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NEWS & VIEWS

for Homeowner Associations

October 2026

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Issue No. 131

Fannie Mae And Freddie Mac Higher Minimum Reserve Funding Standards – What Does It Mean For Our Association?

By Robert Nordlund

Many people are concerned that the new Fannie Mae and Freddie Mac requirements, effective March 18, 2026, will make condo living more expensive because associations beginning in 2027 must fund Reserves at a minimum of 15% of the total budget instead of 10%.



Others have asked whether these changes will fundamentally affect how Reserve Studies are prepared, since Fannie and Freddie will ignore “Baseline” Funding Plans (and other lower-Funding Plan options).

The short answer to both questions is: **No.**

Most condominium associations already need to fund Reserves at approximately 15-45% of their total budget, with most near 25%, to properly maintain the property and avoid special assessments. Associations funding only 10% are typically underfunded and face a high risk of future special

“Fannie Mae And Freddie Mac...”: continued on page 6.

Why I Serve On The Board And Why I Will Continue

By Soren Baker



This was not the plan.

When I purchased my new condo, I noticed that the HOA had a robust reserve account. I was

relieved.

Having lived in a condo building whose HOA habitually carried the bare minimum balance in order to operate, I was used to what felt like a seemingly ceaseless string of special assessments and emergency special assessments. With this newfound financial reality, I was planning to attend HOA meetings whenever they coincided with my schedule, but nothing more. I had no intention of serving on the Board.

A few months after moving in, I attended a meeting at my new home. As a longtime homeowner, I knew that the older the building (ours was built in 1981), the more attention was needed to stay ahead of repairs and to maintain the quality of life of the residents, and, perhaps most importantly, the value of our property. The meeting went well, but I did not get the type of straightforward answers regarding building upkeep that I was seeking. Furthermore, multiple Board members appeared disengaged in general and uninterested in working to improve the building specifically.

As had been the case with the first property I owned, I was surprised that so many homeowners, residents, and even Board members at my new condo were largely apathetic regarding

issues germane to the building.

Thankfully, it only took that initial HOA meeting for multiple Board members to see that I was passionate about homeowner issues. They also got the sense that I was serious about sustaining and hopefully improving the standard of living at my new home. After that first meeting, two Board members asked if I would be interested in joining the Board. I had served as president at my first property and knew that the best way to get things done was to be a Board member.

It had only taken a few months of residence and one HOA meeting for me to join the Board. Just like that, I was back in.

Interestingly enough, the Board was operating without much of a structure. Within a few months, I was named President of our Board and was able to recruit homeowners who wanted to be actively involved in the building to join the Board, too.

That was the positive side of the equation. I soon discovered one Board member initiated litigation against a homeowner that appeared to be more spiteful than merited. There was no progress being made on either side, but it appeared as though the Board member – who I noticed tended to ramble and not stick to the matter at hand – was simply talking to the HOA’s attorney without any seeming benefit to the HOA. Regardless, the HOA was paying an exorbitant amount of money (in the low five figures) for the Board member simply to talk to the attorney retained for the matter.

“Why I Serve On The Board...”: continued on page 6.

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- TOPICS:**
- FINE CAP OF \$100. (AB130)
 - 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 Richardson|Ober 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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Workers' Compensation For HOAs

The employee you never knew you hired

By Ryan Gesell, CIRMS, CMCA

THE SHORT VERSION: An HOA does not need employees to have a workers' compensation problem. One uninsured or improperly licensed vendor—and one serious injury—can turn a routine repair into a very expensive lesson.

Replacing rain gutters is not normally the sort of project that keeps a board awake at night. The board gets a few bids, discusses price and timing, and moves on to something more controversial—usually guest parking.

That is how the story began at Montana Villas, a 24-unit condominium association in Brentwood. Its manager arranged for a contractor to install rain gutters for \$1,050. On the worker's first day, an unsecured metal gutter contacted a high-voltage line. His injuries were catastrophic, and he was later found to have sustained 90% permanent disability.

Then came the facts nobody wanted to discover after the accident: the contractor was unlicensed and had no workers' compensation insurance. California law did not simply shrug and say, "Well, that's unfortunate." It went looking for an employer.

The case that still matters

In *Heiman v. Workers' Compensation Appeals Board* (2007) 149 Cal.App.4th 724, the court concluded that the property manager and the unlicensed contractor were dual employers and jointly responsible for workers' compensation benefits. The HOA escaped that finding under the specific facts, but associations are not generally immune. Change who hires the vendor, signs the agreement or directs the work, and the result may change as well.

