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NEWS & VIEWS

for Homeowner Associations

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Issue No. 125

HOA Homefront – Is Your HOA Ready for Electronic Voting?

By Kelly G. Richardson,
Esq. CCA



California law now allows HOAs to conduct member votes electronically. Civil Code Sections 5105, 5115, 5120 and 5125 have

been amended to give HOAs the choice, but HOAs must know the requirements to exercise this very helpful option.

A new Civil Code Section 5105(i) allows HOAs to adopt election rule changes providing for electronic voting, despite any language in the bylaws or CC&Rs requiring only paper ballots. However, votes on regular or special assessments may still not be electronic – that one topic of membership voting must still be by the “old school” paper ballot method. To avoid confusion, next time your HOA is pursuing bylaw or CC&R amendments, consider including amendments conforming to the law revisions.

The new election rules must require the HOA to notify members of: 1) Their right to opt out of electronic voting; 2) Their current chosen voting method; 3) If they have selected electronic voting, the email address to be used; 4) An explanation that

“HOA Homefront - Is Your Home Ready...”: continued on page 4.

After the Wildfires...What we expect from the California Insurance Market

By Ryan Gesell, CIRMS, CMCA



Brace yourselves. No, this is not an early warning for the Big Earthquake we’ve been expecting for some time now. Sadly, this is to prepare you for how we expect the recent wildfires to further impact an already overwhelmed and unprecedented insurance market.

The recent Palisades and Eaton fires burned more than 40,000 acres in early January. More than 16,000 structures were destroyed, most of them residential. To put that in perspective, the Camp Fire in 2018 destroyed 11,000 homes in Paradise. And 6+ years later, it’s estimated that only 2,500 of those homes have been rebuilt.

While it’s possible that a number of those owners chose not to rebuild another wood frame structure in an area that is in such high risk of wildfire, it’s still a strikingly low number. This should serve as a warning, not just for those in Los Angeles, but to all those homeowners in our State. With so many homes in need of rebuilding, and demand surge expected to skyrocket, we should expect significant delays in the rebuilding process, and construction woes for years to come.

“Demand Surge” refers to the sudden and large increase in demand for products and/or services. Quite simply, we don’t have enough contractors, trained construction workers, and materials to rebuild 16,000 homes as fast as we’d like. This means that the cost for those materials and labor is going to rise significantly due to competition. Before the wildfires, it was common to see replacement cost estimates per square foot somewhere between \$200 and \$400. Going forward, this will increase significantly. To what, we don’t yet know. But some are suggesting it could be as much as \$800 to \$1,000 sq/ft.

It’s highly unlikely that any of the homes that burned were insured to this amount per sq/ft and nobody could have predicted this level of damage in January our “wettest” month. This will likely mean that most carriers will be paying out policy limits, further depleting their reserves beyond what they would have expected.

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This will impact communities all over California in two ways. First, the carriers will likely increase their minimum Insurance To Value (ITV) requirements, meaning they’ll be automatically increasing your property limits so that if you do suffer a loss during this demand surge period, there’s more available coverage to help you rebuild. Carriers need to get the rate they feel is required to offset the exposure they’re taking on. Second, reinsurance (insurance for the insurance carriers) rates will surely go up as those companies will be significantly impacted by these losses and will need to replenish their reserves to be able to pay future claims. This will drive up premiums for most,

“After the Wildfires...”: continued on page 2.



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"After the Wildfires...": continued from page 1.

if not all folks in CA.

And if your carrier does not automatically increase your property limit, the Board should strongly consider requesting they do. In addition, owners should reach out to their personal lines agents about increasing their Additional Living Expense coverage. Between the 16,000 displaced owners, and the army of loss adjustors, remediation companies, and construction folks that will be looking for lodging, the cost to rent a home, apartment, or hotel is going to be very high for a very long time. Owners should also increase their Real Property coverage inside of their units, regardless of the scope of coverage on the Master Policy, so that they have more coverage for rebuilding the interior of their units if the Master Policy limits are insufficient. They should also purchase Loss Assessment Coverage which could help in the event limits are insufficient and the Board levies a special assessment.

We expect carriers to tighten their underwriting guidelines even further.

The CA Fair plan estimates that it will see losses of approximately \$4.75 Billion while demand surge could drive this up further. And considering that the Fair Plan has reserves of just \$377 Million and reinsurance of only \$4.9 Billion, those rates will surely go up to replenish their reserves. Again, we're not even close to the hottest and typically windiest time of year in Southern California. Prior to the wildfires, the Department of Insurance (DOI) had announced its intention to increase the CA Fair Plan limits allowing for up to \$100M on a single location. It's currently limited to \$20M. Given the expected losses, that's unlikely to happen, leaving large scale condo Associations with High Brush Score locations without many options.

