

AMENDED IN SENATE MAY 10, 2016

AMENDED IN SENATE APRIL 7, 2016

**SENATE BILL**

**No. 918**

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**Introduced by Senator Vidak**

January 27, 2016

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An act to amend Sections 5660, 5665, 5670, 5690, 5700, 5705, 5710, 5720, and 5730 of, and to add Section 4041 to, the Civil Code, relating to common interest developments.

LEGISLATIVE COUNSEL'S DIGEST

SB 918, as amended, Vidak. Common interest developments.

Existing law, the Davis-Stirling Common Interest Development Act, defines and regulates common interest developments. Existing law authorizes a homeowners association to place a lien on a property and to take specified enforcement actions to satisfy outstanding dues or assessments owed on a property in the development. *developments, which are managed by a homeowners' association.*

This bill would require the owners of the separate interests in a common interest development to annually provide the association with specified written information for the purpose of receiving notice of an assessment lien on their property. The bill would require the association to provide specified notice by personal service to an owner and to offer to participate in dispute resolution procedures with an owner prior to recording a notice of default against the owner's separate interest. The bill would require that specified language be included in a written notice provided to an owner prior to the recording of a notice of default by the association. *from the association.*

The bill would also require the association to try to personally serve the owner on at least 3 occasions, including at specified times, and to

~~prepare a statement regarding the attempts at personal service. The bill would make conforming changes.~~

~~Existing law requires an association to provide an owner with an opportunity to meet and confer with the association prior to recording a lien for delinquent assessments.~~

~~This bill would suspend any action to enforce a lien by the association for up to 90 days when an owner requests to meet and confer.~~

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 4041 is added to the Civil Code, to read:
- 2 4041. (a) An owner of a separate interest shall, on an annual
- 3 basis, provide written notice to the association of all of the
- 4 following:
- 5 (1) The mailing address or addresses to which notices from the
- 6 association are to be delivered.
- 7 (2) An alternate or secondary address ~~where~~ *to which* notices
- 8 from the association are to be delivered.
- 9 (3) The name and address of his or her legal representative, if
- 10 any, including any person with power of attorney or other person
- 11 who can be contacted in the event of the owner’s extended absence
- 12 from the separate interest.
- 13 (4) Whether the separate interest is owner-occupied, is rented
- 14 out, if the parcel is developed but vacant, or if the parcel is
- 15 undeveloped land.
- 16 (b) The association shall solicit these annual ~~disclosures~~ *notices*
- 17 of each owner and enter the data into its books and records at least
- 18 30 days prior to making its own required annual disclosures to
- 19 members under Section 5300.
- 20 (c) If an owner fails to provide the notices ~~as set forth in~~
- 21 paragraphs (1) and (2) of subdivision (a), the property address
- 22 shall be deemed to be the mailing address to which notices are to
- 23 be delivered.

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**All matter omitted in this version of the bill  
appears in the bill as amended in the  
Senate, April 7, 2016. (JR11)**

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