defect claims puts managers at risk—not only for potential legal consequences, but also for losing clients. With checklists and examples, this interesting, insightful session will address maintenance manual inspection and reporting obligations, budgeting best practices, developer relations, statute of limitations, SB800, common voting problems, and how to work with attorneys to handle construction defect claims successfully.

Jon H. Epstein, ESQ.,* Epsten Grinnell & Howell, APC; Steven S. Weil, ESQ.,* Berding & Weil, LLP; Sabrina Afkhami, PCAM, La Vita Homeowners Association

Common-Interest Community TV: Legislative and Reality Trends in Associations

Tune in to the new reality of legal trends for 2019 and beyond. This session's talk show format will analyze the latest legal trends facing your community association, such as homeless and sober living facilities, short-term rentals, marijuana, support and service animals, and more. Explore the future of these issues and what can be done to accommodate new, up-and-coming legislation that will affect the state of California's 2019 landscape.

Dana Davidson Harle, CMCA, AMS, PCAM, Crummack Huseby Property Management Services; John R. MacDowell, ESQ.,* Fiore, Racobs & Powers APLC



Keynote/General Session

Learn how elected officials view the common interest development (CID) industry from Louie Brown, CAI's California Legislative Action Committee (CLAC) advocate and lobbyist. In this informative session that kicks off the 2018 event, you'll hear about trending legislation and areas of concern that may influence future laws and affect your community. You'll also learn how to navigate recently increased legal and regulatory CID oversight measures that affect every facet of community association living and management.

Louie A. Brown, Jr., ESQ. | Managing Partner, Government Relations Group | Kahn, Soares & Conway, LLP

Dealing with the Wild and Woolly Board Member

How do we react to a community association board member who prides their personal agenda over the board's agenda? Or the gossiping board member who cannot stop talking about executive session items with their neighbors? How about the board member who makes sexually inappropriate innuendos to the manager? Or the one who bullies his or her fellow directors when they disagree? Or the other one who acts without actual board authority? This session will cover legal liability and best management practices in dealing with difficult, rogue, and renegade board members.

Darren M. Bevan, ESQ., Baydaline & Jacobsen LLP; Marybeth O. Green, CMCA, AMS, Seabreeze Management Company, Inc. AAMC; Dylan D. Grimes, ESQ., Angius & Terry LLP

O-M-G Airbnb: Short-Term Rentals & Long-Term Solutions

Community associations continually deal with issues when it comes to short-term vacation rentals. This session explores the necessary proactive steps community association boards must take to ensure they're following the appropriate short-term rental rules. Discussion points will include the various governing document provisions and local codes that govern unit and lot rentals; determining whether proposed rental restrictions or prohibitions are "reasonable;" addressing the special challenges and the potential opportunities that short-term rentals present; and liability and enforcement options and considerations. W. Alexander Noland, ESQ.,* Noland Law PC; Tracy Neal, ESQ., Beaumont Tashjian.

Networking Reception

Get to know your California peers. In addition to a full program of education sessions, the CAI Legal Forum ends with a networking reception to make contacts and identify resources that can help you better serve your community.

Land of the Free? Not If You Live in a Community Association

Recent changes in society cause community associations to handle increasingly common issues related to free speech, including harassment, association board meeting conduct, filming devices in board meetings, a board's ability to issue fines, and social media use. Do homeowners in a community association have the right to free speech? Does the First Amendment apply? How is a free speech defense triggered? Can governing documents be amended to restrict certain free speech or conduct? This session will help you better understand how to deal with free speech-related issues and provide solutions.

Brian D. Moreno, ESQ.,* SwedelsonGottlieb; Lisa A. Tashjian, ESQ., Beaumont Tashjian.

Armageddon: Association Financial Crisis Strategies, Including Potential Bankruptcy

Community associations that do not have solid finances are at risk for a financial crisis. What options do associations have when faced with a huge monetary judgment, catastrophic common area damage, or debts that far exceed what the association can afford with its current deposits and assessment revenues—special or emergency assessments? Sell a portion of its common area? Bankruptcy? This session opens up a discussion about these issues and the necessary strategies to consider when financial disasters strike.

