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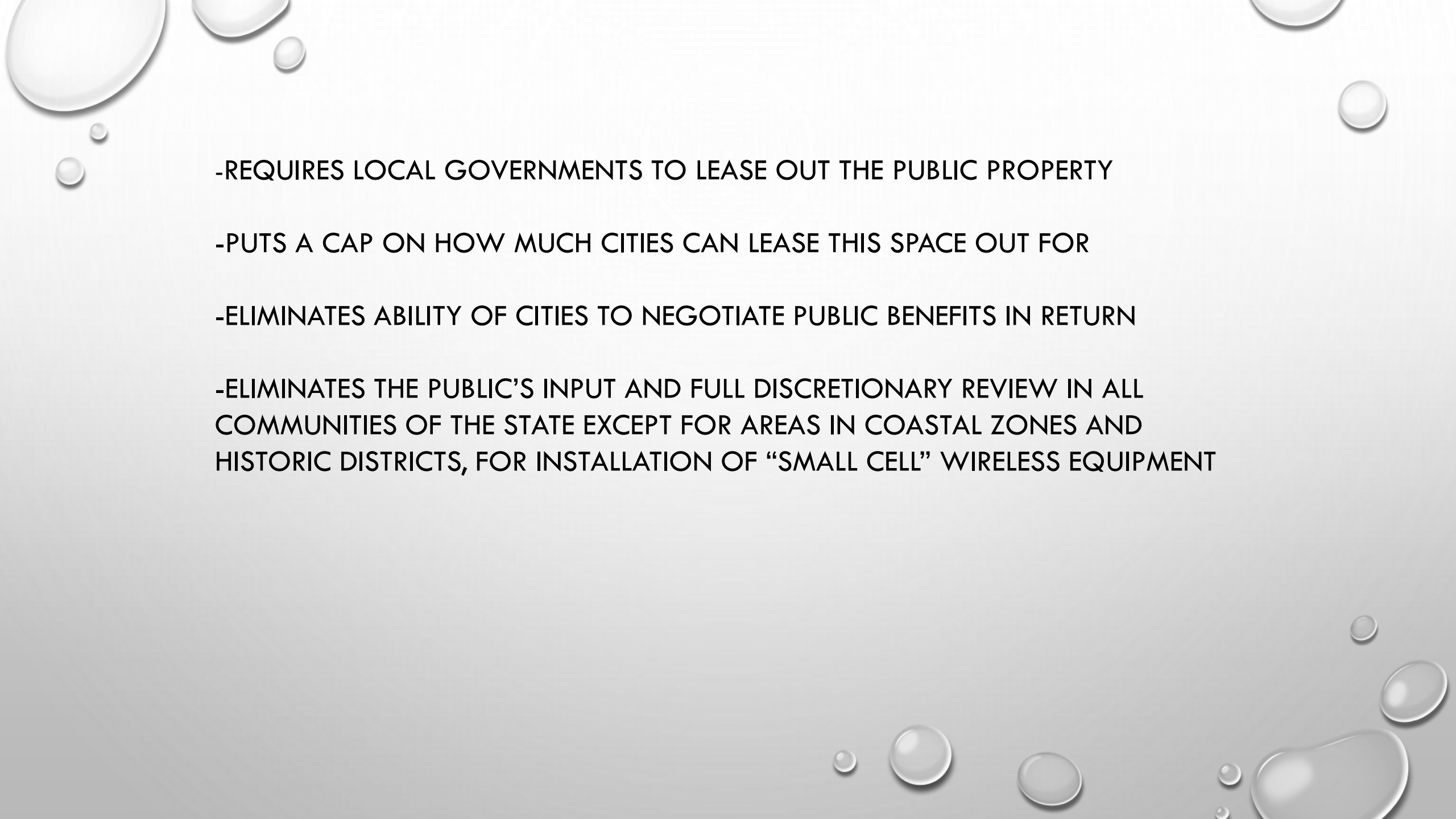
NEW LEGISLATION, REGULATIONS AND NEW TRENDS AFFECTING HOAS IN 2018

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SENATE BILL 649: “WIRELESS AND CELL FACILITIES”



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- REQUIRES LOCAL GOVERNMENTS TO LEASE OUT THE PUBLIC PROPERTY
 - PUTS A CAP ON HOW MUCH CITIES CAN LEASE THIS SPACE OUT FOR
 - ELIMINATES ABILITY OF CITIES TO NEGOTIATE PUBLIC BENEFITS IN RETURN
 - ELIMINATES THE PUBLIC'S INPUT AND FULL DISCRETIONARY REVIEW IN ALL COMMUNITIES OF THE STATE EXCEPT FOR AREAS IN COASTAL ZONES AND HISTORIC DISTRICTS, FOR INSTALLATION OF "SMALL CELL" WIRELESS EQUIPMENT

SENATE BILL 540
SENATE BILL 2
SENATE BILL 3
“BLUEPRINT FOR HOUSING”



