

## Memorandum 2020-27

### **Emergency-Related Reforms: Common Interest Development Meetings**

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At its May meeting, the Commission<sup>1</sup> decided that, in general, it would “not work on an emergency-related topic without some guidance from the Legislature on the usefulness of the work.”<sup>2</sup>

Considering the positive public reaction that the Commission received in response to a suggestion that common interest developments be allowed to hold meetings by teleconference during emergencies, the staff reached out to legislative staff for guidance on that possibility.

The response was generally favorable. Legislative staff saw that such a reform could be useful, especially as a way for seniors or other at-risk populations to safely participate in association self-governance during a pandemic. However, there is likely no way to enact an implementing statute this year (especially given the absence of concrete evidence that the proposal would address a serious immediate problem).

In light of that guidance, there is no need to follow a truncated procedure in considering this matter. Instead, if the Commission decides to work on the issue, the staff would prepare a staff draft of a tentative recommendation, for consideration at the next meeting. Unless the Commission directs otherwise, the proposed legislation would be drafted to achieve all of the following:

- (1) The proposed reform should apply to any kind of emergency, not just an infectious disease emergency.
- (2) The rule for determining when the special rules apply would be based on a bright line. (e.g., a formal declaration of emergency by the state or federal government that applies to the county where the CID is located).

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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](http://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. Minutes (May 2020), p. 3.

- (3) The proposed law would include sensible rules drawn from Governor Newsom's Executive Orders N-25-20 and N-29-20 (e.g., specifying the manner in which a vote may be conducted).
- (4) The proposed law would draw on lessons that the Commission has learned from its own use of teleconferencing to hold public meetings (e.g., telephone participation should be required as an option, to avoid excluding those with limited access to computer connectivity).

**Should the staff work on this topic? Should the proposal be framed along the lines proposed above?**

Respectfully submitted,

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Executive Director