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NEWS & VIEWS

for Homeowner Associations

July 2026

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Issue No. 130

Pending Legislation- Your Involvement is Needed!

By Brian D. Moreno, Esq.

Here we are again. The California Legislature is attempting to further restrict community association



powers to manage and spend. In February 2026, Senator Caroline Menjivar introduced Senate Bill 1007 as an attempt to prevent an association board of directors from (among other things) increasing regular HOA assessments except, only, by the rate of inflation. The proposed bill is being opposed, for good reason.

At present, a community association board may increase regular monthly assessments by as much as 20% without membership approval, based on a number of different factors. The board must go through a thoughtful and extensive budgeting process that is discussed and approved at open board meetings. Such power is necessary, especially given the rising costs of insurance premiums, water, electricity, maintenance costs, code compliance, etc. Volunteer directors are expected to develop a budget that includes costs sufficient to operate a community oftentimes with deferred maintenance, rising

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HOA Homefront – Does Your HOA Have “Nonfunctional Turf”?

By Kelly G. Richardson, Esq. CCAL

In 2029, a new law will ban watering of “nonfunctional turf” with potable water. What is “nonfunctional turf,” and must your HOA prepare to remove it?

In 2023 the Legislature passed Assembly Bill 1572 and created Water Code Section 10608.14, applicable to properties including common interest developments. This new statute requires various property owners, including HOAs, to either remove “nonfunctional turf” or begin irrigating it with reclaimed water. HOAs must comply before 2029. Since most HOAs do not have reclaimed water readily available to them without great expense, many HOAs are erroneously assuming they must remove grass areas not regularly used by residents.

However, a careful review of the statutes and connected regulations reveals that probably very few if any California common interest developments will be affected by this law.

What is “Turf”? Under the regulations, “Turf” means a “ground cover surface of mowed grass.” (Title 23 California Code of Regulations Section 491(zzz)). Therefore, grass which is not mowed is not “turf.” So, which mowed grass areas would be considered “nonfunctional turf” under the statute?

What is “Nonfunctional Turf”? “Nonfunctional turf” is defined by Water Code Section 10608.12(u) as “turf that is not functional turf.” OK, that doesn’t seem terribly helpful, but let’s next look at what is “functional turf.”

What is “Functional Turf”?

“Functional turf” is defined by Water Code Section 10608.12(m) as “a ground cover surface of turf located in a recreational use area or community space. Turf enclosed by fencing or other barriers to permanently preclude human access for recreation or assembly is not functional turf.” This means that the triggering issue which causes an area of turf to be classified as “nonfunctional turf” is that the mowed grass area is inaccessible to resident walking, sitting, or otherwise enjoying the location.

HOAs must achieve compliance with this new law and cease use of potable water on nonfunctional turf by January 1, 2029. (Water Code Section 10608.14(a)(4)). However, under the aforementioned definitions, only mowed grass areas which are enclosed and inaccessible to residents appear to be “nonfunctional turf.” Therefore, most HOAs probably will not be affected, since they have little or no “nonfunctional turf”. Any HOAs which have purely decorative mowed grass common areas inaccessible to residents should plan on either supplying those areas with reclaimed water or removing mowed turf from such inaccessible locations before 2029.

One problematic issue of this

*"HOA Homefront – Does Your HOA...":
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Making Good Decisions About Vendor Insurance

By David Brock, PCAM

Common-interest developments are required to obtain and maintain insurance policies that protect the interests of the association and its members. The law requires certain policies, including commercial general liability coverage, property insurance for fire and other perils, Directors and Officers (D&O) coverage, and fidelity insurance to protect association funds. There are also additional coverages that, while not legally required, are strongly recommended, such as Workers' Compensation and earthquake insurance. It is always advisable for associations to work with an experienced and knowledgeable insurance agent who is familiar with the unique risks associated with common-interest developments.

"Vendor selection for any work you require should be more than just about the cost of the job itself."

