

FROM THE PRESIDENT

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Before we dive into this month’s column, I want to take a minute to acknowledge the hard work and dedication that went into making our 2021 Annual Conference & Expo a success. Back in January, we literally had no idea if we would be able to have an in-person conference or, if we did, what it would look like. Fast forward to June 16th and 17th, and not only was the conference a success, but it went off without a hitch. None of this could have been possible without the efforts of both our chapter staff as well as our Conference & Expo Committee, chaired by the indefatigable Carol Shenk. And now, back to our regularly scheduled column...

This past January, I was privileged to attend the CAI College of Community Association Lawyers (“CCAL”) Law Seminar, which was held virtually due to the pandemic. I have been lucky enough to have attended four of the last five previous Law Seminars, which are always a great mix of education, networking, and collegiality among community association attorneys from across the country. While it was different to participate virtually this year, the CCAL planning committee outdid itself with timely and relevant seminars discussing a wide variety of topics.

For me, the highlight for this year’s Law Seminar was a program titled, “Agents of Change: Overcoming Racism in Community Associations,” which was presented by Wil Washington, Esq., Leah K. Burton, Esq., and Noelle Hicks, Esq. It discussed topics related to racism and discrimination, including a history of how racism and restrictive covenants have affected community associations and a discussion on HUD’s new harassment regulations.

In my opinion, however, the most interesting part of their presentation was the discussion regarding how we, as those involved in the community association industry, can become educated to help to effectuate change when these types of situations arise in our communities. Whether it is related to racial microaggressions, to implicit bias, to dealing with harassment complaints or politically charged signs, we should all be learning how to become aware and accountable for our actions, modify our behavior where appropriate, and adopt practices that support equality in our associations.

In what turned out to be a continuation of this important conversation, our chapter welcomed Melissa DePino and

Michelle Saahene, who presented a virtual session on April 27, 2020 during our annual State of the Industry event. This session, titled “From Privilege to Progress – Desegregating the Public Conversation about Race and Racism,” revolved around the events of April 12, 2018, when two African American men were arrested at a Starbucks in Philadelphia while waiting for a business associate to arrive and – ostensibly – for not buying a coffee.

By chance, both Melissa and Michelle were at that Starbucks that day. Michelle was the first person to speak up, and Melissa tweeted the video, which went viral with over 13 million views. From there it set off an international story and sparked a dialogue on what racism looks like today. As a result, Melissa and Michelle started “From Privilege to Progress,” which calls on all Americans to join on the path to antiracism by learning, speaking up in their everyday lives, and amplifying the voices of people of color.

Melissa and Michelle addressed all of these issues in their program and, what stuck with me were a few very poignant themes, including the discussion of what privilege looks like and Melissa’s comment that, “racism is not the shark, it’s the water.” If you are interested in

viewing this program, please search for it on the chapter website or contact the chapter staff to request a link. We look forward to continuing these important conversations and addressing these issues as a chapter in the years to come.

Aside from the necessity for these types of conversations generally in our society, these issues also have very topical implications for our community associations. Racism in the context of housing discrimination has existed for some time (and some would say forever). Restrictive covenants were widely used throughout the United States in the first half of the 20th century to prohibit racial, ethnic, and religious minority groups from buying, leasing, or occupying homes. Some covenants would generally bar "non-Caucasian" groups while others would specifically list races, nationalities, or individuals with disabilities.ⁱ

In 1948, the United States Supreme Court decision in Shelley v. Kraemer ruled that these restrictive covenants were unenforceable. Twenty years later, in 1968, the Fair Housing Act was enacted to prohibit discrimination concerning the sale, rental, and financing of housing based on race, sex, religion, national origin or other protected classes. Like Shelley, it also made racially restrictive covenants illegal and unenforceable; however, many of those covenants still exist in documents that predate the Fair Housing Act.ⁱⁱ

Over the last few years, there has been a push, supported by CAI, to create a process by which community association boards can remove unenforceable discriminatory restrictions contained in their covenants without the necessity of a vote of the owners. Discriminatory restrictive covenant legislation has been passed or is pending in thirteen states, including New Jersey, where State Senator Troy Singleton introduced legislation in October 2020, which is currently pending.

While progress has been made over the last seventy plus years since the Shelley case, there is still a lot of work ahead of all of us. This is evident from what happened in Philadelphia on April 12, 2018. It is evident from what happened to George Floyd and to Breonna Taylor and to Ahmaud Arbery. It is evident from what happened to Travon Martin in a gated community in Florida (less than 10 years ago in February 2012). And it is evident from what happens every day to members of our communities and in our community associations.

In order to move forward, we need to address these issues head on. Change will not happen overnight, but by having meaningful conversations and educating our members, we can strive to make our communities

more inclusive places where all races, cultures, and beliefs are welcome. Programs like the one at the Law Seminar and at the State of the Industry event are steps forward. In the words of Howard Zinn, "[w]e don't have to engage in grand, heroic actions to participate in the process of change. Small acts, when multiplied by millions of people, can transform the world."

You can't be neutral on a moving train.

So that's it for this month. Thank you all for reading and thank you all for being members of the Keystone chapter. Here's to Howard Zinn. Here's to Layne Staley, Bob Probert, and the Oxford comma. And again, a huge thank you and job well done to both our chapter staff as well as our Conference & Expo Committee for their efforts on the 2021 Annual Conference & Expo.

FOOTNOTES

i Dawn Bauman, CAE, "An Unfortunate Legacy: A Brief History of Racially Restrictive Covenants," <https://advocacy.caionline.org/history-of-racially-restrictive-covenants/>

ii Laura Otto, "Overcoming Racism in Condominiums and HOAs," <https://hoaresources.caionline.org/overcoming-racism-in-condominiums-and-hoas/>



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