

Date of Hearing: April 28, 2026

ASSEMBLY COMMITTEE ON JUDICIARY  
Ash Kalra, Chair  
AB 1892 (Davies) – As Introduced February 12, 2026

As Proposed to be Amended

**SUBJECT:** COMMON INTEREST DEVELOPMENTS: ASSOCIATIONS

**KEY ISSUE:** SHOULD SEVERAL CLARIFYING AMENDMENTS BE MADE TO CODE SECTIONS REGULATING COMMON INTEREST DEVELOPMENTS TO STREAMLINE THE IMPLEMENTATION OF SEVERAL RECENT PIECES OF LEGISLATION?

**SYNOPSIS**

*In 2024, the Legislature adopted two measures related to homeowner association governance. The first bill, AB 2159 (Maienschein) Chap. 383, Stats. 2024, authorized electronic voting in homeowner associations elections and made various updates to the homeowner association election statutes. The second measure, SB 900 (Umberg) Chap. 288, Stats. 2024, clarified that a homeowner association must act to restore utility service, even if a dispute over responsibility arises between the association and a utility provider as to which party is responsible for repairs. The proponents of this measure, Community Association Institute – California Legislative Action Committee note that ambiguity in each bill is frustrating the full implementation of each measure.*

*This bill serves as a modest clean-up measure to the above-described bills. The bill specifies the manner in which notice must be provided before an election is held using electronic voting and modifies the notice period that must be provided to homeowners seeking to declare their candidacy for a homeowner association election. The measure also clarifies that an association's duty to conduct utility repairs commences when the utility service is interrupted. Proposed amendments also make a clarifying change to existing law language regarding the inconsistent use of the term "electronic secret ballot" identified by the Committee on Housing and Community Development.*

*The proponents of the bill note that these changes will ensure that the existing law can be implemented properly. The bill has no formal opposition. This measure was previously heard and approved by the Committee on Housing and Community Development by a vote of eleven to one.*

**SUMMARY:** Adopts minor technical amendments to existing law to serve as clean-up to two recently enacted bills related to common interest developments. Specifically, **this bill:**

- 1) Clarifies that if a homeowner association is responsible for repairs and replacements necessary to restore interrupted gas, heat, water, or electrical services, that duty attaches when the interruption in service begins in the common area even if the matter extends into a separate interest or the exclusive use common area appurtenant to a separate interest.

- 2) Clarifies that the initial notice mailed to homeowners regarding a forthcoming association election must be mailed 30 days prior to the deadline for submitting nominations for the election.
- 3) Clarifies that a homeowner association must deliver individual notice of electronic secret ballot no later than 30 days before the election, rather than exactly 30 days before, and must just be delivered to members who are electronically voting, rather than all members.

**EXISTING LAW:**

- 1) Establishes the Davis-Stirling Common Interest Development Act and provides for the rules and regulations governing the operation of a residential common interest development and the respective rights and duties of the homeowner association and its members. (Civil Code Section 4000 *et seq.*)
- 2) Prohibits the home association's board of directors from taking action on an item of business outside of a board meeting. (Civil Code Section 4910 (a).)
- 3) Defines, "board meeting" for the purpose of 2) to mean either of the following:
  - a) A congregation, at the same time and place, of a sufficient number of directors to establish a quorum of the board, to hear, discuss, or deliberate upon any item of business that is within the authority of the board; or
  - b) A teleconference, where a sufficient number of directors to establish a quorum of the board, in different locations, are connected by electronic means, through audio or video, or both. (Civil Code Section 4090.)
- 4) Provides that any homeowner association member may attend a board meeting, except while it is in executive session, and that any association member is entitled to attend a teleconference meeting, which must be audible to the members in a location specified in the meeting notice. (Civil Code Section 4925.)
- 5) Requires the homeowner association to provide general notice of the time and place of a board meeting at least four days before a meeting, except as follows:
  - a) Only two days' notice is required for a non-emergency board meeting that is held solely in executive session; and
  - b) No notice is required for an emergency meeting, as defined. (Civil Code Section 4920.)
- 6) Requires a homeowner association to provide an initial, individual notice of impending elections at least 90 days before the deadline for submitting nominations. (Civil Code Section 5103 (b).)
- 7) Provides that unless otherwise provided in the declaration of a common interest development, or unless the utility service that failed is required to be maintained, repaired, or replaced by a public, private, or other utility service provider, the association is responsible for repairs and replacements necessary to restore interrupted gas, heat, water, or electrical services when the interruption that begin in the common area even if the matter extends into

a separate interest or the exclusive use common area appurtenant to a separate interest. (Civil Code Section 4775 (a).)

- 8) Requires an association's board to commence the process to make the repairs necessary to restore gas, heat, water, or electrical services, as required by 7), within 14 days of the interruption of services. (Civil Code Section 4775 (b)(1).)

