

AMENDED IN SENATE JUNE 23, 2014

AMENDED IN SENATE MAY 27, 2014

AMENDED IN ASSEMBLY MAY 2, 2013

AMENDED IN ASSEMBLY APRIL 22, 2013

AMENDED IN ASSEMBLY APRIL 2, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

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**ASSEMBLY BILL**

**No. 968**

**Introduced by Assembly Member Gordon**

February 22, 2013

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An act to amend, *repeal, and add* Section 4775 of the Civil Code, relating to common interest developments.

LEGISLATIVE COUNSEL'S DIGEST

AB 968, as amended, Gordon. Common interest developments: common areas: maintenance and repairs.

The Davis-Stirling Common Interest Development Act governs the management and operation of common interest developments. These provisions require that a common interest development be managed by an association and also set forth the duties and responsibilities of the association and the owners of the separate interests with regard to maintenance and repair of common and exclusive use areas, as defined. Unless otherwise provided in the common interest development declaration, the association is responsible for maintaining, repairing, or replacing the common area, other than the exclusive use common area, and the owner of each separate interest is responsible for

maintaining that separate interest and any exclusive use common area appurtenant to the interest.

This bill would, *beginning January 1, 2016*, instead provide that, unless otherwise provided in the declaration, the association is responsible for maintaining, repairing, and replacing the common area, the owner of each separate interest is responsible for maintaining, repairing, and replacing the separate interest, and the owner of the separate interest is responsible for maintaining the exclusive use common area appurtenant to the separate interest while the association is responsible for repairing and replacing the exclusive use common area.

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. Section 4775 of the Civil Code is amended to*  
 2     *read:*

3     4775. (a) Unless otherwise provided in the declaration of a  
 4     common interest development, the association is responsible for  
 5     repairing, replacing, or maintaining the common area, other than  
 6     exclusive use common area, and the owner of each separate interest  
 7     is responsible for maintaining that separate interest and any  
 8     exclusive use common area appurtenant to the separate interest.

9     (b) The costs of temporary relocation during the repair and  
 10    maintenance of the areas within the responsibility of the association  
 11    shall be borne by the owner of the separate interest affected.

12    (c) *This section shall be repealed on January 1, 2016.*

13    *SEC. 2. Section 4775 is added to the Civil Code, to read:*

14    4775. (a) (1) *Except as provided in paragraph (3), unless*  
 15    *otherwise provided in the declaration of a common interest*  
 16    *development, the association is responsible for repairing,*  
 17    *replacing, and maintaining the common area.*

18    (2) *Unless otherwise provided in the declaration of a common*  
 19    *interest development, the owner of each separate interest is*  
 20    *responsible for repairing, replacing, and maintaining that separate*  
 21    *interest.*

22    (3) *Unless otherwise provided in the declaration of a common*  
 23    *interest development, the owner of each separate interest is*  
 24    *responsible for maintaining the exclusive use common area*

1 *appurtenant to that separate interest and the association is*  
2 *responsible for repairing and replacing the exclusive use common*  
3 *area.*

4 *(4) The governing documents may define which items or actions*  
5 *constitute maintenance and which constitute repair and*  
6 *replacement.*

7 *(b) The costs of temporary relocation during the repair and*  
8 *maintenance of the areas within the responsibility of the*  
9 *association shall be borne by the owner of the separate interest*  
10 *affected.*

11 *(c) This section shall become operative on January 1, 2016.*

12 ~~SECTION 1. Section 4775 of the Civil Code is amended to~~  
13 ~~read:~~

14 ~~4775. (a) (1) Except as provided in paragraph (3), unless~~  
15 ~~otherwise provided in the declaration of a common interest~~  
16 ~~development, the association is responsible for repairing, replacing,~~  
17 ~~and maintaining the common area.~~

18 ~~(2) Unless otherwise provided in the declaration of a common~~  
19 ~~interest development, the owner of each separate interest is~~  
20 ~~responsible for repairing, replacing, and maintaining that separate~~  
21 ~~interest.~~

22 ~~(3) Unless otherwise provided in the declaration of a common~~  
23 ~~interest development, the owner of each separate interest is~~  
24 ~~responsible for maintaining the exclusive use common area~~  
25 ~~appurtenant to that separate interest and the association is~~  
26 ~~responsible for repairing and replacing the exclusive use common~~  
27 ~~area.~~

28 ~~(4) For purposes of this section, the association may amend the~~  
29 ~~governing documents in accordance with these provisions to define~~  
30 ~~what items or actions constitute maintenance and which constitute~~  
31 ~~repair and replacement.~~

32 ~~(b) The costs of temporary relocation during the repair and~~  
33 ~~maintenance of the areas within the responsibility of the association~~  
34 ~~shall be borne by the owner of the separate interest affected.~~