

2024 LEGISLATION AFFECTING HOAS

LOMAA Meeting

December 2, 2024

<https://www.davis-stirling.com/HOME/New-Laws/2024-New-Laws>

AB 2114

Inspection of exterior elevated elements

Existing law requires the board of a condominium association to cause a visual inspection to be conducted, at least every 9 years, of the exterior elevated elements for which the association has maintenance or repair responsibility. Existing law requires the inspection to be conducted by a licensed structural engineer or architect. This bill would additionally authorize a licensed civil engineer to conduct the inspection and this bill would declare that it is to take effect immediately as an urgency statute. (Effective as of July 15, 2024)

AB 2159

Electronic secret ballot

Seeks to amend Civil Code Sections 5105 and 5115. Authorizes an association to conduct an election by electronic secret ballot notwithstanding the governing documents. If an electronic secret ballot is conducted by website, individual notice of the ballot must be delivered to each member and must include instructions on how to vote by electronic secret ballot. An electronic secret ballot is effective when transmitted and irrevocable. The use of an electronic secret ballot is prohibited unless members still have an opportunity to vote by written secret ballot. The law does not apply to elections regarding regular or special assessments.

AB 2460

Member Election

This is a cleanup bill to AB 1458 brought to address some ambiguity on decreased quorums. There has been some confusion as to whether the board or the Association members have the authority to reconvene a meeting at the lower quorum percentage (20% unless the documents provide for a lower quorum threshold). As amended, the bill provides a statement that 20% of the association's members (unless the documents allow for a lower percentage) voting in person, by proxy, or secret ballot satisfies quorum for the election of directors at the reconvened meeting.

SB 477 (urgency statute) Accessory Dwelling Units

Existing law states that ADUs and JADUs may be created and approved by local ordinance, or ministerial approval if an ordinance has yet to be adopted. This bill amends Government Code 65400 and requires the applicable planning agency to include in its annual report specific information related to the housing elements of the general plan, including the creation and regulation of ADUs and JADUs. The bill incorporates certain nonmaterial changes regarding these reporting requirements into Government Code Sections 66310-66341 and reorganizes these provisions. (Effective as of March 25, 2024)

SB 900

Repair and Maintenance

This bill would make community associations responsible for repairs and replacement of gas, heat, water or electrical services when services involving these components are interrupted to the extent the components originate in the common area. It would require the Association to commence a process to make necessary repairs within 14 days; however, if a vote is not taken within 14 days, the Association would be able to obtain financing to commence the repairs without a vote. This action would require a resolution containing written findings on the nature of the Association's expenses and how the reserves would not cover the necessary costs. Voting may be electronically done (including via email). It would also expand the definition of an "extraordinary expense" to include situations where threats to "personal health" are discovered, and not simply personal safety. It would not apply during declared states of disaster or emergency.