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Attorneys Serving Community Associations
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2020 Community Association Law LEGAL SYMPOSIUM

The year the laws changed so frequently, they were seemingly written in chalk!

COVID-19 in 2021

*Presented By Dea C. Franck, Esq., Jacquelyn E. Quinn, Esq.,
Mandy D. Hexom, Esq.*

COVID-19 Update

- Regional Stay Home Order
- Notification Considerations
- Employer Issues



Regional Stay Home Order Overview



- Announced December 3, 2020
- Southern California Region = Imperial, Inyo, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Ventura
- 15% ICU availability
- Into Effect within 24 hours as of December 5, 2020

Regional Stay Home Order Overview

- Private Gatherings Prohibited (Except Religious/Political Activities)
- Critical Infrastructure & Retail Operations Only
- 100% Masking and Physical Distancing
- 3 Weeks+
- Lifted when Projected ICU Capacity Meets or Exceeds 15%
- Assessed Weekly AFTER Initial 3 Weeks

Regional Stay Home Order Overview

CLOSED:

- Playgrounds (Indoor and Outdoor)
- Indoor Recreational Facilities
- Hair Salons & Barbershops
- Personal Care Services
- Restaurants Dine-in
 - Take-out, Pick-up, and Delivery Only
- All Private Gatherings of Any Size
 - Exception: Religious and political activities



Regional Stay Home Order Overview

OPEN ...with Additional Modifications:

- Outdoor Recreational Facilities
- Retail, including Libraries (20% Capacity plus Entrance Metering)
- Hotels and Short-term Rentals
- Remember Other Industry Guidance!



Regional Stay Home Order Overview

For More Information:

<https://covid19.ca.gov/stay-home-except-for-essential-needs/#regional-stay-home-order>

Other Important Websites:

<https://www.cdc.gov/coronavirus/2019-nCoV/index.html>

<https://covid19.ca.gov/>

<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/ncov2019.aspx>

Also visit your county's and city's websites for additional COVID-19 information

Exposure Notification



- Duty?
- Get the Facts!
- What Should the Notice Say?
- Who to Notify?

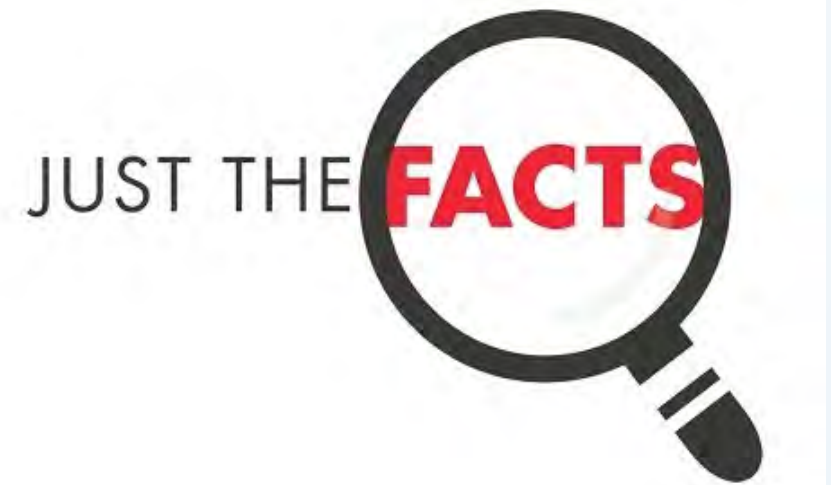
Exposure Notification: DUTY?

Does the Association Have a Duty to Notify
the Community?



Exposure Notification: Get the Facts!

- Confirmed Case or Rumored?
- Infected or Exposed... Staff v. Resident?
- Potential Membership Exposure:
 - Who, What, when?
 - In Common Area?



Exposure Notification: What Should the Notice Say?

- **Just the Facts:** Dates, Times and Location of Potential Exposure
- **Privacy Issues:** Do Not Disclose Identifying Information
- No Medical Advice
- Plan/Schedule Regarding Sanitization
- Provide Links to Government Information: CDC, State, and County
- Request Notification of Other Infections
- Ask People To Do Their Part
- Other Considerations
 - Your Community Type
 - Individual Notice vs. Community Wide



Exposure Notification: Who to Notify?

Determination Made on Case-by-Case Basis

Specific Individuals v. Entire Community

Manage Community Expectations



Have Direct Employees?

