

Third Supplement to Memorandum 2014-9

Common Interest Development Law (Public Comment)

Memorandum 2014-9 discussed public commentary on two recent Commission-recommended reforms of common interest development (“CID”) law.¹ The First and Second Supplements presented public comment on the main memorandum.

We have since received one more letter, from Karen Conlon, President and CEO of the California Association of Community Managers. She writes to thank the Commission for its work reforming CID law.²

Respectfully submitted,

Brian Hebert
Executive Director

1. Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission’s website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission’s staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

2. See Exhibit.



Empowering Managers. Enriching Communities.

Mr. Brian Hebert
Executive Director
California Law Revision Commission
UC Davis School of Law, Rm. 1128
Davis, CA 95616

February 5, 2014

Dear Brian:

I recently perused the internet for a definition of the term “pot shot.” The site www.freedictionary.com has a very appropriate definition as follows: “*A criticism made without careful thought and aimed at a handy target for attack.*”

Having read the CLRC 2014-9 Memorandum on Common Interest Development (Public Comment) as well as the First and Second Supplements, and all of the accompanying documents, emails, letters, etc. that were part of the Memorandums, it seems you and the CLRC have been recipients while attempting to clarify the facts and improvements to the revised Davis-Stirling Act. Anyone is certainly entitled to an opinion but the tremendous results you and the Commission have achieved far outweigh misstatements and personal “pot shots” aimed at you.

I believe it was either 1998 or 1999, that then Senator Barbara Lee appointed a task force comprised of a varied range of industry professionals, consumers, and legislative personnel to review the existing Davis Stirling Act and provide recommendations for “clean-up” to the Legislature. Having been appointed to that Task Force and very early on, it became clear we needed many more resources than a large group of volunteers to tackle such an enormous body of work.

The Legislature subsequently appointed the CLRC to take on the task of simplification and clean-up beginning in 2000. Under your leadership, the CLRC has encouraged and worked fairly and diligently with consumers, industry groups, and owners living in common interest developments to hear their voice on this issue.

With all of the changes that the legislature and case law have brought to common interest developments and the Davis Stirling Act since enactment in 1986, one of the key outcomes has created more transparency between owners and the boards of directors. The CLRC has incorporated this concept as well during their analysis and study of the Act. I commend the CLRC for being inclusive of all parties who expressed an interest for a place at the table in addition to publishing and making public, materials that were not always complimentary to the process. No one was turned away.

As an industry we are used to annual revisions to statutes that impact the operations of common interest developments. Every time a new law is enacted, community managers must adapt our standards of practice as do the volunteer directors so that compliance with the new law is met. One of the best outcomes I see with the changes to the Davis Stirling Act, is how much easier it is to locate a section and refer consumers to specific areas of the Act. This is very empowering - to help them better understand their HOA. With changes to such a large body of law, it may take a bit of time, but we are adapting.

Let me close by saying that CACM appreciates and applauds the extraordinary efforts of the CLRC, members of the Legislature and all of the individuals who contributed their observations to bring AB 805, AB 806 and SB 752 to fruition and implementation.

Sincerely,

Karen D. Conlon, CACM
President & CEO