**FISCAL EFFECT:** As currently in print this bill is keyed non-fiscal.

**COMMENTS:** In recent years, the Legislature enacted several bills aimed at modernizing homeowner association election procedures and ensuring that critical infrastructure repairs are completed in a timely manner. As these bills have been implemented, a number technical concerns have become apparent. This bill makes minor and relatively technical changes to the existing law to improve several prior homeowner association bills. In support of the measure, the author states:

No Californian should be left without heat, water, or electricity because of a jurisdictional dispute between a homeowner and their association over common area infrastructure. AB 1892 provides critical clarity to the Davis-Stirling Act by ensuring that common interest developments take immediate responsibility for restoring essential utility services that originate in shared spaces. By modernizing election procedures and streamlining the acclamation process, this bill also strengthens the democratic rights of every resident within these communities. This legislation is a common-sense update that prioritizes the health, safety, and fundamental rights of homeowners across our state.

***Background on homeowner association governance.*** There are approximately 50,000 common interest developments in California. They vary in size and structure, but generally are characterized by the following: (1) separate ownership of individual residential units coupled with an undivided interest in common property; (2) covenants, conditions, and restrictions that limit the use of both separate interests and common property; and (3) management of common property and enforcement of restrictions by a homeowner association.

Governance of these developments and the homeowner associations that make up their governing bodies is regulated under the Davis-Stirling Act (Civil Code Section 1350 *et seq.*), which sets forth general rules governing common interest developments. Beyond the overarching state law, each individual association is also subject to specific rules and regulations set forth by the association's "governing documents." These governing documents include the recorded declaration and any other documents, such as bylaws, operating rules of the association, or articles of incorporation that govern the operation of the association. Homeowner associations are governed by volunteer boards of directors who are elected by the members of the association and who are responsible for interpreting the governing documents and state law. The procedures for conducting association board elections are typically left to the governing documents of the association, outside of some basic parameters set in state law. To assist in managing the affairs of the association, many boards contract out the day-to-day operations of the association to professional managers or management companies who handle everything from community maintenance to the financial affairs of the association, as well as providing logistical assistance to association elections.

***This bill makes several minor changes to the homeowner association election process.*** In 2024, the Legislature enacted AB 2159 (Maienschein) Chap. 383, Stats. 2024, to update homeowner

association voting procedures to permit electronic voting. That bill required the association to provide individual notice at least 30 days before the election to each member regarding the use of an electronic secret ballot, including instructions on how to access and use the voting system. The statute allows this notice to be delivered electronically if the member has designated an electronic address or system for receipt.

Recognizing that such notices are largely unnecessary for residents not voting electronically, this bill would limit this notice requirement to only those members who are voting electronically, rather than all members. This seeks to reduce the number of notices transmitted by the association, thereby reducing costs.

Similarly, the existing law permits a homeowner association to forego a formal vote and hold an election by acclamation in the event no other residents seek to challenge the existing board. The notice seeking candidates is transmitted to an association's residents 90 days prior to the deadline for submitting nominations. The proponents note that for many association residents, this lag time between the notice and the need to formally declare one's candidacy results in people ignoring the notices and forgetting to formally file the paperwork to run for the association board. Trying to boost participation, this bill shortens the notice period to declare a candidacy from 90-days to 30-days hoping to generate a greater sense of immediacy and potentially push more candidates to file for election.

***This bill clarifies when a homeowner association must repair utility infrastructure.*** In 2024, the Legislature also enacted SB 900 (Umberg) Chap. 288, Stats. 2024. That measure originated as a response to an incident in the author's district when several residents went without heat for a prolonged period after a dispute between the association and the local utility over a gas line issue. That measure required the association to immediately remedy any utility issues then seek redress from a utility, if necessary. The author and proponents of this measure contend that the timing for when a repair must be commenced is not entirely clear in existing law. This bill adopts a clarifying standard noting that the repairs must be commenced when the interruption in service begins.

***Proposed technical amendments.*** The author and Committee on Housing and Community Development have agreed to a minor technical amendment to make consistent the use of the phrase "electronic secret ballot" in the electronic voting portion of the bill. Due to timing and logistics, those amendments will be adopted in this Committee. Paragraph (8) of subdivision (3) of Civil Code Section 5105 will be amended to read:

For purposes of determining a quorum, a member voting ***by electronic secret ballot electronically*** pursuant to this subdivision shall be counted as a member in attendance at the meeting. Once the quorum is established, a substantive vote of the members shall not be taken on any issue other than the issues specifically identified in the electronic vote.

***ARGUMENTS IN SUPPORT:*** This bill is supported by the Community Association Institute - California Legislative Action Committee. In support of the bill they write:

AB 1892 clarifies election notice requirements related to electronic voting established in AB 2159. Current language can be interpreted to require notice to all members, even those who do not vote electronically, and requires notice to be sent exactly 30 days before an election. AB 1892 clarifies that notice is required only for members who elect to vote electronically

and allows notice to be provided no later than 30 days before an election, providing needed flexibility and reducing unnecessary administrative costs.

The bill also clarifies language related to utility interruptions stemming from SB 900. Current law could be interpreted to make associations responsible for any interruption beginning in the common area, even when the utility infrastructure is maintained by a public or private provider. AB 1892 clarifies that associations are responsible only when the interruption itself occurs in the common area and not when utilities are maintained by a utility provider

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Community Association Institute-California Legislative Action Committee

**Opposition**

None on file

**Analysis Prepared by:** Nicholas Liedtke / JUD. / (916) 319-2334