

# *CID HOMEOWNER BILL OF RIGHTS*

On September 25<sup>th</sup> we will celebrate the 210<sup>th</sup> anniversary of the ratification of the federal Bill of Rights. To honor this occasion, we the undersigned have ratified ten resolutions comprising a Common Interest Development Homeowner Bill of Rights. Modeled on the Preamble and the Amendments to the U.S. Constitution, this document is meant to inspire public confidence in the concept of the CID, to ensure that this local government institution pursues benevolent goals, and to prevent abuses of power. Any changes to California law governing CIDS must conform to these inviolable principles. We resolve **THAT**,

- I** *Since* living in a common interest development (CID) requires an individual citizen to enter into a contract with a governing association, the prospective homeowner must give written informed consent to the terms of the association's rules and governing documents, but most especially to the Codes, Covenants, and Restrictions ten days before close of escrow. The governing documents comprise the contract between the association and the buyer.
- II** *No* CID board shall abridge a citizen's freedom of speech or of the press either through direct order or through intimidation or any kind of public abuse; that no board shall abridge the right of homeowner citizens to assemble peaceably or to petition the board for a speedy redress of grievances. No CID board shall abridge freedom of religion.
- III** *Boards* give a full, true and accurate accounting in writing of all association actions. No actions shall be taken in secret.
- IV** *Homeowner citizens* shall be entitled to speedy access to all association records, particularly to financial records, contracts, and records of governance at any time without exception.
- V** *Homeowner citizens* shall not be deprived of liberty or property, without speedy due process of law. Nor shall private property be taken without just compensation, specifically, there shall be no non-judicial foreclosure.
- VI** *Homeowner citizens* shall have the absolute right to vote on any changes to the terms of the original contract, i.e. changes in rules and amendments to governing documents or fines they are expected to pay. No fine shall exceed the true costs of the remedy.
- VII** *If accused* of violating rules, homeowner citizens are entitled to a speedy and public hearing by an impartial body not selected by the board; the impartial body shall determine the guilt or innocence of the accused and determine what fines, if any, be imposed; that the accused be informed of the nature and cause of the accusation; be confronted with witnesses; and have a compulsory process for obtaining witnesses, records, and advocates. Use of this system does not cancel a citizen's rights of appeal in the courts.
- VIII** *Residents* shall be treated equally, and not in an arbitrary fashion, without reference to age, race, gender, cultural lifestyle, sexual orientation, national origin, marital status, disability or familial status as established by both state and federal laws and regulations.
- IX** *Rules* enacted by a CID association and amendments to its governing documents must conform to all state and federal fair housing and health, safety and welfare laws.
- X** *Elections* shall be in the hands of the homeowner citizens, not the CID board: ballots shall be secret; no homeowner citizen shall be denied the right to vote for failure to pay any fine or tax, including assessments; directors shall serve no more than two terms and be held accountable for their decisions; the makeup of the board shall reflect the makeup of the association membership. *Sept 21, 2001/ Center for California Homeowner Association Law, Older Women's League, Sentinel Fair Housing, Consumers Union, Gray Panthers, California Alliance for Retired Americans (CARA), and Charles Egan Goff, Esq.*