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NEWS & VIEWS

for Homeowner Associations

July 2017

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HOA BOARD SEMINAR & VENDOR EXPO

October 5, 2017
6:30 to 8:30 PM

Vendor Expo - Over 20 prizes to be raffled • Snacks and Drinks provided

Adrian Adams, Esq. and Robert Nordlund, PE are two nationally recognized speakers and together they will address the topic:

“TIGHT BUDGETS, TOUGH CHOICES”

As HOA boards address their budgets for 2018, this seminar will help shed light on the difficult process of how to provide for the needs of the association and do that on a limited budget.

- Does your decision to fund reserves affect property values?
- Balance short “wants” and long term “needs”.
- Separate between true and perceived budget limitations.
- Identify your true budget priorities.
- Grasp what you can and can't do budget-wise.
- Understand what you should and shouldn't do.
- Make budget decisions that will be protected by the Business Judgment Rule.
- Tips to communicate budget decisions (higher assessments) to homeowners.
- Separate your roles as homeowner and board member.
- Score 100% on the seven-question test and you'll score major success in your association.

Adrian Adams, Esq.

With an extensive background in the community association industry, Adrian Adams is one of the leading attorneys in California specializing in common interest developments. Adrian founded “Adams Stirling PLC” and quickly grew his firm into a preeminent boutique firm specializing in highrise condominiums, stock cooperatives, business parks, lake associations, golfing communities, equestrian associations, and ocean-front communities.



Robert Nordlund



A registered professional engineer, Robert Nordlund, PE, RS has been involved in the Community Associations industry since 1982. As President of his own homeowners association, he recognized how vital long-term reserve planning was to the health of Association-governed communities. Robert founded Association Reserves, Inc. in 1986 and has pioneered many widely used reserve funding concepts. For his expertise, he earned the Community Association Institute's (CAI) Reserve Specialist (RS) designation and has the distinction of being RS #5. Robert was involved in creating the 1998 National Reserve Study Standards and has greatly influenced the Reserve Study industry.

Two ways to register:

- 1) Send Email to “HOASeminars@bevenandbrock.com”
- 2) Call (626) 795-3282, ext. 886

When calling or emailing, leave your name, the name of your association and the number of guests you will be bringing, including yourself.

HOMEOWNER ASSOCIATION NEWSLETTER

PROPOSED LEGISLATION for 2018

Some good, some not so good!

Every year, HOA's are impacted by new legislation and most of the time, new laws increase the burden on homeowner associations. While many laws originate out of a perceived need, often the final

result of the legislation, if signed by the Governor, adds a higher level of responsibility for HOA boards and management companies.

The following bills are a few of the ones that are in the current

legislative season. These bills are working through the committee process, and may be amended, and ultimately signed by the Governor and become law in 2018. Your

*Proposed Legislation for 2018:
continued on page 6.*

BEING A GOOD NEIGHBOR IS A CHOICE

By M.J. Stevens

"I want you to be concerned about your next door neighbor. Do you know your next door neighbor?" Mother Theresa

This year, **National Good Neighbor Day will be celebrated on Sunday, September 28th, 2017.** It's a day designated for celebrating the relationship we have with those who live in close proximity to our home, within our community, and the larger context of the world.

A neighbor is a person next door or nearby your home. It's the person or family across the hall, the people with whom we share a common wall, ceiling, or floor space. Your neighbor is also the people within your respective living community such as you a condominium complex.

Being a neighbor is the act of extending kindness to others (friendliness, generosity, and consideration). It could be as simple as saying, "Hello, how are you?" and meaning the sentiment of the salutation, and then waiting for a response. It could be as simple as holding the door or gate open for someone. Being a neighbor could be a time of offering assistance or checking in on a senior down the way. The simple sharing of a tool, or exchanging emails just in case there's an emergency or a need.

I wrote an article about how we have "lost our front porch" as an America culture. In more recent months, I have come to believe we could lose more than the front porch. I think we also are in danger of losing what I would call "the entryway."