BLUEPRINT FOR HOUSING

- EXPEDITE THE APPROVAL PROCESS FOR NEW HOUSING
- \$75/RECORDING FEE TO RAISE MONEY FOR HOUSING INITIATIVES
 - HOA LOBBY AGAINST THIS AS IT WILL BURDEN OWNERS IN COMMUNITY ASSOCIATIONS
- \$4 BILLION GENERAL OBLIGATION BOND TO FUND HOUSING FOR VETERANS AND AFFORDABLE HOUSING

OTHER NOTABLE HOUSING BILLS SIGNED INTO LAW

- SB 35: STREAMLINE HOUSING APPROVAL PROCESS FOR MULTIFAMILY PROJECTS
- SB 167 & AB 678: HOUSING ACCOUNTABILITY ACT
- AB 72: ATTORNEY GENERAL: ENFORCEMENT OF HOUSING
- AB 73: HOUSING SUSTAINABILITY DISTRICTS
- AB 879: PLANNING AND ZONING: HOUSING ELEMENT
- AB 1397: HOUSING ELEMENT: INVENTORY OF LAND FOR RESIDENTIAL DEVELOPMENT
- AB 1505: LAND USE: ZONING REGULATIONS
- AB 1515: HOUSING ACCOUNTABILITY ACT

AB 534: COMMON INTEREST DEVELOPMENT MECHANIC LIENS



zlien
LIEN SMART. GET PAID.

Add A Project

HOA MECHANIC LIENS

- APPLIES TO WORK DONE BY A UNIT OWNER AND PROHIBITS A LIEN AGAINST ANOTHER OWNER'S UNIT; MUST HAVE CONSENT OF OTHER UNIT OWNER EXCEPT FOR EMERGENCY REPAIRS
- ANY OWNER OF A SEPARATE INTEREST MAY REMOVE A LIEN AGAINST THE SEPARATE INTEREST BY EITHER PAYMENT OF THE FRACTION OF THE TOTAL SUM SECURED BY THE LIEN THAT IS ATTRIBUTABLE TO THE SEPARATE INTEREST; OR
- PAYMENT OF PAYMENT OF A LIEN RELEASE BOND; AND
- MAKES THE HOA AN AGENT OF THE OTHER OWNERS IN ALL WORK ON A COMMON AREA FOR NOTICE AND CLAIMS PURPOSES.

AB 690

“MANAGER CONFLICT OF INTERESTS”




MANAGER CONFLICT OF INTEREST

- REQUIRES DISCLOSURE BY MANAGER OF CONFLICTS WHEN BIDDING
- REQUIRES DISCLOSURE BY MANAGER BEFORE ENTERING INTO AGREEMENT TO MANAGE HOA
 - REFERRAL FEES FROM 3RD PARTIES FOR DISTRIBUTING DISCLOSURE DOCUMENTS
 - DOCUMENTS OF HOA ARE PROPERTY OF HOA, NOT THE MANAGER
- REQUIRES DISCLOSURE WITH ANNUAL BUDGET OF FEES FOR COPIES OF HOA DOCUMENTS
- REQUIRES USE OF FORM WHICH INFORMS SELLER NOT REQ'D TO PURCHASE ALL OF HOA DOCUMENTS



AB 1412

“VOLUNTEER OFFICERS: LIABILITY”

- EXTENDS LIMITATION ON LIABILITY TO A VOLUNTEER DIRECTOR OR OFFICER OF A **MIXED USE** DEVELOPMENT;
 - AUTHORIZES HOA TO USE LAST ADDRESS PROVIDED IN WRITING BY THE OWNER EXCEPT AS SPECIFIED
- 

SB 407


“FREE SPEECH BILL”

- GOVERNING DOCUMENTS MAY NOT PROHIBIT MEMBER OR RESIDENT FROM ENGAGING IN FIRST AMENDMENT ACTIVITIES
 - ASSEMBLING OR MEETING DURING REASONABLE HOURS AND IN A REASONABLE MANNER FOR PURPOSES RELATING TO COMMON INTEREST DEVELOPMENT LIVING, LEGISLATION, ELECTION TO PUBLIC OFFICE, OR THE INITIATIVE, REFERENDUM, OR RECALL PROCESSES.
 - PROHIBITS CHARGING MEMBER OR RESIDENT A FEE, MAKE A DEPOSIT, OBTAIN LIABILITY INSURANCE, OR PAY THE PREMIUM DEDUCTIBLE ON THE ASSOCIATION’S INSURANCE POLICY TO USE THE COMMON AREAS FOR THESE PURPOSES (UNLESS NON RESIDENTS ARE INVITED TO ATTEND)
 - MAY BE ENFORCED BY SMALL CLAIMS OR CIVIL ACTION TO ENJOIN ENFORCEMENT



AB 634


“SOLAR ENERGY SYSTEMS”

- PROHIBITS HOA FROM ESTABLISHING A GENERAL POLICY PROHIBITING THE INSTALLATION OR USE OF ROOFTOP SOLAR ENERGY SYSTEM FOR HOUSEHOLD PURPOSES ON THE ROOF WHERE THE OWNER RESIDES; MAY NOT REQUIRE A MEMBERSHIP VOTE ON THE SUBJECT.
 - ANY ACTION BY HOA THAT CONTRAVENES IS VOID AND UNENFORCEABLE.
 - HOA LOBBY PUSHED FOR VETO
- 



