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55 YEARS

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CAI-NE president elect goes to Washington -by Ed Allcock

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Ed Allcock

Marcus, Errico, Emmer & Brooks

Next year, I'll have the distinct privilege of serving both as president of CAI's New England Chapter, as well as president of the College of Community Association Lawyers. It is my hope that my participation and involvement in the later organization will shape and sharpen my focus for the New England Chapter. My exposure to cases, lawyers, homeowners, property managers and other condominium industry professionals across the country has influenced my general theme for CAI-NE in 2020, which is "Education & Influence."

One manner of influence is through legislation. So on October 23, I traveled to Washington, D.C. with approximately 70 other industry professionals from across the country to educate our legislators to encourage them to comment upon federal legislative and interpretive issues impacting condos and HOA's.

Being from Massachusetts, I met with senators Edward Markey and Elizabeth Warren as well as representative Stephen Lynch. I had a secret weapon for these meetings. My 19 year old daughter, Emily Allcock is a freshmen at American University in D.C., so I took her along with me to help get through to congress.

Emily and I lobbied for congressional consideration of four issues, as follows:

Clarification of Emotional Support Animals

We asked congress to urge HUD to consider policy change on emotional support animals to:

- (1) Require individuals requesting emotional support animals to provide medical documentation (stating the basis and need for the emotional support animal) from a licensed medical professional that actually knows the individual and practices in the State in which the individual lives, and
- (2) To clarify that the 23 state statutes that make it illegal to misrepresent the need for emotional support animals are in compliance with the Fair Housing Act.

Support the Disaster Assistance Equity Act.

We asked our congressmen to support the Disaster Assistance Equity Act, which would provide for FEMA funds to repair damaged private roads and waterways (including debris removal) in condos and HOA's. Currently FEMA does not provide funds for "private roads," which effectively discriminates against the condo and/or HOA form of ownership. Congressman Jerry Nadler (D-NY-10) has proposed a bill in the House to fix this going forward. We sought co-sponsors to the bill and introduction of a companion bill in the senate.

Support the National Flood Insurance Program Bill (HR 3167)

Congress has passed short term extensions of NFIP. Congress mandates a five-year extension of this bill, but it has only authorized short term extensions of this program, which jeopardizes our coastal condominiums. 20% of the nation's five million flood insurance policies are condos and HOA's. A five year extension of this program would benefit and stabilize the condominium unit market.

Support HR 4232, Protecting Local Authority on Short Term Rental Providers

Many condos, states and cities are regulating short term rentals. Many condo and HOA documents provide for six month or 12 month rental requirements. AirBnB and similar companies have attempted to use the Communications Decency Act in court as a shield against such regulations. The Communications Decency Act is supposed to be a bill that protects Internet platforms from certain liability. While we think AirBnB is not an Internet platform (like for example Facebook) but a boots on the ground business, this proposed amendment to the bill would eliminate any argument in that regard and would fully protect covenants and restrictions contained in condominium documents from this ridiculous legal argument.

Emily and I found our congressmen and women to be particularly attentive to these concerns and hope that they will take time away from the pending impeachment inquiries to take action to protect condominiums and HOA's.

We ask that you e-mail your congressional leaders about the importance of these bills for condos and HOA's and/or e-mail me with any questions or let me know if you support these bills at eallcock@meeb.com.

I look forward to serving the needs of CAI-NE and its members and business partners in 2020. If you have any concerns or issues whether its legislative or otherwise please contact me.

Ed Allcock is a partner with the law firm Marcus, Errico, Emmer & Brooks and the 2020 CAINE chapter president.

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