

Study H-855

July 13, 2005

## Second Supplement to Memorandum 2005-25

### **Statutory Clarification and Simplification of CID Law (Public Comment)**

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We received a letter from Carole Hochstatter and Norma Walker, commenting on Memorandum 2005-25 (available at [www.clrc.ca.gov](http://www.clrc.ca.gov)). The letter is attached.

Respectfully submitted,

Brian Hebert  
Assistant Executive Secretary

Exhibit

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**EMAIL FROM CAROLE HOCHSTATTER &  
NORMA WALKER (JULY 12, 2005)**

Bakersfield, CA 93311  
July 12, 2005

Brian Hebert, Asst. Exec. Sec. Via E-mail  
California Law Revision Comm.  
499 Middlefield Road, Room D-1  
Palo Alto, CA 94305

Re: Memorandum 2005-25 Statutory Clarification and Simplification of CID Law  
(Discussion of Issues)

Dear Brian, Norma Walker and I, Carole Hochstatter, first came to the California Revision Commission several years ago because there was no other avenue open to homeowners in an association in California to be heard with the hope of correcting issues in associations without filing suit. We have seen gradual steps taken by this Commission that have become law which are helpful to the individual in an association. Comments by respondents to Memo 2005-25 pp. 1-2:

“Mr. Roberts, a CID homeowner, is supportive of our planned approach for this project, as described in Memorandum 2005-18 (available at [www.clrc.ca.gov](http://www.clrc.ca.gov)) See Exhibit p.18. Mr. Osterberg, a CID homeowner, is skeptical about the merits of proceeding with this project while significant substantive problems go unaddressed. See Exhibit pp. 19-20. Note, however, that the third problem he lists in his letter would be resolved by SB 853 (Kehoe), which has been approved by the Legislature and is awaiting the Governor’s signature. SB 853 would implement the Commission recommendation on *Preemption of CID Architectural Restriction*, 34 Cal. L. Revision Comm’n Reports 117 (2004). The other three problems described involve enforcement issues, rather than substantive defects in the law. The Commission has recommended the creation of a state CID Ombudsperson to assist with such problems. See *CID Ombudsperson Pilot Project* (March 2005).”

In Mr. Osterberg’s letter Exhibit pp. 19-20, that: “Reorganizing and simplifying CID laws is a waste of time unless they provide a solution for the following. . .” We find ourselves in agreement with Mr. Osterberg's position; the CLRC’s enforcement

provisions in *Cid Ombudsperson Pilot Project* has been stricken. That leaves a bill with provisions for associations paying for collection of data and a phone number so that an individual can be told to hire an attorney for any problem. Clarifying and Simplifying CID Law merely gives *VENDORS* and Boards of Directors **suggested behavior** because there are no sanctions for lack of compliance.

Sincerely,  
Carole Hochstatter Norma Walker