AB 731

“DEDUCTION FOR HOA ASSESSMENT”

- \geq JANUARY 1, 2017 TO \leq JANUARY, 1, 2022 ALLOWS A DEDUCTION FOR AMOUNTS PAID AS HOA DUES, NOT TO EXCEED \$1500.
 - TAKES EFFECT IMMEDIATELY IF PASSED.
 - IN APPROPRIATIONS COMMITTEE
 - HOA LOBBY SPONSORED
- 

SB 721

“DECKS AND BALCONIES SAFETY”

- REQUIRES BOARD EVERY SIX (6) YEARS TO HAVE INSPECTION CONDUCTED BY LICENSED ARCHITECT, CIVIL OR STRUCTURAL ENGINEER, OR CERTIFIED BUILDING INSPECTOR OR BUILDING OFFICIAL.
- INSPECTIONS, AND TESTING IF NEEDED, MUST BE COMPLETED BY JANUARY 1, 2023.
- RESULTS USED IN CALCULATING RESERVES
- REPORT TO HOA W/IN 45 DAYS AS PART OF HOA DOCUMENTS & RECORDS
 - IF HAZARDOUS CONDITION W/IN 15 DAYS + EMERGENCY REPAIRS REPORTED TO LOCAL ENFORCEMENT AGENCY. NON-EMERGENCY REPAIRS W/IN 180 DAYS.
 - DEVELOPER OF CONDO CONVERSION REQUIRED TO INVESTIGATE AND REPORT TO BRE + LOCAL ENFORCEMENT AGENCY
 - DOES NOT APPLY TO OWNER'S SEPARATE INTEREST OR TO A PLANNED DEVELOPMENT.
 - LOCAL ENFORCEMENT AGENCY RECOVERS COSTS FOR ENFORCEMENT
 - LOCAL ENFORCEMENT AGENCY CAN ENACT STRICTER REQUIREMENTS.

AB 1426

“ELECTIONS”

- IF ELECTION UNCONTESTED, NO ELECTION REQUIRED: SAVE HOAS \$\$\$
- REQUIREMENTS ENSURING AN ANNOUNCEMENT OF AN ELECTION AND NOTIFICATION OF NOMINATION PROCEDURES
- ANY QUALIFIED OWNER MUST BE ALLOWED TO VOTE; OR THE RIGHT TO BE A CANDIDATE FOR DIRECTOR
- IN HOUSING & COMMUNITY DEVELOPMENT COMMITTEE
- HOA LOBBY SPONSORED

REGULATIONS

- AIR QUALITY CONTROL BOARD
 - SMALL ENGINE PHASE OUT: LANDSCAPE CONTRACTORS PASS THROUGH TO CHANGE TO ELECTRIC OR ALTERNATIVE
 - CAP AND TRADE HITS HOAS
- WATER QUALITY CONTROL BOARD
 - CANNABIS CULTIVATION
 - VACANT SEATS ON SAN DIEGO, SANTA ANA REGIONAL BOARDS

NEW TRENDS

- SURFRIDER FOUNDATION INTERVENTION IN HOA ARC AND COVENANT COMPLIANCE RE DROUGHT TOLERANT AND DRAINAGE/NPDES COMPLIANCE
- CREDIT BUREAUS FOR HOA DELINQUENCIES
 - SPERLONGA

CASES OF INTEREST DECIDED IN 2017

- IN **OCEAN WINDOWS OWNERS ASSOCIATION V. SPATARO**, THE COURT AFFIRMED THE DECISION OF THE TRIAL COURT GRANTING THE ASSOCIATION'S PETITION TO REDUCE THE REQUISITE APPROVAL NECESSARY TO AMEND THEIR CC&RS PURSUANT TO CIVIL CODE SECTION 4275. THE PROPOSED AMENDED CC&RS INCLUDED, AMONG OTHER THINGS, A PROVISION IMPOSING A MINIMUM LEASE TERM OF "THIRTY (30) CONSECUTIVE DAYS IN ANY ONE (1) CALENDAR YEAR...." A HOMEOWNER FILED AN OBJECTION TO THE PETITION STATING THAT THE RECORD WAS VOID OF ANY FACTS SUFFICIENT TO SUPPORT A CONCLUSION THAT THE AMENDMENTS "WERE NECESSARY FOR THE GOOD OF THE COMMUNITY." THE COURT OF APPEAL REJECTED THIS ARGUMENT

CASES OF INTEREST

- **LINGENBRINK V. DEL RAYO ESTATES HOMEOWNERS ASSOCIATION**, 2017 WL 1075062: Board may not insert language not included in the CCRs, changing the CCRs requires membership approval. View blockage, board inserted “reasonable” in defining view blockage. Court rejected it.
- **TRACT NO. 7260 ASSOCIATION, INC. V. PARKER** (2017) CAL. APP. LEXIS 265 *

Membership List; Inspection Denial. A homeowners association (HOA) may restrict a member’s request for access to the HOA’s membership list when the request is for an improper purpose.

