

Introduced by Senator Jackson

February 20, 2013

An act to amend Section 1354 of the Civil Code, relating to common interest developments.

LEGISLATIVE COUNSEL'S DIGEST

SB 383, as introduced, Jackson. Common interest developments.

Existing law provides that the covenants and restrictions in the declaration of a common interest development are enforceable equitable servitudes, unless unreasonable, that inure to the benefit of and bind all owners of separate interests in the development. Existing law authorizes the owner of a separate interest in a common interest development to enforce a governing document against the association, except as specified, and the association to enforce a governing document against the owner of a separate interest, except as specified.

This bill would make a nonsubstantive change to that provision.

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 1354 of the Civil Code is amended to
2 read:
3 1354. (a) The covenants and restrictions in the declaration
4 shall be enforceable equitable servitudes, unless unreasonable, and
5 shall inure to the benefit of and bind all owners of separate interests
6 in the development. Unless the declaration ~~states~~ otherwise *states*,
7 these servitudes may be enforced by any owner of a separate
8 interest or by the association, or by both.

1 (b) A governing document other than the declaration may be
2 enforced by the association against an owner of a separate interest
3 or by an owner of a separate interest against the association.

4 (c) In an action to enforce the governing documents, the
5 prevailing party shall be awarded reasonable attorney's fees and
6 costs.

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