

New and Pending Bills Introduced

CAI Day at the Capitol – CLAC Positions Revealed



BY JOEL M. KRIGER, ESQ.

There are several new Bills which have been submitted to the legislature which will have an impact on the way associations do business in the future. I attended the California Legislative Action Committee's program in Sacramento on March 24, 2003. All the pending Bills affecting associations were discussed in detail. CLAC has adopted positions with regard to several of these Bills and is diligently lobbying those legislators where changes are needed. The following is a summary of the Bills which most directly affect homeowner associations:

AB 104 - Owner's Inspection Rights — Currently the association's Bylaws and the Corporations Code specifies an individual owner's rights of inspection of association documents. New legislation to become part of the Civil Code reiterates these inspection rights. The legislation as proposed does not appear to expand those rights.

AB 1086 - Transfer Fees — This Bill prohibits homeowner associations and management companies from collecting any assessment, penalty or fee in connection with a transfer of title except the association's actual cost to change its

records and its specified charge for providing certain information upon request. This Bill could significantly impact management companies currently providing these services for its association clients.

AB 903 - Construction Defects — Last year SB800 created a whole new scheme for resolving residential construction defect problems. This Bill would require the California Law Revision Commission to conduct a study to determine if the goals of achieving a more fair and prompt resolution process has resulted. It is anticipated this study would take several years if authorized.

AB 210 - Secondhand Smoke — This Bill would provide that the drifting, wafting or blowing of tobacco smoke into the unit of another individual in a homeowners association is

a nuisance and provides specified penalties for violations.

AB 512 - New Procedures for Adoption of Rules and Architectural Decisions — This Bill provides new requirements for adoption of rules by the Board of Directors and also sets forth additional procedures for use by architectural committees in approving or disapproving applications.

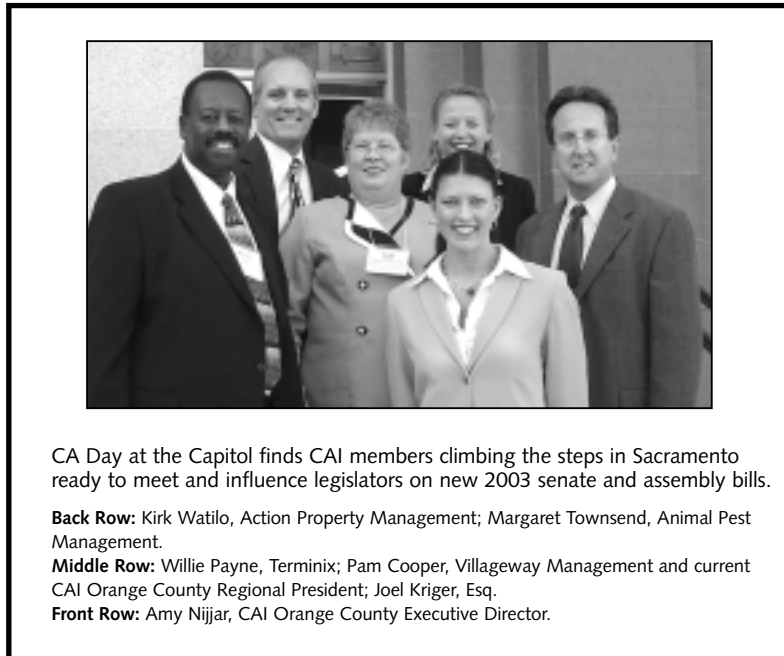
AB 1525 - Signs.

This would prohibit associations from adopting for enforcing any rule that prohibits the posting or displaying of non-commercial signs, posters, or banners on or in an owner's separate interest. This Bill could seriously hamper the ability of associations to control signs, posters or banners that could dramatically impact the aesthetic appearance of the community.

CLAC is working to obtain amendments to limit this legislation.

AB 1735 - Davis-Stirling Organizational Headings.

This Bill proposes to add descriptive chapter and article headings to the Davis-Stirling Act to make it more user friendly. It does not change any substantive provisions of the law. ■



CA Day at the Capitol finds CAI members climbing the steps in Sacramento ready to meet and influence legislators on new 2003 senate and assembly bills.

Back Row: Kirk Watilo, Action Property Management; Margaret Townsend, Animal Pest Management.

Middle Row: Willie Payne, Terminix; Pam Cooper, Villageway Management and current CAI Orange County Regional President; Joel Kriger, Esq.

Front Row: Amy Nijjar, CAI Orange County Executive Director.