

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.

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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.