However, another important area of insurance that is often overlooked but deserves careful attention is insurance for all of the vendors who work on your property. Every association relies on vendors to perform work on their property. These vendors may include licensed contractors or unlicensed maintenance personnel handling smaller tasks such as changing light bulbs or performing minor repairs. Any vendor providing services on association property should carry proper insurance coverage. Otherwise, the association may be exposed to liability in the event of injury, death or damage caused by faulty workmanship or unsafe practices.

This can present a challenge for many boards, as vendor selection often comes down to cost. Always making sure that the vendors you hire are properly insured helps to transfer risk to the vendor. However, this will likely mean that

the vendors with insurance will charge more than uninsured vendors, or under-insured vendors.

In the writing of this article, we consulted with an insurance agent who specializes in obtaining policies for service vendors. In the conversation, we focused on the critical insurance coverages, and how there are different recommendations based on the size of the job, and if the contractor is licensed or not.

It is strongly recommended that every vendor carry the following coverages:

- 1. General Liability Insurance:** Minimum limits of \$1 million per occurrence, with \$2-3 million aggregate coverage for larger associations.
- 2. Workers' Compensation Insurance:** Required if the vendor has employees, day laborers, or even unpaid family members assisting with the work.
- 3. No Multi-Family or Multi-Unit Exclusion:** Some vendor policies exclude work performed on multi-family properties. Associations should verify that no such exclusion exists. This information is typically found on the endorsements page of the policy. A vendor who proposes to work for a condominium association and who has this exclusion is effectively uninsured. Policies without this exclusion are more expensive because the risk of a loss is much greater and the losses can be more expensive. Vendors will be required to pay more for this policy than for a policy to work only on a single-family home.
- 4. Commercial Auto Insurance:** Necessary in case the vendor's



"Making Good Decisions About..." continued on page 5.

Reserve Funding – It’s Not About the Future

By Robert M. Nordlund, PE, RS



One of the biggest misconceptions about Reserve Studies and Reserve Funding is that they are primarily about “preparing for the future.”

While identifying and planning for future repair and replacement projects are essential, the real purpose of Reserve Funding is much more immediate and practical: ensuring that current owners are paying their share of ongoing, day-to-day, current deterioration.

This distinction matters because many owners view Reserve funding as “savings” for a future project that will never benefit them personally. In reality, Reserve Funding is simply paying for the gradual wear and tear occurring while owners are actively using the association’s common-area assets. When everyone pays their fair share, the future takes care of itself.

Roofs age. Asphalt dries and cracks. Paint fades. Elevators wear. Pool equipment deteriorates. Even though the actual cash expenditure may occur years later, the deterioration itself is happening continuously and predictably in plain sight.

A Reserve Study helps quantify this ongoing deterioration. It identifies the association’s major common-area components, estimates their useful lives and replacement costs, and calculates an equitable funding plan so the cost burden of this ongoing deterioration is distributed fairly among the owners.

Reserve Funding Is About Fairness

Reserve Funding is not charity for future owners. The ongoing cost of deterioration is as real as any utility bill or operating expense. Just because the roof, asphalt, or carpet doesn’t send a monthly bill

doesn’t mean their useful life isn’t being “consumed”. The owners currently enjoying the use of the assets should pay for the portion they use during their ownership period.

When Reserves are consistently funded, each owner pays their proportional share of asset deterioration. Future owners then inherit partly deteriorated assets and a Reserve Fund properly sized for that amount of deterioration.

When associations underfund Reserves, they effectively shift today’s costs onto future owners.

That often leads to deferred maintenance, special assessments, reduced property values, owner dissatisfaction, and unnecessary financial stress and a disproportionate financial burden on future owners.