California Labor Code section 2750.5 creates a rebuttable presumption that a person performing work requiring a contractor's license is an employee rather than an independent contractor. Calling someone an "independent contractor" does not make it so. Neither does issuing a 1099 or writing the word contractor

on an invoice in an especially convincing font.

But we don't have employees

That is the most common response from boards—and it misses the point. The exposure often comes from the employee the association never intended to hire: the handyman paid directly for a repair, the day laborer sent by an uninsured vendor, or the contractor whom a board member supervises a little too closely.

Workers' compensation is generally a no-fault system. It pays statutory benefits for job-related injuries and, in most cases, gives an insured employer protection from a separate civil lawsuit. If the employer failed to secure required coverage, however, the injured worker may sue for damages. The state's Uninsured Employers Benefits Trust Fund may pay awarded benefits, but it then pursues reimbursement from the responsible employer. It is a safety net for the worker—not free insurance for the HOA.

Why the other policies may not save the day

General liability policies commonly exclude obligations imposed by workers' compensation law and contain employer's-liability exclusions. D&O policies also frequently restrict claims involving bodily injury, although the wording varies. Likewise, the management company's workers' compensation policy does not automatically protect every association it manages. The right answer comes from the actual policies; the safe answer is to carry coverage designed for the exposure.

Five habits that prevent a bad day

Verify the contractor's license through the Contractors State License Board. Confirm that it is active, belongs to the business being hired and covers the work being performed.

Verify workers' compensation coverage before work begins. A license marked "exempt" is not proof of insurance. Ask who

"Workers' Compensation for HOAs..."
continued on page 5.

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Upcoming HOA Legal seminar
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Matt Ober, Esq.

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Are You Ready for Rain? An Early Guide to El Niño Preparation

By Dave Brock, PCAM



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A strong El Niño pattern is brewing in the Pacific Ocean and is expected to bring significant changes to Southern California's winter weather. The NOAA Climate Prediction Center notes that this climate pattern increases the likelihood of above-average winter rainfall and severe storm activity across the region.

While El Niño typically brings wetter conditions to the southern United States, local meteorologists emphasize that exact impacts remain highly variable. Past historic El Niño events have ranged from delivering torrential rain and devastating floods to triggering unexpected dry spells. However, enhanced atmospheric jet streams frequently steer intense storm systems and atmospheric rivers toward Southern California, raising the risk of heavy flooding and mudslides.

Preparing for forecasted heavy rainfall requires a proactive strategy. Taking these steps early will prevent costly structural repairs and reduce liability risks from flooding and mold:

1. Roof Maintenance

- **Clear Roof Drains:** Remove leaves, dirt, and debris from roof valleys, overflow drains, and scuppers to prevent water ponding. Trim overhanging tree branches away from the building.

- **Inspect the Roof Membrane:** Hire a licensed professional to check for blisters, cracks, or failing seams that heavy rains could easily penetrate.

- **Seal Pipe Flashing:** Inspect and seal all roof penetrations. The mastic (tar) sealing around roof pipes often deteriorates under the hot summer sun and causes leaks.

2. Drainage & Water Control

- **Service Gutters and Downspouts:** Clean, tighten, and align gutters so they channel water away from the foundation rather than into it. Note: Even if you have gutter screens, they still require cleaning, as fine dirt and debris can penetrate the screen and clog downspouts.

- **Clear Area Drain Lines:**

Ensure catch basins, landscape drains, and patio drains are clear of debris to prevent localized ground flooding.

• Verify Retaining Wall Drainage:

Ensure weep holes at the base of retaining walls remain unblocked to prevent dangerous hydrostatic pressure buildup.

- **Check Subterranean Sump Pumps:** Test all basement and parking garage pumps, inspect float switches, and ensure backup battery power or generators are functional.

- **Protect Leaking Courtyard Planters:** If you have courtyard planters that leaked into parking structures below in recent rains, cover them with secure tarps until permanent repairs are complete.

3. Building Envelope & Walkways

- **Reseal Windows and Doors:** Inspect caulking and weatherstripping around exterior entryways, replacing dry-rotted seals immediately. Pay close attention to sliding glass doors leading to patios, where water may seep under the threshold.

- **Inspect Balconies and Walkways:** Verify that exterior walkways slope away from structures and that weep holes are clear so water cannot pool near door thresholds.

