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The Echo Club at Oakmont TECO December 17, 2025

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Oakmont leadership team!**

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The information we provide during this Presentation is educational in nature and should not be relied upon for specific decision purposes.



HOA Hot Topics!

Legislation, Enforcement, Turf & Maintenance



December 17, 2025
Presented by: Nathan McGuire, Esq.



McGUIRE
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Overview

- New Laws & Implementation
- AB 130 - Enforcement/Fine Cap/Cure
- Turf Updates - AB 1572
- Maintenance & Exclusive Use – EUCA, SB 900, Maintenance Matrices
- Q&A

2025 Legislation

Effective January 1, 2026:

- AB 1 – DOI/Wildfire
- AB 1154 – ADUs/JADUs
- SB 547 – Property Insurance
- SB 625 – Reconstruction
- SB 770 – EV Charging Stations
- AB 130 – Enforcement (effective 7/1)

2025 Legislative Session

- 2025 kicked off the 2025-2026 2-year legislative session
- 29 new legislators were sworn in
- Record number of women (49%)
- Democrats still hold majorities in both the Senate (30-9) and Assembly (62-19)
- California is 1 of 38 state government trifectas, only 12 have split government
- 2,491 bills were introduced by the 2/21 deadline
- 917 (37%) reached Gov's desk
- 794 we signed
- 123 vetoed

2025 Legislative Priorities

- Housing & Homelessness
 - Holding cities and counties accountable
 - Getting and keeping more people in housing
 - Building more housing, faster
- Public Safety
- Economy
 - Making the state more affordable for all
- Health Care
- Climate, Schools, Government, Belonging

<https://www.gov.ca.gov/priorities-and-progress/priorities/>

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AB 1 – DOI/Wildfire

Starting in 2030 and every 5 years thereafter:

- Department of Insurance to consider adding building hardening measures to its regulations
- Consult with various agencies
- Implement a public participation process

AB 1154 – ADUs/JADUs

Amends requirements related to ADUs and JADUs:

1. Eliminates owner occupancy requirements for JADUs with bathrooms separate from main residence
2. Requires JADU rentals to be longer than 30 days (no short-term rentals)

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SB 547 – Property Insurance

- Provides a One-Year Moratorium on Insurance Policy Cancellations and non-renewals in ZIP codes affected by a declared wildfire state of emergency.
- Applies to commercial properties, including specific residential or "habitational" types like apartment complexes, homeowners associations, condominium associations, and senior living facilities.

SB 625 – Reconstruction

- Makes any CC&R provision void and unenforceable if it blocks or severely limits the substantially similar reconstruction of a residential structure damaged in a disaster.
- Requires that HOAs approve or deny applications for modifications to disaster-damaged properties within specified timeframes. When an application is denied, a clear explanation must be provided.

SB 770 – EV Charging Stations

- Eliminates the requirement that an owner seeking to install an EV charging station in a common area (or EUCA) obtain a certificate of insurance naming the HOA as an additional insured party.
- Unclear to what extent this is a serious problem in need of this kind of solution.

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AB 130 – Enforcement

- Limit fines to \$100 “per violation” (or less if stated in gov docs)
- Exception – if the violation “may result in an adverse health or safety impact on the common area or another association member’s property”
- Cure - a member may cure the violation or provide a financial commitment to cure the violation prior to a hearing (which would preclude any disciplinary action at the hearing)
- 14 days notice (not 15)

Effective Immediately

AB 130 – Enforcement

- Open Questions:
 - What is a health or safety exception?
 - Determining health or safety exceptions?
 - How to cure? What can be cured?
 - Continuous/intermittent violations?
 - Daily/periodic fines?
- Result?
 - More IDR?
 - More litigation?
 - Small Claims?
 - Remedial Assessments?

Other Recent Legislation

Effective 1/2025:

- AB 2159 – Electronic Voting
- SB 900 – Maintenance Repair

Effective 1/2024

- AB 1572 – Nonfunctional Turf

AB 2159 – Electronic Voting

Elections (except assessment increases) can now be conducted by electronic secret ballot, **if permitted in the election rules**. Requires:

- Amending election rules
- Including procedures for opting in/out in annual disclosures
- Using an inspector familiar with electronic balloting requirements

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Exclusive Use Common Area (EUCA)

What is exclusive use common area?

Civil Code 4145: “Exclusive use common area’ means a portion of the common area designated by the declaration for the exclusive use of one or more, but fewer than all, of the owners of the separate interests and which is or will be appurtenant to the separate interest or interests.

Exclusive Use Common Area (EUCA)

EUCAs are more common in condo projects, but in the context of a planned development they could be:

- Patios, carports, garages, yards, etc.

