

## May Networking Luncheon & Education Class

Country Club of the South  
Friday, May 18, 2018  
Education Class for Managers: 9am – 11:00am  
Networking Luncheon: 11:30am – 1:30pm

*\*Managers must stay for the class AND networking luncheon to receive full 3 credits. Managers must sign in and out per GREC rules\**

### Brief Course Description:

The first two hours will consist of a panel of experts, two attorneys, two property managers and one insurance adjuster. The third hour will be the networking lunch speaker, Dawn M. Bauman, CAE, Senior Vice President, Government Affairs Community Association Institute as well as a CAI-Georgia Legislative Action Committee member.

### PART ONE: Covenant Enforcement/Violation

9:00am – 11:00am

- A. Covenant Enforcement/Typical Violations Facing Summer and Fall Months
  - a. Architectural
  - b. Maintenance
- B. Common Covenant Enforcement Remedies
  - a. Monetary Fines
    - i. Due Process
    - ii. Reasonableness
    - iii. Recovery of Monetary Fines
    - iv. Practical Concerns
  - b. Self Help and Abatement
    - i. Due Process
    - ii. Practical Concerns
- C. Common Pitfalls in Covenant Enforcement Litigation
  - a. Considerations for Inspections, Notice and Due Process
  - b. Considerations for Reviewing
  - c. Evidence and the Burden of Proof
  - d. Common Mistakes that Hurt Your Case
  - e. Insurance Perspective
    - i. What type of insurance covers defense
      - 1. Directors/Officers Liability
        - a. Stand-alone vs packaged coverage
        - b. Exclusions
      - 2. General Liability
    - ii. What is process of alerting carrier?
      - 1. When do we alert carrier?
      - 2. When did threat of legal action begin? Was it written or verbal?
      - 3. Is there any sort of penalty for reporting occurrence?
      - 4. Occurrence versus claims made policies

iii. How is counsel assigned?

1. What happens if the association chooses to use their own choice of counsel?

D. Common Defenses to Covenant Enforcement Actions

- a. Failure of Due Process
- b. Selective Enforcement
- c. Statute of Limitations
- d. Waiver
- e. Laches

**PART TWO: National and State Legislative Updates**

**12:00pm – 1:00pm**

National CAI Legislative Committee and Updates

- a. Community Association Housing Model Facts and Figures
- b. 2018 Legislative Trends
- c. 2018 Update of Federal Advocacy Issues
- d. Impact of Grassroots Advocacy

B. Georgia CAI Legislative Committee and Updates

- a. Georgia legislative session
  - i. How long it runs
  - ii. Committee and bill approval process
- b. CAI's use of lobbyists
- c. Status of Involvement and Monitoring of 2018 Session
  - i. What Bills of interest were discussed
  - ii. General questions on legislative process
- d. What to Expect in 2019 Session