Mitigate Liability Early

If you were aware of a leak or water intrusion issue from previous rain events that has not yet been resolved, repair it immediately or use tarps to mitigate potential damage. Leaving known issues unaddressed increases structural damage and significantly elevates liability risk from negligence claims.

As Benjamin Franklin wisely noted nearly 300 years ago, "*An ounce of prevention is worth a pound of cure.*" Taking the time to inspect and protect your property today is far easier—and much less expensive—than repairing flood damage tomorrow. ❖



Should HOA Boards Repair Unit Interiors?

By Dave Brock, PCAM

Plumbing leaks or rain intrusion between condominium units are common, especially in multi-story buildings where water travels downward through floors and ceilings. These situations are often deeply disruptive for affected residents, who may face temporary relocation while the association determines responsibility, assesses damage, and processes repairs.

Between asbestos and mold testing, vendor scheduling, and insurance claims, resolving water damage takes time and significant capital. Funding these repairs can entail filing a claim on the HOA's master policy, tapping reserve funds, or levying a special assessment. While owners should carry individual HO-6 policies for loss of use and interior coverage, associations frequently find themselves at the center of unit restoration.

Over many years, experience has taught us a critical lesson: **an association directly managing work inside an owner's private living space is rarely the best path.**

The Hidden Risks of Interior Repairs

When an HOA steps in to manage interior unit repairs, it assumes unnecessary friction and potentially liability risks. Consider what happens when third-party vendors enter a private home:

- Personal property or valuable furnishings are accidentally damaged.
- Workers leave messy work areas, or exterior doors are left open, allowing pets to escape.
- Contractors fail to show up on time, skip workdays, or perform subpar finishing work.

*"Workers' Compensation for HOAs..."
continued from page 3.*

will actually be on the property, including employees, workforce, and subcontractors.

Put the requirements in the contract. Require properly licensed and insured subcontractors and evidence of coverage. We recommend that you have legal counsel review any and all contracts. Even the small ones can easily turn into a multi-million dollar lawsuit if not drafted correctly.

As a board member, managing these day-to-day contractor disputes and owner complaints quickly becomes an administrative nightmare.

A Better Approach: The Indemnified Payout Method

To limit potential liability while still fulfilling financial obligations, associations should separate funding the repair from physically managing the project. Assuming the association is responsible for funding the interior rehabilitation, follow this 5-step process:

1. **Owner-Sourced Bids:** Instruct the homeowner to obtain repair estimates from licensed and insured vendors they know and trust.
2. **Board Review:** The owner submits these detailed quotes to the board for review and approval.
3. **Comparative Bidding:** If they choose, the board may obtain its own independent estimates to verify fair market pricing.
4. **Legal Release:** Once a dollar amount is agreed upon, have your association legal counsel draft a general release and settlement agreement to protect both the HOA and the homeowner.
5. **Direct Disbursement:** Pay the approved sum directly to the owner, transferring the responsibility of hiring, managing, and signing off on the contractor back to the homeowner.

By shifting contractor management to the owner, the association fulfills its duty without becoming a middleman for home improvement disputes. ♦

Do not become the foreman. Set the desired result and reasonable site rules, but avoid directing the means and methods. Control, payment arrangements, exclusivity, and who supplies tools or materials may all affect whether a worker is truly independent.

Consider an association workers' compensation policy even without regular employees. These policies are referred to as "If Any Payroll"

*"Workers' Compensation for HOAs..."
continued on page 6.*

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"Fannie Mae And Freddie Mac...": continued from page 1.

assessments.

For those associations, increasing the minimum from 10% to 15% does not mean homeowners will pay more overall. Instead, it shifts Reserve Funding into the regular monthly budget, reducing the frequency and size of future special assessments.

Most associations already fund Reserves above the new 15% minimum and will continue using Reserve Studies that present multiple Funding Plan options, including more aggressive or

"Why I Serve On The Board...": continued from page 1.

Naturally, the Board had already racked up thousands of dollars in expenses while providing no progress regarding the issue. With the help of the other Board members, we were able to make it so that effective immediately no Board members other than the President were permitted to speak with an attorney without the management company also being on the call. This one move likely saved the association an additional five figures.

The damage had been done, however, and the building's reserves had taken a significant hit. While I was perturbed, I was glad I joined the Board when I did. Had I not, the HOA would have blown through even more money and would have created an even more hostile situation with the homeowner who was being sued (and likely others).

"Workers' Compensation for HOAs...": continued from page 5.

policies, and they're typically less than \$400. Ask whether volunteers and Board Members are covered and what written action the board must take before an injury.