Sometimes it is impossible to tell a condo from a PD without looking at the documents (lot on map vs unit on condo plan)

Exclusive Use Common Area (EUCA)

Granting new EUCA requires 67% member approval, except:

1. A reconveyance of all or any portion of that common area to the subdivider to enable the continuation of development that is in substantial conformance with a detailed plan of phased development submitted to the Real Estate Commissioner with the application for a public report.
2. Any grant of exclusive use that is in substantial conformance with a detailed plan of phased development submitted to the Real Estate Commissioner with the application for a public report or in accordance with the governing documents approved by the Real Estate Commissioner.
3. To eliminate or correct engineering errors in documents recorded with the county recorder or on file with a public agency or utility company.
4. To eliminate or correct encroachments due to errors in the construction of any improvements.
5. To permit changes in the plan of development submitted to the Real Estate Commissioner in circumstances where the changes are the result of topography, obstruction, hardship, aesthetic considerations, or environmental conditions.
6. To fulfill the requirement of a public agency.

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Exclusive Use Common Area (EUCA)

7. To transfer the burden of management and maintenance of any common area that is generally inaccessible and not of general use to the membership at large of the association.
8. To accommodate a disability.
9. To assign a parking space, storage unit, or other amenity that is designated in the declaration for assignment, but is not assigned by the declaration to a specific separate interest.
10. To install and use an electric vehicle charging station in an owner's garage or a designated parking space that meets the requirements of Section 4745, where the installation or use of the charging station requires reasonable access through or across the common area for utility lines or meters.
11. To install and use an electric vehicle charging station through a license granted by an association under Section 4745.
12. To comply with governing law.

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Exclusive Use Common Area (EUCA)

Maintenance: Starting January 1, 2017, Civil Code § 4775 made associations responsible for **repair** and **replacement** exclusive use common areas unless the governing documents state otherwise. Owners are responsible **maintenance**.

Maintenance BMPs

- Amend CC&Rs to clarify maintenance responsibilities
- Adopt maintenance matrix
- Align insurance policies with CC&R requirements and maintenance responsibilities
- If not possible to amend CC&Rs, clarify with Rules (but rules can't conflict with CC&Rs) and adopt matrix
- Rule of thumb – HOA maintains common area and owner maintains lot/unit and anything outside of the lot/unit which exclusively serves the unit

SB 900 – Power, Heat and Water

HOAs have a duty to make repairs necessary to **restore**

- Gas & Electricity
- Heating
- Water

- ***If*** those services “begin in the common area” (“even if the matter extends into a separate interest” or EUCA)
- ***If*** a public or private utility is not responsible
- ***If*** the CC&Rs do not state otherwise

SB 900 – Continued ...

Within 14 days of an interruption of power, heat or water, the board must begin the process to restore service

- *Reduced quorum* for board meeting to begin repairs
- *Email board meeting* allowed to begin repairs even if all directors do not consent to meeting via email

SB 900 – Continued ...

If Reserves are insufficient to restore power, heat or water

- Loan without membership approval
- Emergency assessment as loan collateral
- Even if repair was *foreseeable*

Emergency Assessments are allowed if a threat to “personal ***health*** or safety or ***another hazardous condition or circumstance***” is discovered

SB 900 – Continued ...

Reserve Studies must also include a visual inspection of lines the HOA is responsible for repairing or replacing providing:

- Gas
- Water
- Electrical service

AB 1572 – Nonfunctional Turf

Amends the Water Code, adds Section 10608.14:

- Starting 1/1/2029
- Prohibits the use of potable water for the irrigation of nonfunctional turf on common areas
- “Nonfunctional turf” does not include recreation use areas or community space
- “Nonfunctional turf” does include areas permanently enclosed or behind a barrier which permanently precludes access for recreation or assembly
- Certification required every 3 years for HOAs with more than 5,000 sq. ft. of irrigated common areas

AB 1572 – Nonfunctional Turf

Issues:

- Recreational use area means “an area designated by a property owner or a governmental agency to accommodate human foot traffic for recreation, including, but not limited to, sports fields, golf courses, playgrounds, picnic grounds, or pet exercise areas. This recreation may be either formal or informal.”
- Exception for watering “to the extent necessary to ensure the health of trees and other perennial nonturf plantings, or to the extent necessary to address an immediate health and safety need.”

