

Date of Hearing: January 14, 2026

ASSEMBLY COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

Matt Haney, Chair

AB 1184 (Patterson) – As Amended January 5, 2026

SUBJECT: Common interest developments: association management and meeting procedures

SUMMARY: Establishes the Homeowner Association (HOA) Accountability and Transparency Act of 2026, which makes various changes to the Common Interest Development (CID) Open Meeting Act, regarding the management and meeting procedures and protocols for CIDs.

Specifically, **this bill:**

- 1) Requires the general notice about any HOA emergency rule changes to include the text of the rule change, a description of the purpose and effect of the rule change, and the date when the rule change will expire.
- 2) Prohibits a majority of the directors of the HOA board from, outside a board meeting, using a series of communications to deliberate or act on any items of business except in an emergency. Provides that informational or ministerial communications that do not solicit responses, do not involve discussion among a majority of directors, and do not result in board action are permissible.
- 3) Requires that, if an HOA becomes involved in litigation, the board must provide notice of the litigation as part of the annual budget report distributed to members. Any member receiving the notice of litigation may request the name of the court and case number of any litigation from the HOA board.
- 4) Provides that, if ongoing litigation is discussed in executive sessions, the meeting minutes must include the case name.
- 5) Provides that, if open session HOA board meetings are electronically recorded with audio or audio and video, the recordings must be considered a record of the HOA and shall be made available to HOA members on the same basis as written meeting minutes. Further requires notice to be given at the beginning of every open session of the board that the meeting is being recorded.
- 6) States that there shall be no charge for the emailing of board meeting minutes to any requesting HOA member. Specifies that posting the meeting minutes on the HOA's website satisfies the requirement for the HOA to provide any requesting member with an electronic copy of the meeting minutes, and members may be directed to the HOA's website to obtain a copy.
- 7) Requires HOA board meeting minutes, or proposed minutes, to include, but not be limited to, all of the following information:
 - a) The date of the meeting;
 - b) The time of the meeting;
 - c) The location of the meeting;

- d) The type of meeting, such as regular, special, emergency, executive, or committee;
 - e) Whether notice and an agenda of the meeting was given to the membership;
 - f) The names of directors present;
 - g) The names of absent directors; and
 - h) Whether members are also present, and the names and titles of any guest speakers.
- 8) Prohibits amendments to the HOA's governing documents to include amendments to the operating rules if the vote is being held by secret ballot.
 - 9) Requires the meeting minutes reporting the election results for HOA director positions to state the term for each elected director.
 - 10) Provides that the HOA may only bill the requesting member for the direct and actual cost of copying and mailing requested records, and that there shall be no charge for the emailing of documents already in electronic format and which do not require any redacting.
 - 11) Allows a HOA member to bring a civil action to enforce their right to inspect and copy the HOA's records. Provides that if a court finds that the HOA unreasonably withheld access to the HOA's records, the court shall award the member attorney's fees and court costs, and the court may impose a civil penalty up to \$500 for each violation.

EXISTING LAW:

- 1) Requires an HOA board to provide general notice of a proposed rule change at least 28 days before adopting it. (Civil Code (CIV) 4360)
- 2) Requires the HOA board to deliver general notice of an adopted rule change as soon as possible, and no later than 15 days after adoption. For emergency rule changes, the notice must include the text, purpose and effect, and expiration date. (CIV 4360)
- 3) Authorizes the HOA board to adopt emergency rule changes without prior notice if needed to address an imminent threat to health and safety or substantial economic loss. (CIV 4360)
- 4) Establishes the CID Open Meeting Act (CIV 4900)
- 5) Prohibits the HOA board from taking action on any item of business outside of a board meeting. (CIV 4910)
- 6) Prohibits the HOA board from conducting meetings through a series of electronic transmissions (e.g., email), except when conducting an emergency board meeting under specific conditions. (CIV 4910)
- 7) Authorizes an HOA board to adjourn to, or meet solely in, executive session to discuss litigation, contracts with third parties, member discipline, personnel matters and assessment payment issues at a member's request. (CIV 4935)

- 8) Requires the HOA board to meet in executive session for member discipline, if requested by the member, discussion of a payment plan, or to decide on whether to foreclose on a lien. (CIV 4935)
- 9) Requires any matter discussed in executive session to be generally noted in the minutes of the next open board meeting. (CIV 4935)
- 10) Requires the HOA board to make minutes, draft minutes, or a summary of any non-executive session board meeting available to members within 30 days of the meeting. (CIV 4950)
- 11) Requires the HOA board to distribute the minutes, draft minutes, or summary to any member upon request and reimbursement of the association's distribution costs. (CIV 4950)
- 12) Requires HOA elections on assessments, director elections and removals, governing document amendments, and grants of exclusive use of common area to be held by secret ballot. (CIV 5100)
- 13) Requires all votes to be counted and tabulated by the inspector(s) of elections or their designee in public at a properly noticed open board or member meeting, with the process open to observation by candidates and members. (CIV 5120)
- 14) States that once received by the inspector(s), a secret ballot is irrevocable. (CIV 5120)
- 15) Requires election results to be promptly reported to the HOA board, recorded in the next board meeting minutes, made available to members, and noticed within 15 days. (CIV 5120)
- 16) Requires meeting agendas, minutes, and election materials to be included in an association's records. (CIV 5200)
- 17) Requires an HOA to make association records available for member inspection and copying. (CIV 5205)
- 18) Authorizes the HOA to bill the requesting member for the direct and actual cost of copying and mailing records, with prior disclosure and member agreement. (CIV 5205)
- 19) Enforces the right to inspect and copy HOA records by bringing legal action if access is unreasonably denied. If a court finds the HOA withheld records without justification, it must award the member reasonable costs and attorney's fees, and may impose a civil penalty of up to \$500 for each separate written request. File in small claims court if the demand is within its jurisdiction. A prevailing HOA may recover costs only if the court finds the action to be frivolous, unreasonable, or without foundation. (CIV 5235)

FISCAL EFFECT: Unknown.