Reserve Studies Provide Financial Stability

A professionally prepared Reserve Study gives association leadership a long-term financial roadmap, providing continuity over the years as different board members come and go. A Reserve Study helps boards make objective and informed budget decisions, rather than submitting to short-term financial or political pressure. Wishful thinking is not a successful financial strategy. Your major components don’t sympathize with boards who feel they “don’t have enough” money to properly fund Reserves. These components continue to deteriorate at the same, steady, unyielding pace. Mother Nature and Father Time are relentless. This is why funding in line with ongoing deterioration is so important, and ensures each owner pays their fair share of the “true cost of ownership”.

*“Reserve Funding – It’s Not About...”:
continued on page 7.*

HOLD THE DATE:

Upcoming HOA Legal seminar
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Matt Ober, Esq.

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"Pending Legislation - Your...": continued from page 1.

insurance premiums, and other rising costs. In addition, the Legislature continues to impose new laws and restrictions on community associations - such new laws increase the operating and management costs of an association. Moreover, owners continue to demand compliance with these laws and seek damages, fines, and attorney fees against associations that are alleged to have violated such laws. Operating an association in California has become increasingly expensive. Thus, SB 1007 makes little sense - it would make matters worse for community associations.

The logic of the proposed bill is flawed. Limiting a board's ability to increase assessments does not eliminate the expenses and obligations of the association. The money has to come from somewhere. Indeed, the Davis-Stirling Act, the way it is currently written, provides boards with the ability to impose a 20% increase and 5% special assessment notwithstanding limitations that

may exist in the CC&Rs. The current law recognizes the importance of a board's ability to increase assessments as necessary to properly operate an association, including compliance with such laws as the balcony bill (SB 326), compliance with insurance requirements, compliance with the financial requirements found in Civil Code sections 5300, et seq., etc. Limiting a board's ability to increase assessments will cripple an association's capability to meet its obligations leading to faulty building components not being repaired, exposure to liability from said repair issues and code noncompliance, under insured communities, and in some cases, unsafe communities. How can the Legislature expect associations to pay for such things as balcony inspections/repairs and astronomical insurance premiums where regular assessment increases are limited to the rate of inflation? The Legislature needs to put a little more thought into SB 1007.

SB 1007 does not help with housing affordability. If anything, it does the opposite. It prevents associations from operating the community, further deferring expenses and exposing associations to a host of liabilities for noncompliance and deferred maintenance/repair issues. The proposed law will force associations to impose emergency special assessments that reflect much higher costs than if boards were permitted to increase assessments slowly and in much more measured and calculated steps along the way.

Indeed, oftentimes owners vote with their pocketbooks or don't vote at all, resulting in significant apathy. The Legislature was obviously aware of the fact that associations experience apathy, as the new law allowing for reduced quorum was enacted (Civil Code section 5115(b) (5)); yet, if the association is unable to achieve membership approval under SB 1007, the board will be forced to wait for the circumstances to become an emergency so as to qualify for an emergency special assessment.

As expressed above, these are just a few examples of the problems SB 1007 will cause for community associations. SB 1007 is really the last thing associations need given

the increasing costs associated with operating community associations. Many are hopeful that SB 1007 will be defeated or amended with common sense changes so that associations can continue to operate responsibly. If anything, board members that volunteer their time for their communities should be permitted to increase assessments up to the 20% current threshold, given the current safeguards and procedural requirements.

The Brian D. Moreno Law Corporation APC is a full-service community association and real estate law firm serving all areas of California. Mr. Moreno can be reached at (888) 578-9673 or at bdm@moreno.law.

Updated information: The Senate voted on May 27, 2026 in favor of passage of SB1007, by 24-13 with an important amendment. The bill has been changed from limited increases to the rate of inflation to an 8% maximum increase without a member vote. This is a reduction from the current 20% to 8%. The Assembly will now take this bill up, it's time to contact your Assemblyperson.

If you have never communicated your concerns about pending legislation to your legislators in Sacramento before this is a good time to begin. Your Assemblyperson and Senator should know how this bill, or any bill, would impact you.