AB 1572 – Nonfunctional Turf

Examples of nonfunctional turf (according to CalWEP):

- Narrow lawn strips in or around parking lots
- Decorative lawn along sidewalks, buildings, or fences
- Lawn between buildings with no seating, access, or activity
- Lawn in medians, roundabouts, or entry signage zones
- Sloped (25% grade or more) or oddly shaped areas that are hard to use or water efficiently

AB 1572 – Nonfunctional Turf

Examples of functional turf (according to CalWEP):

- Sport fields
- Event or gathering lawns (barbecues, festivals, HOA meetings, or social spaces)
- Pet play or relief areas
- Playground lawns integrated with play equipment
- Required for stormwater management or flood control

AB 1572 – Nonfunctional Turf

Issues:

- Applies only to “common area” not including property “not assigned or allocated to the exclusive use of occupants”
- Water agencies are required to revise regulations, ordinances, or policies no later than 1/2/2027 to reflect requirements of AB 1572
- May be enforced by water agency, city, or county
- Civil penalties – up to \$1,000/day
- Enforcement bodies may interpret more broadly than what the law actually says, especially in terms of what is functional and what isn't
- Enforcement may vary wildly depending on agency and drought conditions

AB 1572 – Nonfunctional Turf

Considerations:

- Timing
 - Cost, rebates
 - Potential changes/clarification, agency regs by 2027
- Alternatives to turf
 - Turf lookalikes – kurapia, dymondia (silver carpet)
- Shifting to owners
- Designation (self-certification) by property owner as functional
- Shift existing use to recreational
- Expect warnings and not strict enforcement if “good faith” determinations are made
- Reclaimed water available?

Thank You!

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McGUIRE
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The Echo Club at Oakmont “TECO”

March 18, 2026, Wednesday, 3 pm - 5 pm, West Rec Center

June 17, 2026, Wednesday, 3 pm – 5 pm, West Rec Center

September 16, 2026, Wednesday, 3 pm – 5 pm, West Rec Center

**December 16, 2026, Wednesday, 3 pm – 5 pm, West Rec Center
and **Holiday Fun!****



Echo Board Members Club

Next Meeting: *January 13, 2026*

***BMC meets via Zoom on the second Tuesday of the month
from 5:30 PM to 7:00 PM***

Board members or former board members only.

**Join the Board Members Club
BUDDIES**

To join the Board Members Club contact:
Connor Zepponi at connor@echo-ca.org.

Upcoming Online Events

January 13, 2026 – Board Members Club

January 15, 2026 – Community Conversation

January 29, 2026 – Educational Workshop

Good Governance – Education, Voting & Candidacy

February 10, 2026 – Board Members Club

February 21, 2026 – Ask the Attorney: Davis Stirling Overview



Echo Northern California Resource Panels (In-Person)

Sacramento Resource Panel – Tuesday, January 20, 2026

The Echo Club at Rossmoor – Wednesday, January 21, 2026

East Bay Resource Panel – Thursday, January 22, 2026

Wine Country Resource Panel – Tuesday, January 27, 2026

North Bay Resource Panel – Wednesday, January 28, 2026

San Francisco Resource Panel – Wednesday, January 28, 2026



Educational Seminars (In-Person)

Northern California Educational Seminar

June 13, 2026, Saturday – The Villages, San Jose

Southern California Educational Seminar

September 19, 2026, Saturday – Laguna Hills

Legislative Update & NorCal Seminar

November 14, 2026, Saturday – San Ramon



Earn a Certificate of Board Member Preparedness

Curriculum:

Good Governance Series (100 series):

- 100 - Leadership & Governance
- 101 - Elections, Voting, and Candidacy
- 102 - Meetings and Best Practices
- 103 - Board Evaluation of HOA Management

HOA Legal Environment Series (150 series)

- 150 - Ask the Attorney: Davis-Stirling Act Overview
- 151 - Ask the Attorney: Laws Other than the Davis-Stirling Act
- 152 - Ask the Attorney: Judicial Interpretation - HOA Case Law

Board Ethics (120 Series)

- 120A - Foundations of HOA Ethics Workshop
- 120B - Ethics in Practice Workshop

HOA Financial Management & Reserves (170 Series)

- 170 - HOA Financial Management & Reserves

HOA Board Member Preparedness Capstone Course (199)

- 199 - A Strategic Approach to HOA Management

Connor@echo-ca.org

- **Courses live via webinars**
- 8 out of 10 courses **recorded & on demand**
- 2 courses require live webinars w online participation
- 3 years to complete, pass exam

Echo Volunteer Corps

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- Board Members Club
- Marketing
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- Social Media Coordinator
- Digital Media Volunteer
- Journals
- **Volunteer at Events for Setup**
- **Volunteer at Events for Sign-in**



**Thank you and
See you at the next
TECO Talk!**

