

First Supplement to Memorandum 2001-94**Nonjudicial Dispute Resolution Under CID Law: Due Process in Association Rulemaking and Decisionmaking (Comment)**

The Commission received an e-mail from Barbara Wass, a homeowners association board member (attached). Ms. Wass makes a number of suggestions for how member grievances might be avoided. In general, she suggests that common interest developments should be considered quasi-governmental entities with accountability, regulation, and safeguards for homeowner rights. One of her specific suggestions is that homeowners should have the power to change association rules by petition. Her views are consistent with the approach taken in the staff draft, which would impose procedures to increase accountability and fairness to members, and would specifically provide for some form of member repeal of an operating rule by petition.

Her other suggestions are outside of the scope of the current memorandum and will be noted for consideration as the study progresses.

Respectfully submitted,

Brian Hebert
Staff Counsel

Exhibit

E-MAIL FROM BARBARA WASS

Date: Wed, 7 Nov 2001 12:02:01 -0800 (PST)
From: Barb Wass <barbara_wass@yahoo.com>
Subject: Common Interest Developments
To: commission@clrc.ca.gov

November 7, 2001

California Law Revision Commission
400 Middlefield Road, Room D-1
Palo Alto, CA 94303-4739

Re: Recommendations: Common Interest Development Law

Gentlemen:

Please forward a copy of this letter to all commission members who are working on recommendations to the Legislature concerning Common Interest Development Law.

I am a Homeowner who is on the Board of Directors for a common interest development in Poway, CA. I believe that common interest developments would greatly benefit from a clear, consistent and unified policy regarding this law. I believe that common interest developments should be considered a quasi governmental entity with accountability regulation and safeguards for the rights of the homeowner.

Many grievances which oftentimes result in expensive litigation to the homeowner, could be avoided if safeguards were in place; 1) to protect the right of the homeowner to receive timely information regarding status of repairs to their units and maintenance to the complex as a whole; 2) to ensure the right of the homeowners to change rules and regulations by written petition; 3) to require fines be fairly levied as a last resort to changing behavior and not to increase cash flow to avoid raising assessments.

Most families who purchase a home in a common interest development are not fully aware of how severely their rights as a property owner are impacted because of the CC&R's, Bylaws, Rules and Regulations governing them.

Changing the law concerning common interest developments to reflect our values as a democratic society is long overdue. I commend the efforts of this commission and request being advised of the results of Professors Susan French and Roger Bernhardt's research.

Thank you for your consideration. I look forward to hearing from you soon.

Sincerely

Barbara Wass
12318 Sophia Drive
Poway, CA 92064
858/513-0303