Dirk Petchul, ESQ., Berding & Weil, LLP; James C. Bastian, Jr., ESQ., Shulman, Hodges & Bastian, LLP

Optional Pre-Forum Activities

THURS., OCT. 18

California Common-Interest Development (CID) Law Course 8 a.m.–5 p.m. (registration begins at 7:30 a.m.)

This eight-hour, pre-Forum session is an in-depth legal course for community managers, board members, and attorneys in California. Taught by experienced community association attorneys, this is the most comprehensive legal course available covering California and federal laws affecting community associations. Attendees will gain a clear understanding of the Davis-Stirling Act, California Corporations Code, and common law as they relate to CIDs. A California CID Law Seminar workbook, a valuable resource for use after the seminar, is included. Topics covered include: conflict of interest, governance, board members' fiduciary duties, operations, homeowners rights and responsibilities, finances, reserves and assessment collections, meetings (notices and voting), rules enforcement and disclosure requirements, and CID and board liability.

Registration fees (lunch included):

On or before Sept. 30: \$95 members | \$130 nonmembers

After Sept. 30: \$110 members | \$145 nonmembers

2018 California Legislative Action Committee Benefit Fundraiser 6:30–9 p.m.

In conjunction with the Legal Forum, please join CAI's eight California chapters and the California Legislative Action Committee (CLAC) for an exciting evening of dining, cocktails, and networking with peers while also benefitting CLAC. The CLAC Benefit Fundraiser dinner will be held at Journey on the grounds of the Pechanga Resort & Casino.

Registration fees on or before Sept. 30: \$95 members | \$130 nonmembers

After Sept. 30: \$115 members | \$150 nonmembers

Silent Auction

A silent auction will run throughout the day during the Legal Forum. Items will include gift baskets, day trips, wine, exclusive art, and much more! The bidding will end before the last session of the day. Proceeds will be donated to the CLAC to support its legislative efforts.

Business Partner Essentials

1–3 p.m. (registration begins at 12:30 p.m.)

This class will give Business Partners practical information and advice on working with community associations. Individuals who complete the class and pass a voluntary exam online will earn the CAI Educated Business Partner Distinction. By successfully completing this course and receiving this distinction, you will be able to demonstrate insight on community association living while working with boards and managers. *Legal Forum exhibitors will be given first priority, and will be able to select their booth location before the regularly-scheduled 4 p.m. move-in.*

Registration fee: \$99 per person (includes online exam registration)



» For more information about the event, visit www.caionline.org/events/CALaw

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Temecula, CA

Registration

CAI LEGAL FORUM: CALIFORNIA COMMUNITIES

NAME _____ NICKNAME FOR BADGE _____

TITLE _____

FIRM/ASSN _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

PHONE _____ EMAIL _____

Check if this is new contact information. Check if you have special needs/food allergies. Attach a written description.

PLEASE NOTE: To register additional participants, please make copies of the blank registration form and submit all completed with payment. Payment information may be consolidated onto one form.

HOMEOWNER LEADERS AND MANAGERS

POSTMARKED BY SEPT. 30, 2018:

MEMBERS

Legal Forum \$135 x _____ = \$ _____

For members only: If you are registering three or more individuals from the same company or association, the third and subsequent registrants may deduct \$25 each. - \$ _____

PRE-FORUM (OCT.18) OPTIONAL ACTIVITIES

CID Law Course \$95 x _____ = \$ _____

CLAC Benefit \$95 x _____ = \$ _____

NONMEMBERS

Legal Forum \$175 x _____ = \$ _____

PRE-FORUM (OCT.18) OPTIONAL ACTIVITIES

CID Law Course \$130 x _____ = \$ _____

CLAC Benefit \$130 x _____ = \$ _____

POSTMARKED AFTER SEPT. 30, 2018:

MEMBERS

Legal Forum \$155 x _____ = \$ _____

For members only: If you are registering three or more individuals from the same company or association, the third and subsequent registrants may deduct \$25 each. - \$ _____

PRE-FORUM (OCT.18) OPTIONAL ACTIVITIES

CID Law Course \$110 x _____ = \$ _____

CLAC Benefit \$115 x _____ = \$ _____

NONMEMBERS

Legal Forum \$195 x _____ = \$ _____

PRE-FORUM (OCT.18) OPTIONAL ACTIVITIES

CID Law Course \$145 x _____ = \$ _____

CLAC Benefit \$150 x _____ = \$ _____

TOTAL \$ _____

Number of persons registered _____

BUSINESS PARTNERS

POSTMARKED BY SEPT. 30, 2018:

