

ASSEMBLY BILL

No. 2100

Introduced by Assembly Member Campos

February 20, 2014

An act to amend Section 4775 of the Civil Code, and to add Section 50034 to the Government Code, relating to drought relief.

LEGISLATIVE COUNSEL'S DIGEST

AB 2100, as introduced, Campos. Common interest developments: local governments: yard maintenance: fines: drought.

The Davis-Stirling Common Interest Development Act governs the management and operation of common interest developments. The act sets 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, and 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 that interest. An association may impose a fine or assessment upon a separate interest owner for failure to maintain his or her property in accordance with the association rules for that development.

This bill would prohibit an association from imposing a fine or assessment on separate interest owners for yard maintenance issues related to under-watered plants and lawns during any period for which the Governor has declared a state of emergency due to drought.

Existing law provides for the creation and powers of cities, counties, and cities and counties.

This bill would prohibit a city, county, or city and county from imposing a fine or assessment on separate interest owners for yard maintenance issues related to under-watered plants and lawns during any period for which the Governor has declared a state of emergency due to drought. This bill would find and declare that these provisions are an issue of statewide concern and not a municipal or county affair, as specified.

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) *Notwithstanding any other provision of this part, an*
13 *association shall not impose a fine or assessment against an owner*
14 *of a separate interest for yard maintenance issues related to*
15 *under-watered plants and lawns during any period for which the*
16 *Governor has declared a state of emergency due to drought.*

17 SEC. 2. Section 50034 is added to the Government Code, to
18 read:

19 50034. Notwithstanding any other law, a city, county, or city
20 and county shall not impose a fine or assessment against a
21 landowner for yard maintenance issues related to under-watered
22 plants and lawns during any period for which the Governor has
23 declared a state of emergency due to drought.

24 SEC. 3. The Legislature finds and declares that the prohibition
25 of fines or assessments against landowners for yard maintenance
26 issues during any period for which the Governor has declared a
27 state of emergency due to drought is a matter of statewide concern
28 and not a municipal affair, as that term is used in Section 5 of

- 1 Article XI of the California Constitution, or a county affair
- 2 described in Section 4 of Article XI of the California Constitution.
- 3 Therefore, Section 2 of the act applies to a charter city or county.