

**AUGUST 2021**

# **Bayside Cove Community Association**

## **NEW HOA LAW THAT WILL AFFECT BAYSIDE COVE HOA**

On August 30, 2019, Governor Newsom signed Senate Bill No. 326 (S.B. 326) into law, adding two new statutes to the Davis-Stirling Act. Civil Code section 5551 adds a requirement for associations to perform inspections of balconies and other exterior structural elements that the association has an obligation to maintain. Civil Code section 5986 invalidates and voids developer friendly provisions in governing documents that require homeowner votes prior to filing of a construction defect lawsuit. Below is an overview of the important points you need to be aware of regarding these new laws, which will go into effect on January 1, 2020.

### **Balcony Inspection Q&A**

The balcony inspection portion of this bill will look familiar to many, as it resembles the bill passed one year ago (S.B. 721), impacting apartment buildings and other multi-family projects throughout California. Common interest developments were excluded from S.B. 721, as the legislature tinkered with the inspection requirements to make for a more bearable burden on associations.

### **Which Associations Are Impacted?**

Associations with buildings with three or more multifamily dwellings.

### **What Needs to Be Inspected?**

Any "Exterior Elevated Elements" for which the association has a repair or maintenance responsibility – generally, this will be any load bearing components that extend beyond the exterior walls of the building to deliver structural loads to the building. Primarily this includes balconies, decks, stairways, walkways and railings that are supported by wood or wood-based products and are more than six feet above the ground.

### **Who Can Perform Inspections?**

Inspections must be performed by a licensed structural engineer or architect. Larger associations may also need to use a statistician, as the statute requires a statistically relevant sample size be inspected (95% confidence level, with a 5% margin of error).

### **When Do Inspections Need to Be Performed?**

Inspections must be completed every nine years. The first inspection must be completed by the end of 2024. Buildings being constructed after this law goes into effect will need to complete their first inspection within six years of issuance of a certificate of occupancy.

### **What Must the Inspection Look For?**

Visual inspections must confirm that areas are in a "generally safe condition" and "performing in accordance with applicable standards." If the inspector sees signs that the waterproofing system has been compromised, or that there is risk of damage to the load bearing components of the building, they are to use best judgment to recommend further inspections. If there are any threats to safety of residents, the inspector must notify the association immediately and governmental inspection agencies within 15 days of issuing their report. The association must act immediately to prevent access to dangerous areas and take other appropriate preventive measures necessary to protect the safety of the residents.

### **What Reports Must Be Generated From the Inspection?**

The inspector must issue a written report that includes:

- Identification of the applicable building components subject to inspection;
- Current physical condition of the components and whether there is a present threat to the health or safety of residents;
- Expected future performance of the components and remaining useful life; and
- Recommendations for any repairs.

The inspector's report must be stamped or signed and included in the association's reserve study. The reports generated must be preserved in the association's records for a period of at least two inspection cycles.

The five-year window to complete the first inspection will allow associations to coordinate the first balcony inspections to take place with an upcoming reserve study inspection. The nine-year balcony inspection cycles will then coordinate with every third reserve study inspection going forward.

**BOARD OF DIRECTORS:**

President: Andrew Fazekas  
 Treasurer: John Perrone  
 Secretary:  
 Member at Large: Dave Gillette

**NEXT BOARD MEETING:**

**AUGUST 21, 2021 AT 4:30PM**

*The final agenda will be posted at the bulletin board by the pool area. You may also obtain a copy of the agenda by contacting management at (949)838-3217.*

**IMPORTANT NUMBERS:****ASSOCIATION MANAGER:**

Karen Lua  
 Phone: (949)838-3217  
*Emergency After Hours:*  
 (949) 833.2600  
 Fax: (949) 377.3309  
 klua@keystonepacific.com

**COMMON AREA ISSUES:**

Luis Cruz  
 lcruz@keystonepacific.com

**BILLING QUESTIONS/ ADDRESS CHANGES/ WEBSITE LOGIN:**

Phone: (949) 833.2600  
 customercare@keystonepacific.com

**ARCHITECTURAL DESK:**

Phone: (949) 838.3239  
 architectural@keystonepacific.com

**INSURANCE BROKER:**

Prendiville Insurance Agency  
 27134 A Paseo Espada #323  
 San Juan Capistrano, CA 92675.  
 Phone: (949) 487-9696

**POOL KEYS:**

Replacement fee \$75.00  
 Gate Remotes \$32.00

**HOMEOWNER ASSESSMENT**

Please review the mailing address for your assessment payments to confirm they are being sent to:  
**PO BOX 513380**  
**Los Angeles, CA 90051-3380**

**WHAT TO DO TO PREPARE FOR THE BALCONY LAW?**

- Remove heavy equipment on patios.
- Do not hose down overhanging patios (only sweep patios).
- Place saucers under plant pots.
- Do not use patio's as storage.

**RULE OF THE MONTH****IX. RULES FOR THE USE OF COMMON AREAS**

1. Work crews are only allowed to work in units in the Cove from 7:00 A.M. to 6:00 P.M. on weekdays. No noisy or heavy construction is allowed to be undertaken on Saturdays for the consideration of other residents. No construction is allowed on Sunday, in accordance with Newport Beach code. Work crews and their vehicles are the responsibility of the owner/renter who has authorized the work to be done. After unloading, work crews are expected to park their vehicles in authorized parking spaces.

2. All pets permitted to be in the common areas must be on a leash. Residents are responsible for cleaning waste material left by their pets. Pet owners are strongly encouraged to have their pets not use the grassy areas within the campus to relieve themselves as it causes damage to the grass and in many cases is someone else's front yard. They may use the foliage areas, the grass areas along Bayside Drive or alternatively taken off property. Pet owners may not use the grassy area along the entry drive way.

**Keystone Pacific Property Management  
 2021 Holiday Schedule  
 Office Closed Days**

Monday, September 6th Labor Day  
 Thursday, November 11th Veterans Day  
 Thursday, November 25th Thanksgiving Day  
 Friday, November 26th Day After thanksgiving  
 Friday, December 24th Christmas Eve  
 Monday, December 27th Observed for Christmas Day  
 Friday, December 31st Observed for New Year's Day

**For any after hours emergencies please  
 contact (949)833.2600.**