Many Boards are wondering what this will mean for their budgets. Unfortunately, nobody knows. But State Farm recently made an emergency request of the CA Department of Insurance to increase their rates by 22% in order to help fund the losses they're expecting. To their credit, they seem to be the only carrier that has made the choice to "pause" Non-Renewals on Condo Associations that were in the wildfire areas of LA County. But again, this serves as an indication we should expect increases in premiums, and not just for those folks with high Brush Scores. And if you're looking for a best guess on premiums for your budget, 22% seems as good a place to start as any.

We expect carriers to tighten their underwriting guidelines even further. All carriers have their own proprietary software for measuring risk. There are number of companies that provide this, and most carriers use multiple risk modeling systems to try to get a leg up on the competition. One of those companies is called RMS, and they assign a risk score between 1 and 100 with 100 being the highest risk of Wildfire loss. Before these fires, most of the preferred carriers wouldn't consider quoting anything with a risk score over 20. But many buildings lost in these fires had RMS Brush Scores as low as 6. How the preferred carriers react remains to be seen, but the scope of this damage will surely mean further tightening of their guidelines.

The CA Insurance Commissioner launched the "Safer from Wildfires" initiative last year with the hope that if homeowners undertook fire mitigation measures around their homes, insurers would offer discounts for them. While this is a great idea from a risk mitigation standpoint, as it will better protect your home from wildfires, sadly this will not impact premiums for Common Interest Developments. None of the Commercial Carriers insuring CIDs currently have filings with the Department of Insurance to allow for these discounts, and we don't expect them to start.

There is hope though! The Insurance Task Force for the CA Legislative Action Committee is working on several initiatives we hope will help. First, we're working on a bill that would help protect Boards who are unable to obtain insurance that meets the requirements of their CC&Rs. Second, we're seeking a bill that would both define what a "wildfire" is and amend the Standard Fire Policy (SFP) Form allowing CA Admitted Carriers to

"After the Wildfires...": continued on page 3.

“HOA Homefront - Is Your Home Ready...”: offer coverage that is not as broad as the SFP. The intention of this bill would be to allow CA Admitted Carriers to quote a fire policy that excludes “Wildfire” losses. With the result being that Wildfire losses would be covered as part of your DIC policy. Most master EQ policies for Condo Associations are written on a DIC policy which stands for Difference in Conditions.

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The last thing you want to do is to give your carrier any reason to non-renew you.

This is like what happened after the Northridge EQ in '94 when the preferred carriers all stopped offering master EQ policies. The Surplus Lines market took those risks writing DIC policies for Condo Associations to cover the peril of Earthquake, and in some cases even Flood. In the future, you could have a DIC policy that covered and had separate deductibles for Earthquake, Flood, and Wildfire perils. This would allow carriers to spread the wildfire risk much more evenly just like with EQ policies, where owners would purchase Wildfire Loss Assessment coverage from their personal lines carriers or another state program similar to the CEA.

In the current environment, your Insurance is precious. The last thing you want to do is to give your carrier any reason to non-renew you. Toward that end, make sure that all payments are made on time, increase your deductible to insulate your loss history, and comply as quickly as possible with your carrier's mandatory life/safety recommendations. If you need more time to complete them, let the carrier know. Communication is key when it comes to your insurance. Don't be afraid to reach out to your broker to check in on any of the above points (and maybe check in on their mental health). They're definitely swamped right now, but open lines of communication are never a bad thing. Stay safe out there folks. This too shall pass.

Ryan Gesell, CIRMS, CMCA is the Vice President of Cline Agency, as well as the President of the CAI-Channel Islands Chapter and the a host of the podcast, The HOA Show. Ryan can be reached at Ryan@clineagency.com. ❖

THE CORPORATE TRANSPARENCY ACT Is Gone.... Hopefully Not To Return!

This may not be news to you, but in case you missed it, on March 2, 2025 we received the news that the Treasury Department announced that, with respect to the Corporate Transparency Act, they will not enforce any penalties or fines associated with the beneficial ownership information reporting rule under the existing regulatory deadlines. And further, it will not enforce any penalties or fines against U.S. citizens or domestic reporting companies or their beneficial owners after the forthcoming rule changes take effect either.

The Treasury Department will further be issuing a proposed rulemaking that will narrow the scope of the rule to foreign reporting companies only. Treasury takes this step in the interest of supporting hard-working American taxpayers and small businesses and ensuring that the rule is appropriately tailored to advance the public interest.

