

**Introduced by Senator Nielsen**February 12, 2014

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

## LEGISLATIVE COUNSEL'S DIGEST

SB 992, as introduced, Nielsen. Maintenance of exclusive areas: fines.

The Davis-Stirling Common Interest Development Act governs the management and operation of common interest developments. Existing law 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, 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.

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.*