An entryway is a way into somewhere; an entrance into a building or a home. The home's entryway is the place where we hang up our jacket or coat, drop

our keys, toss the mail or a package on a table. Entryways lead into the other common living spaces within a home. They are often a place of welcome. When we let people into the entryway of our lives, we are making a huge choice to be a neighbor. We are saying, "Yes, you can come in and know me."

We don't let many people into **the entryway** of our homes these



days. Think about it. When was the last time you let someone into your entryway that wasn't already invited? We live in a culture that teeters on suspicion, fear, and self-absorption. If we're honest, we have to admit we are often "too busy" to be a neighbor with work, schedules, coupled with our electronic devices that keep us distanced and insulated from others. We carry this reality back home to where we all live, too. "If I let you into the entryway, you're going to expect or want things from me now, right?"

Being a neighbor is saying, "It's okay...step inside my entryway." Step inside and let's get to know one another, and find out what we have in common.

Living in condominium communities suggests that one already has things in common simply by the word **community**. There's the common parking, walkways, a place where the mail is delivered and picked up, common areas like a pool, BBQ and eating

area, and something as simple as a stretch of green grass with a bench or two to sit and rest. Being a good neighbor is working to maintain these common areas and Boards do a beautiful job of assuring this very thing happens for the owners.

However, being a neighbor is more about my personal choice to extend myself in kindness towards others. You might want to try being **anonymous** in your neighborliness—picking up trash, sweeping your front door area as I sweep mine, setting aside a stray pool toy/pair of sunglasses so that they can be found again. Your anonymous generosity could be someone else's blessing. Too many lemons this year? Place the excess in a box with a sign that reads, "Free Lemons From Your Neighbor!"

"When one neighbor helps another, we strengthen our communities."

Jennifer Pahlka, Founder and Executive Director, Code for America

Since **National Good Neighbors Day** falls on **Sunday, September 28th** perhaps it's perfect time to invest in supporting one another as neighbors. It could be as simple as a used book exchange and a cup of tea, sharing the BBQ and a meal on a sunny afternoon, having a build-your-own-ice-cream-sundae gathering, or inviting the neighbor over for a meal that you've been wanting to get to know a little better.

It will take some imagination on

*Being A Good Neighbor Is A Choice:
continued on page 7.*

PAINTING: Ways to Cut Corners on Your Next Paint Job

The Right Ways vs. The Wrong Ways

There are many ways a painting contractor can cut corners when you contract with them to paint your property and many of these are the right ways to cut corners.

The Right Ways

1. Have the job materials delivered. This creates efficiency so the entire crew is spending their time on your property instead of sitting in traffic somewhere. Your project will be completed faster this way.

2. The city of Pasadena and most surrounding cities in the area allow construction to start at 7am. So start at 7am! Starting early means less time the crew has to spend sitting in traffic driving to the job. Less time in traffic means a happier crew and a happier crew will do a better job!

3. Use better quality paints. Top level paints have better resins that expand and contract with heat and cold. Lower quality paints are more brittle and while they can be ok for stucco, they are not great for wood. Plus these better quality paints do cost a bit more, but the labor to apply the paint doesn't change regardless if it's low quality, mid quality or high quality paint.

4. Get your residents on board by clearing their plants and decorative items off their patios and balconies. If your contractor has to spend time moving items from patios and balconies, he's not painting and your job takes longer. Plus there is always a chance that items may be broken in the process of moving. Then when they are able to work, these items can create a trip hazard since a painter can have with him: paint buckets, drop cloths, step ladders, extension ladders, power washer hoses, spray hoses, etc, etc. Painting a building requires cooperation from both parties and when residents do their part to help the crew, the crew can move thru the job quicker and residents can then have their peace and quiet back much sooner and of course

put their items back out sooner.

5. On many buildings, it is actually better to apply 2 finish coats of paint instead of 1 prime coat followed by 1 finish coat. Applying 2 finish coats means the crew doesn't need to spend time cleaning primer out of the sprayer (and it is a lot tougher to clean out primer than paint).

