

SENATE RULES COMMITTEE

Office of Senate Floor Analyses

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AB 1184

THIRD READING

Bill No: AB 1184
Author: Patterson (R), et al.
Amended: 8/19/26 in Senate
Vote: 21

SENATE HOUSING COMMITTEE: 10-0, 6/10/26

AYES: Arreguín, Seyarto, Cabaldon, Caballero, Cortese, Durazo, Grayson, Ochoa
Bogh, Padilla, Pérez

SENATE JUDICIARY COMMITTEE: 13-0, 6/30/26

AYES: Umberg, Niello, Allen, Ashby, Caballero, Durazo, Laird, Reyes, Stern,
Valladares, Wahab, Weber Pierson, Wiener

ASSEMBLY FLOOR: 69-0, 1/22/26 - See last page for vote

SUBJECT: Common interest developments: association management and
meeting procedures

SOURCE: CAI-CLAC

DIGEST: This bill 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 HOAs.

Senate Floor Amendments of 8/19/26 Make minor changes to clarify that informational or ministerial communications are not prohibited from happening outside of an HOA board meeting, as well as clarify that meeting recordings solely created for the purpose of creating minutes are not subject to the standard retention policy for meeting recordings. The amendments also require meeting minutes to document any vote on an operating rule along with how each director voted.

ANALYSIS:

Existing law:

- 1) Establishes the Davis-Stirling Act to govern the creation and operation of CIDs and HOAs.
- 2) Establishes the CID Open Meeting Act, modeled after the Brown Act, to promote transparency and openness in CIDs and provide an opportunity for members to participate in shared governance.
- 3) Requires an HOA board to provide general notice of a proposed rule change at least 28 days before adopting it.
- 4) Requires an HOA board to deliver general notice of an adopted rule change as soon as possible, and no later than 15 days after adoption.
 - a) For emergency rule changes, the notice must include the text, purpose and effect, and expiration date.
- 5) Authorizes an 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 to the association.
- 6) Prohibits an HOA board from taking action on any official business item outside of a board meeting.
- 7) Prohibits an HOA board from conducting a meeting via electronic transmissions, including, but not limited to, electronic mail, except as specified.
- 8) Provides that electronic transmissions may be used as a method of conducting an emergency board meeting if all directors, individually or collectively, consent in writing to that action, and if the written consent is filed with the minutes of the board meeting.
 - a) Written consent may be transmitted electronically.
- 9) Allows an HOA board to adjourn to, or meet solely in, an executive session to discuss litigation, contracts with third parties, member discipline, personnel matters, or to meet with a member, at their request, regarding the member's payment of assessments, as specified.

- 10) Requires an HOA board adjourn to, or meet solely in, an executive session to discuss member discipline, if requested by the member who is the subject of the discussion. That member shall be entitled to attend the executive session.
- 11) Requires an HOA board adjourn to, or meet solely in, an executive session to do either of the following:
 - a) Discuss a payment plan, as specified.
 - b) Decide whether to foreclose on a lien, as specified.
- 12) Requires any matter discussed in an executive session be generally noted in the minutes of the immediate next meeting open to the entire membership.
- 13) Requires minutes, as specified, be available to the membership within 30 days of the meeting. The minutes, as specified, shall be distributed to any member upon request and upon reimbursement of the association's costs for making that distribution to the member.
- 14) Requires elections regarding assessments legally requiring a vote, election and removal of directors, amendments to the governing documents, or the grant of exclusive use of the common area, as defined, to be held by secret ballot.
- 15) Requires an HOA hold an election for a seat on the HOA board of directors, as described, at the expiration of the corresponding director's term and at least once every four years.
- 16) Establishes requirements for vote counting and tabulation, including where such may occur, who may inspect it, and how it may be verified.
 - a) Requires the tabulated results be promptly reported to the board and recorded in the minutes of the next meeting of the board.
 - b) For election results for director positions, the meeting minutes shall state the term for each elected director.
- 17) Requires an HOA to make association records available for member inspection and copying.

- 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.
- 19) Establishes the right to inspect and copy HOA records and for an HOA member to bring 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 request.

