

Introduced by Senator DeSaulnierFebruary 18, 2010

An act to relating to common interest developments.

LEGISLATIVE COUNSEL'S DIGEST

SB 1128, as introduced, DeSaulnier. Common interest developments: transfers of title.

The Davis-Stirling Common Interest Development Act defines and regulates common interest developments and authorizes the association that manages the development to levy assessments to fulfill its obligations. The act provides that a regular or special assessment of the association, late charges, reasonable costs of collection, attorney's fees, and interest, as specified, are a debt of the owner of the separate interest at the time the assessment or other sums are levied, and are a lien on the owner's separate interest when the association records a notice of delinquent assessment and follows a specified process. Existing law authorizes a community service organization or similar entity that performs environmental mitigation and that was established prior to February 20, 2003, and a community service organization or similar entity established and collecting transfer fees prior to January 1, 2004, that institutes specified fee collection procedures on and after January 1, 2006, to impose or collect an assessment, penalty, or fee in connection with a transfer of title or any other interest in an amount not to exceed the actual costs to change its records.

This bill would provide that the Golden Rain Foundation of Walnut Creek may apply a fee upon the sale or other transfer of title of a separate interest within the common interest developments for which it provides services under a declaration of trust if a fee was applied to the sale or transfer of separate interests within that common interest

development prior to January 1, 2010, in accordance with the provisions of existing law that apply to fees imposed and collected by specified community service organizations or similar entities that perform environmental mitigation.

This bill would make legislative findings and declarations as to the necessity of a special statute for the purpose of ensuring the continuity of services to residents of real property maintained by a community service organization located in the County of Contra Costa.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Notwithstanding any other provision of law, the
2 Golden Rain Foundation of Walnut Creek may apply a fee upon
3 the sale or other transfer of title of a separate interest within the
4 common interest developments for which it provides services under
5 a declaration of trust if a fee was applied to the sale or transfer of
6 separate interests within that common interest development prior
7 to January 1, 2010. The fee shall be applied in accordance with
8 subdivision (c) of Section 1368 of the Civil Code.

9 SEC. 2. The Legislature finds and declares that a special law
10 is necessary and that a general law cannot be made applicable
11 within the meaning of Section 16 of Article IV of the California
12 Constitution because of the unique need to ensure the continuity
13 of services to residents of real property maintained by a community
14 service organization located within the County of Contra Costa.