

legal reflections

LOOKING BACK ON PROGRESS



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This will be the last time that I write the "On the Hill" section of the chapter newsletter. It has been a privilege serving as the chair of the Legislative Action Committee (LAC). To those who had more confidence in my ability to function positively in this role than I had in myself, I express my gratitude and thanks.

Leading up to the start of the 2015 session the LAC was as prepared as we have ever been. Bills had been drafted, vetted, and scrutinized. (In each case the bills we sponsored had two or more years of work and analysis). We had sponsors who understood what we were trying to accomplish and legislators who had committed to support our efforts.

Then the session started. In the first days of the session it became apparent that our "offense" could not progress unless our "defense" could hold ground. As the days progressed it became more a defensive battle than a steamroller offense.

It has been said that laws are like sausages: it is better not seeing them being made. In this case my perspective is a little different. It has long been my belief that respect and communication are of greater value than their opposites. These two principals became the center of our efforts. Much of our work in the session was reactive, obviously we would prefer it be otherwise, but once we were able to make contact with the sponsor of the legislation and gain some rapport we were able to make a positive contribution.

Few people will take the position that the legislation passed this year is perfect. To those who may have concern about the direction of some legislative matters, please know that the LAC members are earnestly striving to vet issues and determine the most favorable way to proceed. Among our committee members (at present there are 15) there are differing opinions on how some legislation should be addressed. However, as a rule, we have been able to find common ground and present a united front to nearly every matter we have encountered. This has not been easy given the fact that so much can happen once the session starts. Creating law is a fluid, ever changing process. Legislation that looked good today may be changed in committee tomorrow. This occurred in the 2015 session more than once.

There will always be work that needs to be done to influence favorable law and public opinion, specifically with our legislators. From first-hand experience, I can tell you that there are legislators who hold a negative bias against community associations. These legislators seem to hold to a belief that community board of directors has too much power. This was evident from the proposed legislation we encountered. My hope is that the efforts the LAC and our CAI chapter have made in the past and continues to make in the present (will) favorably change the opinion of these lawmakers.

A recent personal experience made me reflect on this legislative session. In April, I had the opportunity to travel to China. One of the things that stood out about the cities that we visited were the thousands and thousands of condominium buildings. There was row after row of buildings, nearly all exceeded 10 stories in height and many much taller.

I asked our guide about these buildings. He replied that, socially, homeownership is very important to the Chinese and that the majority of buildings we were seeing were condominiums. In a country with nearly 1.4 billion people it is understandable that a lot of housing is needed, and condos are a very efficient use of real estate.

One thing that was noticed by several observers in our group was that the exterior of many buildings was poorly maintained and, in some cases, an eyesore. Our guide commented on this explaining that little concern is given to the exterior of the building, but were we to view the interior of the units we would find they were well maintained and quite attractive.

Another point our guide made was that China has not just one Great Wall but two, the lesser known being the "Great Firewall." This became obvious anytime I attempted to connect to the internet. Social media sites like Facebook, Twitter, YouTube, and Instagram were not accessible.

In many ways, China rivals the great counties of the West. However, the people of China do not enjoy the freedom of democracy that we enjoy. Democracy is not easy, nor is it the most efficient form of government. Democracy takes the combined efforts of respectful individuals who are willing to communicate their ideas and then exercise effort and patience until agreement is achieved. This is the kind of approach the members of the LAC have when drafting, negotiating, and examining legislation that affects HOAs in our state.

If you have ideas or concerns about existing law or a lack thereof regarding community associations please make those ideas known. You can submit these ideas to the LAC at <http://www.utahlac.com/>.