It is a fallacy that you need to prime before every paint job. There are some exceptions to this rule (like changing from existing oil base paint to new water base paint) but normally, when you are repainting your building, the surface has already been sealed with a prime coat. When you rub your hand on your building and you don't see what looks like chalk on your hand, you are a prime candidate for 2 finish coats of paint. Why are 2 finish coats of paint better you ask?...because paint resists UV sunlight and primer doesn't, so 2 coats of paint gives you 2 layers of protection from the sun while 1 prime coat with 1 finish coat only gives you 1 layer of protection.

The Wrong Ways

1. Patch as little wood as possible. If your contractor finds rotten wood, you should replace it instead of patching it. Yes it will cost more initially but it can last 20-30 years. Patching wood is a temporary band-aid that may only last a couple years until the patch fails and falls out. When the patch fails, you will probably then decide to replace the wood. And then guess what...you will need to re-paint it and now it will be at a higher cost. So you didn't save anything and it actually ended up costing you more money.

2. When painting in the heat, your contractor sometimes needs to add a small amount of water to the paint bucket, and paint manufacturers recommend this as well. You want to add some water so the paint doesn't dry too quickly however you don't want to add

too much water because then the correct thickness of the paint will not be achieved and your paint job won't last as long. That information

PAINTING: Ways to Cut Corners on Your Next Paint Job: continued on page 4.

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PAINTING: Ways to Cut Corners on Your Next Paint Job: continued from page 3.

will be printed on the paint can, so read it!

3. Because insurance rates like Workman's Comp, General Liability and Auto keep going up up & away here in California, a new harmful trend has been emerging. Some painting contractors have been sub-contracting out parts or all of the work they have agreed to perform for you. Make no mistake, painting contractors are not allowed to sub-contract out any part of your agreement with them. They sometimes hire independent contractors to perform the work to your property because it saves them from paying these high insurance costs. The problem for you the homeowner, is that you are now liable for any injury or damage. Unless you want to take on this added liability and potential cost, which I know you don't, make sure the crew members working on your property are actual W-2 employees of the company. Ask your contractor to state this in writing and double check by asking the crew when they arrive.

4. Another problematic trend we have been seeing, when we go on job walks to repaint a property, is the

emergence of general contractors (GC's) bidding on painting projects. Per the State of California, the only time a GC is allowed to contract for a painting project with you is when your project requires the following:

a: Carpentry (Wood Replacement). Plus 2 other unrelated trades like...

b: Painting

c: Any other unrelated trade like plumbing, electrical, roofing, etc.

And if those 3 requirements exist, the only trade that a general contractor can perform is the carpentry. He cannot have his employees perform painting or any other trade, unless he also holds a specialty license like a C-33 for painting or the required license for any other trade. A GC must sub-contract out to another licensed contractor for any of the other trades that need to be performed. A GC is the only one that can sub-contract any work that he is not allowed to perform.

The above 4 are very bad ways to cut corners on your next painting job and could potentially cost you a lot of money.

Greg Lewis is President of Ferris Painting, Inc. ❖

Insurance Coverage: Building Ordinance or Law

By: Patrick Prendiville, CIRMS, Prendiville Insurance Agency

Imagine that your 2005 Cadillac was stolen. Would you expect your insurance company to replace your car with all the latest safety components? How about the latest navigation and sound system? If you're like most people, you probably understand that if you lose a 2005 vehicle, you are probably going to be compensated for the value of something comparable without all the latest and greatest gadgets. But, what if by Law, you were required to add all of those upgraded components? As farfetched as this sounds, that's exactly the dilemma an association could be facing after losing a building to a fire. Because of this, the insurance industry offers a coverage called Building Ordinance

or Law. It works something like this:

Let's say for example you have a two-story condominium that was built in 1980. This building has no elevator, no fire sprinklers, and no upgrades of any kind. On the ground floor is one unit, and on the upper floor is a separate unit. Now let's say that if you had to rebuild that exact building today it would cost \$100,000. For insurance purposes you would get \$100,000 of property coverage and you'd be all set. Pretty simple, right?

