



News

Joel M. Kriger, APC - Community Association Division

Assembly and Senate Bills, New for 2006

Synopsis of Law Changes

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1. SB 853 — Architectural Changes, Standing to Sue

This law specifies that any decision on a proposed architectural change may not violate any law, regardless of contrary provisions in governing documents. It also makes nonsubstantive, technical changes to provisions of the law with regard to an association's standing to institute, defend, settle, or intervene in civil proceedings.

2. AB 662 — Construction Defects, County of San Diego, Fires

This law authorizes a homeowner and a contractor to agree by contract to be governed by the construction defect provisions applicable to new home construction with regard to the free rebuilding of residential homes destroyed in the Cedar Fire of October 2003.

3. SB 702 — Unincorporated Associations

This law adds provisions governing membership suspensions or terminations in unincorporated associations, as well as changes to member voting rights and procedures, amendments to the governing documents when the documents don't have those provisions, mergers, and dissolutions. It also expands upon existing liability of members, directors, officers, and agents, under certain conditions, for acts or omissions causing injury, damage, or harm.

4. AB 885 — Foreclosure Statutes

This law makes minor changes to statutes governing foreclosures, including modifying the definition of "last known address" for notices of default and notices of sale, and allows for postponements of the sale any time prior to completion of the sale.

5. AB 394 — Removal of Discriminatory Provisions in Recorded Documents

This law allows any owner of property which has restrictions recorded against it to change those restrictions to delete references to discriminatory provisions based on race, color, religion, sex, sexual orientation, familial status, marital status, disability, national origin, source of income, or ancestry.

6. AB 1754 — Reserves

This law makes nonsubstantive, technical changes to provisions of the law with regard to an association's reserve accounts.

7. SB 61 — Elections

This new law makes significant changes to the procedures and rights of homeowner associations and members with regard to elections in these corporations covering votes on assessments, election of directors, document amendments and grants of exclusive rights of use (see page 3 for more details).

8. SB 137 — Assessment Collection

This law makes significant changes to the assessment collection procedures for homeowner associations for debts that arise on and after January 1, 2006 (see page 2 for more details).

9. AB 1098 — Document Inspection Rights

This law makes changes to the documents that must be provided in response to inspection demands from members in homeowner associations (see page 4 for more details).

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