This bill:

- 1) Requires the general notice about any HOA emergency rule change 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 HOA board directors from, outside of a board meeting, using a series of communications to deliberate or act on any items of business, except in an emergency.
- 3) Provides that 2) does not apply to ministerial and informational communications if the following conditions are met:
 - a) The communications do not involve deliberation, debate, advocacy, or discussion regarding any item of business within the authority of the board.
 - b) The communications do not result in a board action.
- 4) Requires, if an HOA becomes involved in litigation, the board provide notice of the litigation as part of the annual budget report sent to members.
 - a) Any member receiving the notice of litigation may request the name of the court and case number of any litigation from the HOA board.
- 5) Provides that if ongoing litigation is discussed in executive sessions, the meeting minutes must include the case name.
- 6) 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. Requires notice to be given at the beginning of every open session of the board that the meeting is being recorded.

- 7) Provides that 6) shall not apply to a recording used solely for the purpose of creating meeting minutes. A recording used solely for that purpose may be deleted 12 months after the draft minutes are completed.
- 8) States that there shall be no charge for minutes that are distributed electronically. 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.
- 9) 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;
 - e) Whether notice and an agenda of the meeting were given to the membership;
 - f) The names of directors present;
 - g) The names of absent directors; and,
 - h) Whether members are present, and the names and titles of any guest speakers.
- 10) Provides that if a board votes on an amendment, adoption, or repeal of an operating rule during the board meeting, the minutes shall include how each director voted on the amendment, adoption, or repeal.
- 11) Requires the meeting minutes reporting the election results for HOA director positions to state the term for each elected director.
- 12) 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.
- 13) 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.

Background

HOAs. An HOA is defined as a nonprofit corporation, or unincorporated association, created for the purpose of managing a residential CID. HOAs are generally associated with developments consisting of single-family homes on individual lots. The homes can be either detached, standalone structures, or townhomes. Although the term is associated with single-family homes, it is sometimes used generically to refer to all forms of residential associations, including multifamily condominium complexes. The primary task of an association, through its board of directors, is to maintain, repair, and replace the common areas, which protect the property values of its members. Even though HOAs are often viewed as quasi-governmental, they are not pure democracies in which members can vote on all issues. Instead, powers are delegated to elected representatives with some powers reserved to the membership. There are over 50,000 HOAs throughout California, covering 36.3% of the state's population. In L.A. County alone, there are over 16,500 HOAs. The majority of new construction in California belongs to an HOA. Thus, the decisions made by the Legislature to regulate HOAs have wide-reaching impacts.

Davis-Stirling Act. The Act went into effect in 1986 and is the primary state law governing CIDs and HOAs 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 Act has been amended to address the evolving needs of CIDs and HOAs, including increased transparency, accountability, and consumer protections. Key provisions of the Act 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 the majority of new housing construction in California is part of an HOA, the Act plays a critical role in shaping the environment and governance of these communities and the tens of millions of residents who reside in them.

CID Open Meeting Act. The Legislature patterned the Open Meeting Act on the open meeting provisions of the Brown Act — a series of statutes regulating the meetings of public legislative bodies at the local government level. Due to an

HOA board's broad powers and the impact of board decisions on HOA members, the Legislature has mandated boards hold open meetings and allow the members to speak publicly at the meetings. These provisions parallel California's open meeting laws regulating government officials, agencies, and boards. Both statutory schemes mandate open governance meetings, with notice, agenda, and minutes requirements, and strictly limit closed executive sessions.

Comments

Author's statement. "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."

Promoting good governance. 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. In practice, these changes are intended to provide HOA 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. Additionally, 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 HOA operations.

Double-referred. This bill was also heard in the Senate Judiciary Committee on June 30th, 2026, where it received a vote of 13-0.

Related/Prior Legislation

AB 21 (DeMaio, 2025) — would have established the HOA Accountability and Transparency Act of 2025. *This bill was held in the Assembly Housing & Community Development Committee.*

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 8/19/26)

CAI-CLAC (source)

OPPOSITION: (Verified 8/19/26)

California Association of Realtors

ARGUMENTS IN OPPOSITION: The California Association of Realtors argues that this bill should be curtailed to remove administrative burdens and focus solely on transparency surrounding HOA litigation.

ASSEMBLY FLOOR: 69-0, 1/22/26

AYES: Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Addis, Arambula, Bonta, Bryan, Flora, Muratsuchi, Nguyen, Quirk-Silva, Celeste Rodriguez, Sanchez, Schiavo

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8/20/26 10:55:19

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