

2008 CALIFORNIA LEGISLATION – PASS OR VETO

A remarkable amount of HOA legislation was passed by the Legislature at the end of this session. Even more remarkable, the governor vetoed most of it.

AB 567 – Common Interest Development Bureau – This bill would authorize the establishment of a state CID Bureau to provide educational opportunities, a website and toll-free number to field questions. The bureau would be funded from fees levied upon homeowners associations. The initial fee would be \$10/unit, every 2 years. A 50-unit association would pay the state \$500 once every two years. **VETO**

AB 952 – Assessment Payment Plans – This bill would require the board and an owner to meet and discuss the reasons why a payment plan is needed, if the owner requests a payment plan. The association would have 45 days to provide a payment plan in writing if the evidence warrants it. The payment plan could last no more than 3 years. Lien enforcement procedures would be suspended if payments are made as required. Reasonable fees to administer the plan are allowed. **VETO**

AB 1892 – Solar Energy Installations – Would void any CC&R prohibition or restrictions with respect to solar energy systems – **Chaptered – now law**

AB 1955 – Variable Assessments – Would prohibit associations from levying assessments based upon the taxable value of the property unless it was being done before December 31, 2008 – limited applicability **VETO**

AB 2259 – Rental Restrictions – Would not allow rental restrictions enacted by HOA members after January 1, 2009 to apply to any owner who owned their separate interest prior to the date the rental restriction passed. Would also require owner to provide name and contact information to the HOA about his tenants. **VETO**

AB 2806 – Board Member Education – Would require that all board members and candidates for the board disclose to the HOA members whether they have taken a course in Community Association law and when they took the course. It would be effective in 2010, if passed. **VETO**

AB 2846 – Small Claims Court Disputes – Would expand the options available to an owner in a monetary dispute with the Association to pay under protest and seek relief via Small Claims Court. **Chaptered – now law**

SB 127 – Transfer Disclosures – Requires that necessary disclosures be made within 20 days of the execution of the purchase agreement or the opening of escrow, whichever is later. **VETO**

SB 1511 – Defaults/Foreclosures – Would require lenders and trustees to inform the association of new owners who have taken a separate interest as a result of foreclosure or other transfer of title. – **Chaptered – now law**

Further information on these bills can be found at www.leginfo.ca.gov. We will be discussing those bills that are signed at our annual law and legislative update meeting early next year.