“This is a victory for common sense,” said U.S. Secretary of the Treasury Scott Bessent. According to Bessent, this action is part of the bold agenda of this administration to unleash American prosperity by reining in burdensome regulations, in particular for small businesses that are the backbone of the American economy.

As this announcement is coming directly from the Treasury Department and not the result of a court order, in all likelihood this will remain in effect.

We, along with many common-interest-development board members are very happy that this change has occurred, and certainly hope that we don't have to revisit this issue. ❖



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"After the Wildfires...": continued from page 1.

they can opt out of voting and how they can do so; and 5)The deadline to opt out. This notification must be sent to each member at least 30 days before the deadline to change their preferred voting method, and that deadline in turn must be at least 90 days before the election. So, it means HOAs wanting to use electronic voting will need to start the process at least 120 days ahead of the actual voting.

The HOA must send paper ballots to members who have timely opted out of electronic voting or to members on which the HOA does

not have an email address and must keep a list of how members have opted to vote. Members opting to vote electronically must provide a valid email address to the HOA. If the HOA uses electronic voting, its election rules must ban nomination of candidates from the floor.

At the same time as ballots are normally mailed out (30 days before the voting deadline), electronic voting instructions must be sent to members voting electronically. Just as with paper ballots, which are irrevocable once sent to the Inspector Of Elections, electronic votes are also irrevocable. Electronic votes are counted toward the membership meeting quorum as if the voter were present.

Per amendments to Civil Code Section 5110(b), electronic voting must be conducted by the Inspector Of Elections, who must ensure that their system protects the secrecy of votes, authenticates member identity and that ballots are not altered in transit, transmits receipts to voting members, and separates the voter's identity from the vote cast. So as a practical matter, this requires the electronic voting service provider to act as

the Inspector Of Elections.

One wonderful aspect of the new law is the new Civil Code 5115(g) (2), which says that in governing document amendment elections the proposed amendments can be sent electronically. Until now, a complete copy of the amendments had to be sent along with the ballots, which often added great expense.

Just as with paper ballots, under Civil Code 5120 the electronic vote tally sheet may not be viewed by anyone, including the manager and HOA members, until the time for opening and counting of ballots.

Also, HOAs can amend their CC&Rs to provide for an automatic "opt in" of members to email communications. Has your HOA done this?

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 questions to Kelly@roattorneys.com. Past columns at www.HOAHomefront.com. All rights reserved®. ❖



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The 60 Minute Board Meeting - Really?

A major complaint about meetings in general is that they are too long, and some will say *boring*. HOA Board Meetings are often not seen as important or necessary by some boards. Many boards prefer to never hold meetings and conduct all business by email. While the law does provide for boards to **discuss** issues by email, they are not allowed to **decide** issues except in a meeting. Meetings can be held in person, by zoom, or by hybrid.

Proper notice must be provided by posting a notice and agenda in a "prominent location" or in a manner that all owners can access, at least four days prior to the board meeting. The notice/agenda must indicate the time and place or zoom information for the meeting. The notice must be made available for all owners to view, either on a website or by an email distribution. The agenda must

contain enough information so that owners will understand what is being discussed. Only the items on the agenda may be discussed. It is recommended that the agenda have time allocations for each item. This can be adjusted as needed at the meeting as needed.

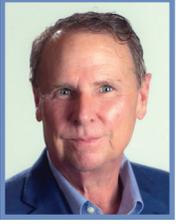
Since associations are required to have meetings, and since association board members are all volunteers, it is very important to have efficient, productive and hopefully brief meetings. Well run meetings set a positive tone for the operation of an association and might cause owners to think about serving on the board.

How can an association Board have regular meetings that are completed in 60 minutes? It takes a deliberate effort to make this happen. Otherwise, board

"The 60 Minute Board Meeting - Really?": continued on page 6.

“Who Will Serve On The Board?”

By David Brock, PCAM



Have you heard this question before? We sure have. Getting owners to serve on the board of directors has always been a challenge for many associations.

For associations seeking professional management for the first time, these are the most often cited reasons: “Nobody wants to help any more” and “I’m tired of doing everything for this association.” Sound familiar?

Unfortunately, getting people to attend one annual meeting a year can also be very difficult. If things are running smoothly, everyone is happy, and there is no need to even show up. Sadly, the most effective way to have owners attend a meeting is when there is a major event, such as a *Special Assessment*, or an assessment increase. And those meetings are NEVER fun.

Given that the equity in a condo may represent a significant amount of an owner’s net worth one would think that paying attention to the business of the association would be a greater priority.

