

## Pending 2011 Legislation *March 2011 Newsletter*

There are numerous proposed bills this legislative season that, if passed, will impact common interest developments. The following is a brief summary of the currently pending bills that could have the largest impact on associations, boards and managers.

### **1. Action by Board - SB 563**

This bill would prohibit the board from taking action on any matter outside of a properly noticed meeting, and restrict board action via e-mail. In addition, it would repeal provisions that allow the board to consider any matter at a meeting even if it has not been noticed in the agenda. If passed, this bill could easily cripple an association's ability to properly perform its duties.

### **2. Electric Vehicle Charging Stations - SB 209**

This bill would prohibit an association from restricting a homeowner's ability to install an electrical vehicle charging station. An association that violates this bill would be liable for damages and a civil penalty of \$1,000 per occurrence. If passed, this bill would require that associations allow the installation of such stations. Unfortunately, this bill is silent on who is responsible for installation and maintenance; who is liable for injury related to use of the stations; how the station is handled when the owner sells; transfers ownership or is foreclosed; and who is responsible for paying the electric bill.

### **3. Document Requests and Fees - AB 771**

This bill would cap the fees charged by third party companies for gathering and delivering association documents, including management companies. If passed, this bill could prevent document preparation companies from gathering and delivering association documents, as it could severely limit their ability to be profitable. The end result is that the duty to provide the documents would fall on the shoulders of the board.

### **4. Common Interest Developments AB 805**

This bill would essentially "revamp" the entire Davis-Stirling Act. If passed, numerous provisions would be revised and possibly materially amended, including notice and delivery, amending the governing documents, elections and voting, and how non-residential common interest developments are treated.

### **5. Artificial Turf SB 759**

Introduced last year as AB 1793, the Governor ultimately vetoed this bill. As with before, this bill seeks to prevent an association from enforcing any restrictive covenants that prohibit owners from installing artificial turf or other synthetic surfaces that resemble grass.