

AB 1892: HOA Omnibus

Assemblymember Laurie Davies

IN BRIEF

AB 1892 Makes various changes to the civil code related to common interest developments that reduces unnecessary administrative costs as well as provide clarity and consistency for homeowners and boards.

THE ISSUE

Recent legislation affecting common interest developments (HOAs) created unintended ambiguity. AB 2159 (2024) amended Civil Code Section 5105 to authorize and regulate the use of electronic secret ballot elections. Furthermore, SB 900 amended Civil Code Section 4775 to address responsibility for restoring interrupted gas, heat, water, and electrical services. While well-intended, both statutes require clarification to align with legislative intent and existing law.

Lastly, in 2021, AB 502 increased notice requirements for upcoming elections and include information on how to run and what may happen if not enough applications are not received. Additionally, it requires that an HOA must have held a regular election for directors in the last three years in order to use an election by acclamation procedure and it adds in an additional notice 90 days before the deadline for nominations

CURRENT LAW

AB 502 – Requires certain information be given to association members 90 days prior to a vote by acclamation being conducted.

AB 2159 – current language can be interpreted as to require notice to **all** members, even those who do not vote electronically. The statute requires exactly 30 days before an election, limiting flexibility. This

increases administrative burden and costs beyond what was intended.

SB 900 – Existing language may read to make associations responsible for any utility interruption that begins in the common area, even if the utility is maintained by a third-party provider. This could significantly expand the HOAs liability.

THE SOLUTION

The proposed bill would do the following things:

- Amend Civil Code 5105 to clarify that notice is required only for members who elect to vote electronically. It explicitly states that notice may be provided no later than 30 days prior to an election, rather than exactly 30 days.
- Amend Civil Code 4775 to clarify that associations are responsible only when the interruption itself occurs in the common area and clarify that responsibility does not apply where utilities are maintained by a public or private utility provider.
- Amend Civil Code 5103 to change the 90 day notification to 30 days in order to streamline HOA elections and not cause unnecessary delays.

FOR MORE INFORMATION

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