Years ago, one of our community association managers, wrote a letter that she found to be effective in having owners agree to serve on the board. The following is excerpted from her letter.

*“Successfully functioning community associations do not simply happen. A thriving community is developed through the conscious and directed efforts of involved homeowners. The greatest single barrier to healthy associations is **apathy**. Homeowners’ apathy promotes a breakdown of cooperation and interaction among the board of directors, manager and owners and fosters a climate in which small problems are allowed to go unresolved. This situation can then escalate into a crisis.”*

“Homeowners must acknowledge that an active and vital board of directors is the essential dynamic force without

which a homeowner’s association cannot thrive. The board’s job is to maintain the property, but they cannot do it alone. Without homeowner involvement the quality of living decreases. The value of the property suffers. Neighbors become strangers and the complex is transformed into an atmosphere of apartment living rather than a cooperative and community driven neighborhood.”

“This need not be the case. Every owner has worked hard to acquire the property they own. Every owner has something they can contribute to the association. All owners are encouraged to invest some time and serve on the board of directors.”

“How do you engage your owners in the community?”

A lack of steady volunteers ultimately leads to a very small board consisting of two persons. In some extreme and rare cases where no one will serve, the concept of “receivership” is mentioned. This is a situation which must be avoided, as the court will appoint a “receiver” who makes all of the decisions which have to be approved by the court. There are no limits to what a receiver can do if the court approves their actions. Fortunately, in forty years of HOA management, we have never had an association go into receivership. Someone has always stepped up to serve even though they may not have wanted to.

The important question to address is “How do you engage your owners in the community?”

The answers are “easier said than done” but if not done the investment and community will suffer. The best solutions involve finding ways to **connect** the owners. This is a challenge as many of us enjoy our privacy and coming home to relax and enjoy time off

from work.

However, roughly half of the population tend toward being extraverts. If you can find the extraverts in the community (usually this isn’t difficult) plan an informal social event. It doesn’t have to be complicated or overly planned. You could start with a “happy hour” type event for two hours on a weekend and have everyone bring a favorite beverage and snack to share.

The key is to get people talking with each other and it doesn’t have to be about issues affecting the association. The association issues will naturally come up at some point. Finding out about your neighbors and their feelings about the community will lead to future conversations and involvement.

Another idea to consider, is forming committees which are a great way to engage owners in an area that interests them. Some examples of committees are landscaping, social, newsletter or communication, and security. This type of “low bar” commitment is a natural first step to serving on the board. I have found that people are more agreeable to help if you already have met them and shared small talk over some chips and wine... (insert your favorite beverage).

This all takes a little work, but the result is well worth the effort. And don’t be discouraged by an initial small turnout. It may take time to build but give it a shot. ❖



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*"The 60 Minute Board Meeting - Really?":
continued from page 4.*

members will become burned out and want to leave the board. Much of the success of a well-run meeting depends on the President (or Chair).

It is important to respect the time and commitment of your volunteers. This is accomplished by making sure that a Board report is in the hands of all board members a few days prior to the meeting. **The material must be reviewed in advance of the meeting.** Board members reviewing the advance material at the meeting is a waste



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of meeting time. The President may need to check in with Board members for several months to make sure that the members actually open and read the material prior to the meeting. The purpose of a meeting is to make decisions, and valuable meeting time should not be spent getting board members up to speed on issues.

The President (or Chair) must be very focused in his/her role by keeping the discussion on track and not letting irrelevant issues sidetrack the discussion. Keeping the board discussion on track is very important. If an issue gets raised that is not on topic, or on the agenda, the President should make a note of it and place it on a future agenda.

Open forum, where only legal owners, not tenants or representatives, may attend and speak, must be tightly controlled. Many associations choose to do this at the beginning of the meeting. The Chair should allocate a specified amount of time per owner who wishes to address the board. This is typically three minutes. Members who wish to speak are not required to provide any advance notice to the board regarding their comments. Board members should not attempt to engage the speaker, even if they feel attacked by the remarks being made. Board members should listen attentively, take notes and thank the speaker for their input. If anything is said by the Board members, it should only be to ask for clarification. If issues are raised that require follow up by the Board, the President can make a note for future agendas, or direct an action to a vendor, if the board agrees. Once the owner forum period is over, then owners who attend must be quiet and can only observe the board as they discuss and make decisions

Typically, all board meetings involve reviewing the most recent

financial report as well as "old business" and "new business". The Treasurer should provide the report on the financial condition, which primarily includes a summary of how the association is performing based on the "budget comparison" report which shows areas where the expenses exceed budget. The issue of collections should be reported in a general sense, without indication



of which owner (by name) may be behind in their payments. Reference can be made to specific owners by use of an "owner code" that only board members would have access to. The Treasurer, or board member making the report, should have a time limit.