Here is how to find out who your Assemblymember and State Senator are: <https://findyourrep.legislature.ca.gov/>. If you don't like the laws that are under consideration, communicate that to your legislators.

Also, there is an organization that is lobbying for your interests in the State Capitol. The California Legislative Action Committee (CLAC) at <https://caiclac.com> has a lobbyist working every day to fight for us. On their site, you can find out about current "hot" bills and you can also make a donation. They would like just "a buck a door" once a year. That isn't much to help save your HOA from increased government oversight. ❖

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*"Making Good Decisions About...":
continued from page 2.*

vehicle causes property damage or bodily injury while on association property. Coverage limits are typically \$1 million.

5. Waiver of Subrogation:

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6. Excess or Umbrella Liability Coverage:

Provides additional coverage above the limits of the vendor's general liability and commercial auto policies.

7. Additional Insured Endorsement:

Ideally, both the HOA and the management company should be named as "additional insured." "Additional insured" protection means that in the event there is a claim or loss, then the association can make a claim directly to the insurance company. If there is no additional insured endorsement a claim would need to be made directly to the vendor with the result being legal action if necessary.

To obtain the additional insured endorsement, there needs to be a contract that requires this endorsement. Many HOA's work with vendors where there is no contract, such as small repairs that cost \$1000.00 or less. Major work, such as roofing, major plumbing, tree trimming and similar should always have a written contract which contains a requirement for the association and management to be additionally insured.

If there is no contract, then the association could ask the vendor to obtain a "broad form endorsement" but it will cost as much as \$300.00 per year.

HOA boards will need to decide what level of risk they are willing to accept with their vendors. It is always best to work with vendors you have previously worked with or come highly

recommended.

If the vendor is a licensed contractor, they should also provide evidence of the following additional coverages:

1. Completed Operations and Ongoing Operations Coverage: Protects against claims arising from both active and completed work.

2. Primary and Non-Contributory Endorsement: Requires the vendor's insurance policy to respond first in the event of a covered claim, but only if the vendor is determined to be liable.

Association boards are free to work with any vendor they choose.

"When a vendor is not adequately insured, the association assumes significant risk."

In effect, the association may end up bearing responsibility for injuries, property damage, or defective workmanship that causes further damage.

On major contracts, it is advisable to have your legal counsel review all contracts prior to signing, not only for insurance issues, but also for other terms that may be of concern to the association.

It is also highly recommended that common interest developments purchase a Workers' Compensation policy as part of their own insurance package, even if the association has no employees. An association having their own Workers' Comp policy will serve as backup in case a vendor let's their policy lapse and you don't become aware of it. It will also cover a board member who may get injured while performing board service.

Finally, in addition to working with an insurance professional who understands HOA-related issues, boards should meet with their insurance agent annually to review their existing policies, confirm that coverage limits remain adequate, and ensure the association continues to be properly protected.❖

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- TOPICS:**
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 - TURF REPLACEMENT (AB1572)
 - WATER INTRUSION ISSUES; WHO IS RESPONSIBLE?
 - INSURANCE - ADDRESSING CHALLENGES WITH CLAIMS
 - OWNER/OWNER DISPUTES - SHOULD THE BOARD GET INVOLVED?
 - PENDING 2027 LEGISLATION
 - QUESTIONS AND ANSWERS

FEATURED SPEAKERS:



MATT OBER, RICHARDSON OBER

MATT D. OBER, Esq., CCAL is a partner of RichardsonOber LLP where his practice is dedicated to the exclusive representation of community associations throughout California. Matt has served as counsel to community associations for over three decades and has made significant contributions to the community association industry through both the Community Associations Institute (CAI) and the California Association of Community Managers (CACM). Mr. Ober is the current President of the Community Associations Institute. www.roattorneys.com/about-us-matt-d-ober