COMMENTS:

Author's Statement: According to the author, "AB 1184 ensures California homeowners have information about decisions made by homeowner's associations (HOAs) affecting their properties. It enacts common-sense transparency measures, such as allowing HOA residents to access the recordings of board meetings and requiring HOAs to notify members of pending litigation against the HOA. Reforms in AB 1184 enhance information availability for members

of the HOA.”

Common Interest Developments: There are over 50,000 CIDs in the state that range in size from three to 27,000 units, with the average CID having 286 residents. CIDs make up roughly 4.7 million housing units, and 36% of Californians (over 14 million Californians) live in a CID. These rates are even higher for homeowners, with approximately 65% of homeowners living in a CID. CIDs include condominiums, community apartment projects, housing cooperatives, and planned unit developments. They are characterized by a separate ownership of dwelling space coupled with an undivided interest in a common property, restricted by covenants and conditions that limit the use of common area, and the separate ownership interests and the management of common property and enforcement of restrictions by an HOA. CIDs are governed by the Davis-Stirling Common Interest Development Act (the Act) as well as the governing documents of the association, including bylaws, declaration, and operating rules.

Davis-Stirling Common Interest Development Act: The Davis-Stirling Act (Act) went into effect in 1986 and is the primary body of law governing CIDs in California. The Act provides the legal framework for the creation and management of HOAs, including rules related to governance, assessments, dispute resolution, maintenance responsibilities, and member rights. The law aims to balance the authority of HOAs with the rights of individual property owners, ensuring that communities are managed efficiently and fairly.

Over time, the Davis-Stirling Act has been amended to address the evolving needs of CIDs and to increase transparency, accountability, and consumer protections. Key provisions include requirements for open meetings, financial disclosures, election procedures, and architectural review processes. The Act also provides mechanisms for resolving disputes, including internal dispute resolution and alternative dispute resolution, before certain legal actions can proceed. As CIDs continue to represent a significant portion of California’s housing stock, the Davis-Stirling Act plays a critical role in shaping the living environment and governance of millions of residents across the state.

Common Interest Development Open Meeting Act: The CID Open Meeting Act, first enacted in 2004, and significantly reorganized in 2012, enhances transparency and accountability in the governance of HOAs by establishing requirements for open board meetings. The CID Open Meeting Act mandates that, with limited exceptions, all meetings of the board of directors must be open to association members, and sets clear rules for notice, access, and member participation. This law was enacted in response to growing concerns about HOA boards conducting business without sufficient input or visibility from the broader membership, and is functionally a “Brown Act” for HOA Boards.

Over time, the Legislature has refined and expanded the CID Open Meeting Act to improve transparency and adapt to changes in communication technology. For example, amendments have clarified that board meetings conducted via teleconference or videoconference must allow members to attend remotely, and that meeting notices must include instructions on how to participate. The law also requires general notice of board meetings to be given at least four days in advance (or two days in the case of executive sessions), typically by posting in a prominent location within the development or via other methods such as mail or email if agreed upon by the member (through an opt-in process). Additional provisions govern emergency meetings, executive sessions, and the ability of members to address the board. These evolving requirements

reflect a broader legislative intent to protect homeowner rights and ensure that board decision-making processes remain open and accessible.

This bill would establish the HOA Accountability and Transparency Act of 2026, amending many portions of the Davis-Stirling Act and the CID Open Meeting Act. The stated purpose of this bill is to increase transparency and accountability to HOA members through numerous policies that would strengthen notice and disclosure requirements, limit board deliberations outside of noticed meetings, expand member access to records and meeting materials, clarify meeting minutes and election reporting standards, enhance transparency around litigation, and provide clearer enforcement mechanisms for members seeking to inspect association records. In practice, these changes are intended to provide members with timely, complete, and usable information about board actions that affect their financial obligations, property rights, and governance of the association, including rule changes, elections, and litigation exposure. By standardizing meeting documentation, limiting certain board communications outside of meetings, and ensuring meaningful access to association records, the bill seeks to reduce disputes arising from unclear processes, incomplete disclosures, or inconsistent recordkeeping. In doing so, this bill seeks to balance expanded transparency and member access with the practical and administrative realities of HOA governance by clearly defining expectations, minimizing ambiguity in compliance obligations, and limiting new requirements to targeted measures designed to improve accountability without unduly burdening routine association operations.

Arguments in Support: None on file.

Arguments in Opposition: None on file.

Committee Amendments: In order to ensure that requesting HOA members are directed to meeting minutes posted on an HOA's website, the Committee may wish to consider the following amendment to GOV 4950:

*There shall be no charge for minutes that are distributed electronically. Posting the minutes on the association's website satisfies this requirement, and members ~~may~~ **shall** be directed to the association's website to obtain a copy.*

Related Legislation:

AB 21 (DeMaio) of 2025 would have established the HOA Accountability and Transparency Act of 2025. AB 21 failed passage in this Committee on a 5-2 vote.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file.

Opposition

None on file.

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