Well keep in mind that the primary function of an insurance policy is to replace what was damaged, but not necessarily leave you better off. This concept

Insurance Coverage: Building Ordinance or Law: continued on page 7.

Board Financial Oversight

Financial issues rank as one of the highest concerns people have in life and in their HOA's.

Board members attitudes toward the association finances often mirror their view of their personal finances. This may not be the right approach since making decisions for yourself requires no accountability to others whereas acting as a fiduciary board member of an HOA requires responsible financial oversight and accountability.

Responsible oversight of the association's finances involves several important, and simple, on-going tasks. The learning curve on these items is simple and the Treasurer is the board member responsible for keeping the board on task. The goal is to protect the association's funds and establish proper controls so that no one takes advantage of the association. There have been situations in which boards have lost money for their association, either by simply not doing their job, or ignorance of how money can disappear.

What kind of controls and safeguards should boards adopt in their association? What are the requirements and expectations of the Treasurer?

There are a few key things that should be done, and again, they are not complicated. Anyone can learn these steps in a very short time frame.

There are three types of controls that every HOA should adopt to provide for maximum protection of their funds.

1) Approval of payable items. It is important that all expenditures be reviewed by the Treasurer. In some cases, it may be best to have two board members review expenses. Why? Honest mistakes can occur and you may be charged for a bill that isn't yours. Occasionally vendors mix up similar names of associations and it is better to resolve these kind of mistakes before, rather than after a bill is paid.

You may think that this could add a burden of time to the affected board members. Actually, now it is possible to approve your invoices

via a phone app where you can view the actual invoice. No, don't do that while you are on the freeway, unless you are the passenger, but certainly you can while waiting for a meeting to start. If you can't access this type of technology, you can always co-sign a check, but this process takes longer and more costly.

2) Financial reports - every month, but no less than quarterly, the Treasurer should review the financial reports of the association. There are a couple of key reports to focus on.

a) The budget comparison report - this great report compares your current expenses and income to the budget for the year. It is important for the board to know if there is a category of expense that is over budget, or very close to being over budget. Reviewing this report will help keep you on track with your budget. You really want to avoid running out of money part way through the year. Yes... you can borrow from reserves but doing so can create other challenges.

b) The other important report is the "aging receivable" report. The purpose of this report is to determine if any owners are behind in their payments and how much. You should not let an owner go past 90 days without any payment. The board has options that must be exerted in order to send the message to owners that delinquent assessments are taken seriously. We addressed the two options in assessment collections in our November 2016 newsletter. This newsletter can be accessed at <http://www.bevenandbrock.com/resource-library/>

3) Finally, in addition to reviewing the financial statements, it is very important to make sure that you see the bank statement and the related reconciliation. This is how you know that your statements agree with the bank statement. If not, then you need to understand why. This is a way for those with access to your account to take money from your account and hide it. The law recommends that this be done at least quarterly, but more frequent is preferable. ❖



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voice does matter, and you can participate in a couple of important ways. At the end of this article, you can find links to how to support the organization that is looking out for your interests, how to find and contact your legislator, and how to learn more about the pending legislation on the state's website.

New Tax Credit for HOA owners

AB 731 (Chen) would provide for a tax credit for qualified homeowners' association assessments. The current amount under discussion is \$1,500.00 per year for individuals with a gross tax income of \$150,000.00 or less. This original tax credit amount has been reduced down in negotiation from \$5000.00, however this is a good start.

Off-site Owner Mailing Correction

A new law last year (SB918) created an obligation of associations to send to each owner every year a request for certain information. The major problem of this law mandated that if an off-site owner did not respond, that the mailing address for the unit had to revert to the site address of the unit. This has created a major problem, since it has come to mean that off-site owners, who don't respond will **not** receive important association mail. Now AB 1412 (Choi) will correct this problem by eliminating the address reversion if there is no response.