MEMBERS

Legal Forum \$275 x _____ = \$ _____

PRE-FORUM (OCT.18) OPTIONAL ACTIVITIES

Business Partners Essentials \$99 x _____ = \$ _____

CID Law Course \$95 x _____ = \$ _____

CLAC Benefit \$95 x _____ = \$ _____

NONMEMBERS

Legal Forum \$315 x _____ = \$ _____

PRE-FORUM (OCT.18) OPTIONAL ACTIVITIES

Business Partners Essentials \$99 x _____ = \$ _____

CID Law Course \$130 x _____ = \$ _____

CLAC Benefit \$130 x _____ = \$ _____

POSTMARKED AFTER SEPT. 30, 2018:

MEMBERS

Legal Forum \$295 x _____ = \$ _____

PRE-FORUM (OCT.18) OPTIONAL ACTIVITIES

Business Partners Essentials \$99 x _____ = \$ _____

CID Law Course \$110 x _____ = \$ _____

CLAC Benefit \$115 x _____ = \$ _____

NONMEMBERS

Legal Forum \$325 x _____ = \$ _____

PRE-FORUM (OCT.18) OPTIONAL ACTIVITIES

Business Partners Essentials \$99 x _____ = \$ _____

CID Law Course \$145 x _____ = \$ _____

CLAC Benefit \$150 x _____ = \$ _____

TOTAL \$ _____

Number of persons registered _____

PAYMENT METHOD

CHECK PAYABLE TO CAI VISA MASTERCARD AMERICAN EXPRESS DISCOVER

NAME ON CARD _____ SIGNATURE _____

BILLING ADDRESS _____

CITY/STATE/ZIP+4 _____

CARD NUMBER _____ EXP. DATE _____

TO REGISTER:

ONLINE www.caionline.org/events/CALaw (credit cards only) **CALL** (888) 224-4321 (M–F, 9–6 ET, credit cards only)

MAIL CAI, P.O. Box 34793, Alexandria, VA 22334-0793 **FAX** (240) 524-2424 (credit cards only)

Cancellation Policy: Full refunds will be issued if written cancellation is received at CAI by Sept. 29, 2018. Cancellations received Sept. 30–Oct. 6, 2018, are subject to a 50 percent administrative fee. Registration fees are not refundable after Oct. 6, 2018. Fax cancellations to CAI at (703) 970-9331 or email to cwallace@caionline.org. Substitutions may be made by phone or email until Oct. 16, 2018. After this date, all changes must be made on-site.

CAI Suitcasing Policy: CAI has a no-tolerance policy regarding "suitcasing," which describes the practice by nonsponsoring companies or individuals of soliciting sales or sales leads in the hotel, lobbies and/or representing their services or soliciting seminar participants, including social activities. Nonexhibiting suppliers participating in the seminar as attendees or speakers are prohibited from soliciting business in or after sessions, or in the hotel itself.

Violators of these policies will be charged the amount an exhibitor (\$795), which must be paid prior to registering as an attendee, exhibitor or sponsor at any future CAI functions.

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CAI Legal FORUM

CALIFORNIA COMMUNITIES



Community Associations Institute (CAI), the worldwide leader in building better communities, invites you to a special, one-day event on key legal topics that affect every common-interest community in California.

With 45 years of industry experience and a member network of homeowners, managers, attorneys, and other business partners more than 38,000 strong, CAI is in a unique position to deliver both a local focus and a global perspective on the issues that shape community association governance and operations.

The CAI Legal Forum offers education sessions for community managers, board members, and homeowner leaders. Sessions are presented by expert panels, including government officials, seasoned management professionals, and other community association professionals, including fellows in CAI's prestigious College of Community Association Lawyers (CCAL), a professional organization that represents the very best attorneys in the industry.

Anyone who lives in, works for, or provides services to a California community association will leave the event more informed, more engaged, and able to contribute effectively to a successful community.



Up-to-the-minute information on key legal issues that impact where you live and how you work.

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6402 Arlington Blvd., Suite 500
Falls Church, VA 22042
www.caionline.org