The Secretary should be recording minutes based on decisions made. Minutes need not contain every word that was stated or record the names of non-board members who are present. Minutes, if they are overly wordy, can be used in litigation which may not serve the association well.

At the close of the meeting, the Secretary should read the minutes back to the board. This will take only three to five minutes and will save time later. The Secretary should appreciate this as it will make their job easier, and you will find that the full approval process of the minutes will be much quicker at the next meeting.

In summary, the goal is to have a lean and efficient meeting which may take more effort initially, but after a few months it will become very natural. ❖

HOA Board Members ARE Appreciated!

For ten years now, in this newsletter, we have honored and celebrated the incredible volunteers who serve as board members of their HOA.

Volunteer Appreciation Week is a global event that is observed every year in April. It is **a week to honor, recognize and celebrate the selfless individuals who volunteer their time and energy to help others and promote good causes.** In 2025, this week occurs from April 20-26.

Volunteer board members cannot be thanked and appreciated enough.

Some may not agree that their board should be honored and appreciated, as they don't agree with how they led their association, but this week isn't about that. No board member is perfect, nor is any association manager, but at least board members are willing to step up and volunteer to help lead, often in cases where no one else would. We honor their willingness and commitment to serve.

In my opinion HOA Board volunteers are some of the best volunteers who serve in any capacity. HOA board members serve in what many consider to be a thankless environment to help steer the ship of their communities, and sometimes in very difficult seasons. Board members, in fulfilling their role are required to wear two hats at the same time: the "member or owner" hat, and the "board member" hat. There are times when these two hats conflict with each other. It can be difficult to address

the needs of the community and at the same time have your individual preferences not be met.

The readers of this newsletter are board members for the most part. Unfortunately, the members of your community may never see this article. As a board member, feel free to post this newsletter in a conspicuous place on the property, perhaps the mailboxes. You can also forward the digital version on to your community.

Volunteer board members cannot be thanked and appreciated enough.

We encourage owners to find ways to APPRECIATE their board members. The nature of community living does not mean that the community members will agree on everything. During disagreement, it is still possible to recognize and appreciate those who willingly serve when not many others agree to serve.

Here are some ideas that owners who don't serve on the board might consider. A simple Thank you note that can be looked at throughout the year goes a long ways. Consider a small token of appreciation... a Starbucks card, or a small Amazon card. Attend a meeting and speak your thanks during Open Forum. Simple expressions of meaningful recognition and gratitude will encourage board members to continue serving longer.

In addition to appreciating and valuing board members, one of our goals and purposes of this newsletter is encourage and

strengthen board members in their role. Consider the following points:

- Work hard to avoid burn-out. Burn-out is an understandable effect of HOA board service and steps can be taken to avoid this situation.
- Understanding your role as an unpaid board member of a non-profit requires that you set reasonable boundaries. Perhaps having a trip to the pool or a nice dinner at home without interruption is more important than engaging in association business.
- Not every issue is of an urgent nature that requires an instantaneous response.
- Learn to work as a team with fellow board members. Board service requires a team effort.
- Take advantage of educational offerings, most of which are free. Knowledge leads to confidence which leads to success.
- Do your best to avoid issues becoming personal. Conducting business in a civil and professional manner is always better than becoming entangled in personality issues. We can disagree on issues but still be friends.
- Don't forget that as a board member your job is to advocate for the association, not anyone individual owner, including yourself.
- Finally, celebrate small victories. Find the joy and satisfaction of a job well done.❖

About this newsletter:

HOA News and Views has been published and provided free of charge to board members in Los Angeles county for over 30 years.

The newsletter is distributed quarterly during the first week of each quarter. If you do not receive it, and you have received it in the past, please let us know at HOANewsletter@bevenandbrock.com. We do not remove names unless requested.

If you would like to be removed from the newsletter or add additional recipients, please provide the name, and email or mailing address to: HOANewsletter@bevenandbrock.com.

You can always access back issues from 2011 at www.bevenandbrock.com/newsletter-useful-links/. In addition, you can access a topical library of articles at www.bevenandbrock.com/topical-article-library/. There is a simple registration form to complete.



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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:

Thursday June 12, 2025

www.bevenandbrock.com/BoardTraining.pdf

Free three-hour training course for current and prospective HOA board members. A course syllabus and informational handouts are provided. This CAI-sanctioned class is taught by its co-creator Kelly Richardson, Esq. CCAL of Richardson Ober, 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 due to space limitations.

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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