BRIAN MORENO, MORENO LAW

Brian D. Moreno, Esq., CCAL is an experienced litigator, community association attorney, and real estate professional having practiced in all areas since 2003. Brian has represented and provided legal counsel to the boards and managing agents for California condominium and planned developments, as well as stock cooperatives, qualified vacation ownership resorts, and mobile home communities in connection with matters pertaining to common interest development, real estate, collection, and corporate law. www.moreno.law/about/



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*"HOA Homefront - Does Your HOA...":
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new law is Water Code Section 10608(e)(2), which requires HOAs with over 5,000 square feet (.11 acre) of irrigated common area (not only turf) to certify compliance to the State Water Board every three years. Thousands of HOAs have that much irrigated common area and will have to certify compliance, which seems silly since nonfunctional turf is not likely to reappear in HOAs. The first certification is due on June 30, 2031, but the Water Resources Control Board has not yet provided

a method to provide this self-certification. If your HOA has more than 5,000 square feet of irrigated common area landscaping, the reporting deadline of June 30, 2031 should be calendared to avoid late filing. By then hopefully someone will realize the futility of requiring this repeated certification and the requirement will be eliminated.

Find more information on the state's website www.nonfunctionalturfca.org and California statutes at the official website www.leginfo.legislature.ca.gov.

*"Reserve Funding - It's Not About...":
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When funded responsibly, special assessments will occur only due to true emergencies, not because of predictable deterioration (in plain sight!) that was ignored for years.

While associations funding Reserves will have higher ongoing assessments, the result is a higher level of maintenance, an absence of costly deferred maintenance repair projects, higher standard of care throughout the association, a greater pride of ownership, greater financial stability, and higher property values. Our 2017 study (Association Reserves, ReserveStudy.com) found that well-funded condo associations enjoy 12.6% higher home values (on a \$/Sq Ft basis) than significantly underfunded associations. Subsequent market observations continue to support this finding, which goes to show that buyers can truly see the difference. Compare these higher home values to a few more \$/month in Reserve funding, and you'll see that Reserve Funding

is one of the wisest investments you can make!

The Bottom Line

Reserve Studies and Reserve Funding are not solely about the future. Reserve funding is not charity for future owners, it's simply a usage fee for ongoing deterioration. Set your association up for success, and create a stronger, more financially stable community in the process by making appropriately sized Reserve transfers that pay your "deterioration bill" on an ongoing basis. Deterioration is real. Don't kick the can down the road, and don't leave that burden on the next owner. Fund your Reserves!

Robert Nordlund is the Founder of Association Reserves, Inc. which is a national leader in the reserve study industry. Mr. Nordlund can be reached at rnordlund@reservestudy.com. The web-site is a great resource as well: www.ReserveStudy.com. ❖

www.leginfo.legislature.ca.gov.

Kelly G. Richardson, Esq. is a Fellow of the College of Community Association Lawyers and Partner of Richardson Ober LLP, a California law firm known for community association advice. Submit column questions to kelly@roattorneys.com. Past columns at www.HOAHomefront.com. All rights reserved®. ❖

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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 training for board members.

UPCOMING DATES:

October 22, 2026 (See Page 6)

HOA Legal Seminar, Pasadena.

Registration available as of July 1, 2026.

A RESOURCE AVAILABLE FOR HOA BOARDS!

Beven & Brock is pleased to announce the availability of a resource for Homeowner Association Boards to find information on topics of interest as needed on demand. Over 135 articles have been taken from prior newsletters and gathered in one place, located at www.bevenandbrock.com/topical-article-library/. The topics are organized into categories, such as Legal, Meetings, Board, Reserves, Insurance, Community, Elections, Maintenance, Management and other subjects.

This area of the website requires a simple one-time registration, and once that is completed, you can freely access a number of articles on a variety of topics that have appeared in *HOA News and Views* over the past eight years. This resource will help HOA Board members to become educated in an easy and accessible way. The goal is to help boards make well-informed decisions in a variety of challenges that they may encounter.

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