

TO: Assembly Housing & Community Development Committee
[Via FAX: (916) 319- 3182]

As a Board member [or a Community Association Manager] of a California homeowners association, I am writing to let you know that I am opposed to Assembly Bill 1720 (Wagner). It mandates that California homeowners associations permit members' attorneys to attend, gather information, and perhaps speak on any item at association board of directors meetings.

Currently, the law does not permit a homeowner to have their attorney attend their association's board meetings, as the Civil Code very clearly states that **ONLY** homeowner members are allowed to attend the meetings. And this was the holding in the Court of Appeals decision in the case of ***SB Liberty, LLC, v. Isla Verde Association, Inc.*** Here are some additional reasons why I request you oppose this bill:

1. The bill assumes that all 50,000 California associations have an attorney when, in fact, they don't. AB 1720 would likely cause many of them to hire attorneys to attend these meetings, as the board members would not feel comfortable meeting with the attorney without the association's own counsel present.
2. AB 1720 will result in associations having to raise the assessments levied on the members in order to be able to retain counsel to attend meetings.
3. Current law already allows five other opportunities for an attorney to represent members, including (1) writing a letter to the board, (2) an informal private meeting with the board, (3) internal dispute resolution, (4) alternative dispute resolution, and (5) litigation. Thus, AB 1720 is totally unnecessary. And what possible benefit is afforded to an owner to have their attorney come to the meeting? The board cannot likely respond to the attorney, as an issue raised by an attorney at the meeting may not be on the board's meeting agenda, as required by [Civil Code Section 4930](#).

4. How are the volunteer board members supposed to respond to an attorney that comes to their board meeting? Are they to remain silent, or engage without the advice or assistance of counsel? Will they say something that can be used against the association later?
5. If an association does have legal counsel (and many do), the bill would cause the member's attorney to violate the California State Bar's Rules of Professional Conduct, which prohibits the member's attorney from addressing the board without permission from the association's attorney. (Rule 2-100)
6. In my experience, I have found that members of boards of directors are receptive to information provided by the members. A member can relay their attorney's concerns in writing or through the homeowner forum portion of a board meeting. This would be the better procedure and would not require the association to incur the expense of having their legal counsel attend the meeting just to protect the board. I do not see the need for the bill.

Let me conclude by saying that I believe that AB 1720 is an unwarranted disruption to proper and orderly board discussions, causes unnecessary expenditures by associations, and will greatly intimidate volunteer board members. Thank you for considering my position.