- Two Written Plans **Required**
 1. COVID-19 Prevention Plan
 2. Injury Illness Prevent Plan (IIPP)

Association Employee Considerations

COVID-19 Prevention Plan

- Adopted by Cal/OSHA on November 30
- Immediate Requirement
- Sample Template From the California Department of Industrial Relations
(www.dir.ca.gov/dosh/coronavirus/)
- Or Contact Workers Comp Carrier

Association Employee Considerations

Injury Illness Prevent Plan (IIPP)

- Not New Law
- Sample IIPP:
www.dir.ca.gov/chswc/woshtep/iipp/
- Or Contact Workers Comp Carrier

Association Employee Considerations

Importance of Plans

1. Required by Law;
Fines for Non-Compliance
2. Associations have Workplaces
Subject to These Requirements
3. CA Senate Bill 1159
4. Keeps Employees Productive
5. Reduces Insurance Claims
& Operating Costs

Association Employee Considerations

CA Senate Bill 1383

- Expands California Family Rights Act
- Employers with 5+ Employees
- Required to Provide Certain Unpaid, Protected Family, Medical, or Military Leave to Employees
- Effective January 1, 2021

Association Employee Considerations

SB 908: Debt Collection Licensing Act

Presented By Jon H. Epstein, Esq., CCAL

SB 908: Debt Collection Licensing Act

- Established the Debt Collection Licensing Act effective January 1, 2022
- This bill defines a “Debt Collector”
- Debt collector is a person who in the ordinary course of business, regularly, on person’s own behalf or on the behalf of others....
- Require the debt collector to comply with reporting, examination, and other governmental oversight
- Also modifies the Rosenthal Fair Debt Collection Practices Act



AB 3182: Rental Restrictions

*Presented By David A. Kline, Esq., Carrie M. Timko, Esq.,
Rhonda R. Adato, Esq., Karyn A. Larko, Esq.*

AB 3182: Rental Caps & Senior Communities

David A. Kline, Esq.



AB 3182: Amending Governing Documents

Carrie M. Timko, Esq.



AB 3182: Unreasonable Restrictions & Other Questions

Rhonda R. Adato, Esq.



The background of the slide features a large, light blue circular logo for the Federal Housing Administration (FHA). The logo consists of a stylized house with a gabled roof and a central door, set within a circular border. The text 'FHA' is visible at the bottom of the logo, though it is partially obscured by the main title.

AB 3182 & FHAs

Karyn A. Larko, Esq.

ADUs and JADUs

Presented By Susan M. Hawks McClintic, Esq.

SB 326: Balcony Inspections

Presented By Kieran J. Purcell, Esq., Gordon A. Walters, Esq.

Case Law

*Presented By Rian W. Jones, Esq., William S. Budd, Esq.,
Pejman D. Kharrazian, Esq., Dea C. Franck, Esq.*

A photograph of a large, white, arched sign for the Auburn Woods Homeowners Association. The sign is flanked by two white pillars and is set against a background of green trees and a clear sky. The text on the sign is partially obscured by the title text.

***Auburn Woods / Homeowners Assn. v.
State Farm General Insurance Co.***

Rian W. Jones, Esq.

Coley v. Eskaton

William S. Budd, Esq.



A photograph of a stone wall with the words "River Run" engraved in a cursive font. The wall is surrounded by lush greenery, including bushes and trees. The image is slightly blurred and has a soft, natural lighting.

Hill v. River Run Homeowners Ass'n

Pejman D. Kharrazian, Esq.

Sanzaro
v. Ardiente Homeowners Ass'n, LLC

Dea C. Franck, Esq.



AB 1788: Rodenticides

Presented By David A. Kline, Esq.

Solar Panels

Presented By Carrie M. Timko, Esq.

Electric Vehicle Charging Stations

Presented By Jillian M. Wright, Esq.

Satellite Dish Installation

Presented By Emily E. Long, Esq.

Satellite Dishes, TV Antennas and Wireless Cable Antennas

- Federal Law and State Law apply
- Federal Law: 47 CFR § 1.4000, the Federal Communications Commission's Over the Air Reception Devices ("OTARD") Rule
OTARD Rule FAQs: <https://www.fcc.gov/media/over-air-reception-devices-rule>
- State Law: Civil Code §4725

Owner Disputes

Presented By Pejman D. Kharrazian, Esq., Gordon A. Walters, Esq.

Closing Remarks

Presented By Kieran J. Purcell, Esq.

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THANK YOU!