Uncontested Elections

AB 1426 (Irwin) authorizes a homeowners association to declare an election of directors "uncontested" when the number of candidates for election does not exceed the number of directors to be elected. This is the reintroduction of AB 1799 (Mayes) from last year that failed to pass out of the Senate Judiciary Committee due to opposition by the Center for California Homeowner Association Law and others. This group has already registered opposition to AB 1426. Those who know the value of this bill and what it would mean in savings to your Association are encouraged to contact Assembly

Member Irwin's office by phone, letter or email to express your support.

Solar Energy Systems

The existing law prohibits any restriction in an HOA from the installation of a solar energy system. In the majority of Common interest developments, the roofs are common area. AB634 would allow for owners to utilize the common area roof for their own solar energy system. Yes, you should be concerned.

There are some safeguards for the Association, however, members of the California Legislative Action Committee have been busy lobbying legislators. As a result, this bill would permit an association to impose reasonable provisions that require an applicant to notify each owner of a unit in the building on which a solar installation will be located of the application to install a solar energy system.

The bill would specify that an association may not establish any policy that prohibits the installation or use of a rooftop solar energy system for household purposes on the roof of the building in which the owner resides and also may not require approval by a vote of members owning separate interests in the common interest development in those circumstances.

Fortunately for the Association, they may impose reasonable provisions that:

(1) Restrict the installation of solar energy systems in common areas to those systems approved by the association.

(2) Require the owner of a separate interest to obtain the approval of the association for the installation of a solar energy system in a separate interest owned by another.

(3) Provide for the maintenance, repair, or replacement of roofs or other building components.

(4) Require installers of solar energy systems to indemnify or reimburse the association or its members for loss or damage caused by the installation, maintenance, or use of the solar energy system.

Watch this bill, as it could create some new challenges for HOA boards.

Deck and Balconies Inspections

SB 721 would require a property owner (association) to conduct an inspection of decks, balconies, and elevated walkways more than 6 feet above ground level in a building containing 3 or more multifamily units by utilizing a person licensed to perform these inspections by the Department of Consumer Affairs. The bill would require the inspections and any necessary repairs to be completed by January 1, 2021, with certain exceptions, and would require subsequent inspections every 5 years, except as specified. The bill would require a copy of the inspection report to be filed with the county recorder and made available, as specified.

> **Get involved, here is the website for the best organization that represents your interests as a condominium owner in California:**
<http://www.caiclac.com/ResourceCenter/16678/Welcome-to-the-CAI-California-Legislative-Action-Committee>

> **Find your representatives:**
<https://www.votervoice.net/CAICLAC/Address>

> **Donate to the California Legislative Action Committee (CLAC):**
<http://www.caiclac.com/page/16678-654704/12-Reasons-Why-You-Should-Donate-to-CLAC>

Look up current bill information:
<http://leginfo.legislature.ca.gov>

Once on the page, type in the bill number. It should bring you to a page with information relative to that bill. To check the current status, click the "Status" tab at the top of the page. You can also review the bill's history and analysis, which will give you information on the changes that were made to the bill and the reason for those changes.



Insurance Coverage: Building Ordinance or Law: continued from page 4.

rings true even if an older, out-of-code building is damaged. So in our example, the insurance policy is going to put you back the way you were before the fire—with no elevator, no fire sprinklers, and no upgrades of any kind. Okay. So what's the problem?

Well, the problem is that most cities require that if a certain percentage of a building is



damaged, the entire structure must be brought up to current building codes. This could create expensive structural upgrades to comply with new laws, energy standards, earthquake safety or fire-code upgrades such as hard-wired-smoke detectors and sprinklers systems as well as disability improvements like wheelchair ramps and elevators. For buildings over fifteen years old, the code changes are likely to be substantial and since Building Code Upgrades or Law are excluded on most insurance policies, you would have a problem.

But luckily, you're reading this now and you can go to your insurance agent and ask him about "Building Ordinance or Law"

Being A Good Neighbor Is A Choice: continued from page 2.

your part to be a neighbor. It will take some courage on your part. It will take some thinking about what I would like to have happened to me if a neighbor extended kindness and generosity to me. Being a neighbor is a choice. It's my choice.