One more point

Heiman is a reminder that acting as the HOA's agent does not automatically erase the manager's exposure. Contracts and signature blocks should clearly identify the contracting party and the manager's authority. There is a difference between facilitating the association's contract and accidentally starring in it.

The bottom line

The premium for appropriate

"Baseline" scenarios. As long as the association is funding Reserves above 15% of budget, Fannie Mae and Freddie Mac don't care about their specific Funding Plan.

For the few associations claiming a legitimate exemption from this higher minimum standard, they will no longer be able to make that claim using anything other than the most conservative Funding Plan found in their Reserve Study. From a lender's perspective, this helps ensure the association is indeed planning responsibly for long-term sustainability. ♦

I saw first-hand that there needs to be some oversight on the Board and that the Board has to remain diligent on all HOA matters at all times. After all, I want to live in a nice building, one whose units have the highest value possible and one in which the Board interacts with homeowners with patience, passion, and professionalism in order to make the building the best place it can be.

That is why I serve on the Board and why, even after starting to work at Beven and Brock, I will continue to do so.

Soren Baker has served on his HOA board for ten years and a similar length of time in his prior association. He has been the President for most of those years. We are pleased to welcome Soren as the newest HOA manager at Beven & Brock. ♦

coverage and the few minutes required to verify a contractor are modest compared with discovering—after a serious accident—that the association or manager hired an employee without knowing it. The best claim is still the one that never happens. The second-best is the one for which the right policy was already in place.

Ryan is the Vice President of Cline Agency Insurance Brokers, Inc. They specialize in Insurance for Common Interest Developments. He also hosts The HOA Show, a podcast for folks in the CID Industry. www.hoashow.org For more info: www.clineagency.com ♦

2026 Fall Legislative Update

By Dave Brock, PCAM

As the California Legislature nears the end of its two-year term, it is time to review the major HOA-related bills currently in process that could be signed by Governor Newsom to take effect in 2027. The January 2027 issue of this newsletter will report on which of these measures, and others, ultimately become law. **Defeated Measure: SB 1007 (Assessment Caps)**

In our July issue, we reported on SB 1007, a concerning bill that proposed capping annual regular assessment increases at 8% except by a vote of the membership for a higher increase. Opponents, including community association members, managers, and real estate organizations, argued that tying assessment caps strictly to low fixed percentages would cripple a board's ability to cover spiking insurance premiums, urgent structural repairs, and essential reserve funding.

A scheduled summer hearing was canceled by the bill's author, Senator Menjivar, effectively stalling the bill for this session. The current law remains unchanged in which a board may not impose a regular assessment that is more than 20% greater than the preceding fiscal year's assessment without majority approval from a quorum of members. **Active Pending Bills**

- **AB 2050 (Caloza) - Reserve Study Funding Mandates:** Beginning January 1, 2032, this bill would update reserve study requirements by requiring studies to calculate the minimum annual contribution needed to keep an association's reserve balance above zero over a 30-year projection.

- **AB 1184 (Patterson) - Meeting Operations & Transparency:** This bill aims to refine how boards conduct business outside of formal meetings. It prohibits a majority of directors from using a series of serial communications (including email) to deliberate or discuss board business outside an authorized meeting, except in emergencies or for routine, ministerial communications (such as scheduling a meeting). Additionally, it would require the annual budget report to list any active litigation in which the association is named.
- **AB 2439 (Rubio) - Payment Entity Change Notifications:** If the entity authorized to receive assessment payments on behalf of the association changes, this bill would require the HOA to notify owners via individual notice (electronic delivery or first-class mail with a certificate of mailing) within 60 days. Associations would need to retain delivery records and make reasonable efforts to post a physical notice in common areas. Non-compliance could carry civil penalties.
- **SB 1238 (Wahab) - Reserve Expenditures & Disclosures:** This bill tightens restrictions on reserve fund usage, specifying that reserve funds may only be spent on repair, restoration, replacement, or related litigation for major components the association is obligated to maintain. It also requires end-of-year reserve funding deficiencies to be calculated and disclosed on a per-unit basis

and adds specific prospective buyer disclosures regarding exterior elevated elements. To monitor these bills in real time or read the full legislative text, visit the official California Legislative Information portal at leginfo.ca.gov. ❖



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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 training for board members.

UPCOMING DATES:

October 22, 2026 (See Page 2)

HOA Legal Seminar, Pasadena.

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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