National Good Neighbor Day was created in the early 1970s by Becky Mattson of Lakeside, Montana. In 1978, United States President Jimmy Carter issued Proclamation 4601:

"As our Nation struggles to build friendship among the peoples of

coverage. Ordinance or Law is an additional type of insurance coverage not always required by a community association's governing documents. Building Ordinance or Law is specifically designed to protect against increased repair costs created by building codes or ordinances. This coverage is broken into three common sense components:

Coverage A—Loss to the Undamaged Portion of the Building.

Using our example, let's say the downstairs unit is destroyed by fire, but the upstairs unit is fine. The people still live there and everything is okay. Well the law may require that "a partially damaged building" be demolished. This "Coverage A" states that if such ordinance is enforced, the insurance policy will treat the claim as a "total loss" even though the building was only partially damaged. "Coverage A" makes it so that the entire building is rebuilt.

Coverage B—Increased Demolition Cost.

This will pay the increased cost to demolish the upstairs unit, even though it appears to be fine, as required by ordinance or law. This can be quite costly for multi level buildings.

Coverage C—Increased Cost of Construction.

This will pay for upgrades required by the current ordinance and law, such as an elevator, fire sprinklers, or electrical upgrades.

So, now that you understand the basics of Building Ordinance or Law

coverage, you'll also see how the older the building is, the greater the exposure for loss due to changes in local building ordinance or law. If you live in an older association, you may want to look at your insurance policy and verify that you have this coverage, but be mindful—some insurance companies do include a minimal amount of Ordinance or Law coverage on their policies. Unfortunately, that small amount may not be enough. Also, often times you'll see an insurance proposal simply listing "Building Ordinance" as included, but with no stated values. Make sure that you know the stated limits you are purchasing.

Therefore, it is important for an association to evaluate what amount of Ordinance or Law coverage is appropriate, and discuss this with a homeowners association insurance specialist.

Patrick Prendiville of Prendiville Insurance Agency is truly an HOA Insurance Specialist. He has joined a select group of professionals who have earned the Community Insurance and Risk Management Specialist (CIRMS) designation. Prendiville is one of only 14 agents in the state of California to achieve this. Patrick Prendiville can be reached at 949-487-9696 or at Patrick@PrendivilleAgency.com. ❖

this world, we are mindful that the noblest human concern is concern for others. Understanding, love and respect build cohesive families and communities. The same bonds cement our Nation and the nations of the world. For most of us, this sense of community is nurtured and expressed in our neighborhoods where we give each other an opportunity to share and feel part of a larger family...I call upon the people of the United States and interested groups and organizations to observe such day with appropriate ceremonies and activities.❖


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BEVEN & BROCK NEWS & VIEWS for Homeowner Associations

HOA BOARD MEMBER EDUCATION

Education for volunteer HOA Board members is essential for success as board members. Due to the ever-increasing complex and changing nature of the laws and regulations that impact common-interest-developments staying on top of these changes greatly increases a board's member ability to succeed in their role, and operate in confidence. There are several ways for board members to be educated, and Beven & Brock offers two free ways. The only cost is time in attending these free events, which are offered in East Pasadena. Upcoming events:

October 3, 2017: 6:30 to 9:30 PM Basic Board Education Course

Three hour training course for HOA current and prospective Board members. A course syllabus and Certificate of Completion is provided. This class is taught by Kelly Richardson, Esq. of Richardson Harman Ober, PC, and is co-sponsored with the Community Associations Institute. Seating is limited, and reservations may be made by emailing: BoardTraining@bevenandbrock.com. Priority is given to current Beven & Brock managed associations. This course will be offered next in early 2018.

October 5, 2017: 6:30 to 8:30 PM "Tight Budgets, Tough Choices"

This event will feature two highly respected leaders in the HOA industry: Robert Nordlund, PE, RS, and Adrian Adams, Esq. of "Davis Stirling.com" in a discussion about making tough budget choices when money is tight. Reservations can be made at HOASeminars@bevenandbrock.com.



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