

## ASSEMBLY THIRD READING

AB 1892 (Davies)

As Amended April 29, 2026

Majority vote

**SUMMARY**

Makes numerous changes to the Davis Stirling Act (Act) regulating common interest developments (CIDs), including clarifying utility service restoration responsibilities, modifying election nomination notice timelines, and revising notice requirements for electronic secret ballots.

**Major Provisions**

- 1) Clarifies that a homeowners association (HOA) is responsible for repairs and replacements necessary to restore interrupted gas, heat, water, or electrical services when the interruption in service begins in the common area.
- 2) Reduces the timeframe in which an HOA is required to provide individual notice of the election and the deadline for submitting nominations for an election from at least 90 days before the election to at least 30 days.
- 3) Provides that an HOA 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.
- 4) Makes no other technical and nonsubstantive changes.

**COMMENTS**

*Common Interest Developments (CIDs):* 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 (Covenants, Conditions, and Restrictions, or CC&Rs), including bylaws, declaration, and operating rules.

*Davis-Stirling Common Interest Development Act:* The 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.

*This Bill:* This bill amends three sections of the Act in response to anecdotal evidence shared by HOAs when implementing more recent amendments to the Act. Specifically, this bill proposes the following changes:

- 1) *Interruption of Service and Requirement to Repair:* Existing law requires HOAs to repair and replace components necessary to restore interrupted gas, heat, water, or electrical services that originate in the common area, regardless of whether the disruption extends into a separate interest or exclusive use common area. The author's office maintains that this requirement has introduced ambiguity and may increase potential liability for HOAs in situations where the affected utility infrastructure is owned or maintained by a public or private utility provider, rather than the HOA itself.

This bill would amend that provision to clarify that an HOA's responsibility applies when the interruption in service begins in the common area, rather than when the utility service itself "begins" in the common area.

- 2) *Election Nomination Period:* The Act currently allows an HOA to seat directors by acclamation (without balloting) when, at the close of the nomination period, the number of qualified candidates does not exceed the number of open seats. To do so, the HOA must have held a regular election within the past three years and must provide individual notice at least 90 days before the nomination deadline, describing the election, nomination process, and the possibility of acclamation.

This bill proposes to reduce the notice period from at least 90 to at least 30 days, which would shorten the timeframe for members to receive notice and submit nominations, resulting in a more compressed election timeline. This change may facilitate faster board formation and reduce administrative requirements for HOAs, while also reducing the amount of time available for candidate outreach and member awareness. The shorter timeframe would also more closely align with other election-related timelines in the Act, which generally operate on 30-day notice periods.

- 3) *Electronic Voting Notification:* The Act currently allows for electronic voting via secret ballot for members who opt-in to voting electronically. HOAs are required 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.

This bill proposes to limit this notice requirement to only those members who are voting electronically, rather than all members. Limiting the notice requirement to members who are electronically voting would reduce the number of notices associations are required to send,

potentially streamlining administrative processes. At the same time, members who are not voting electronically would no longer receive this specific notice, which may change the distribution of information about electronic voting procedures across the membership.

### **According to the Author**

"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."

### **Arguments in Support**

The California Associations Institute's California Legislative Action Committee writes in support: "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."

### **Arguments in Opposition**

None on file.

## **FISCAL COMMENTS**

None.

## **VOTES**

### **ASM HOUSING AND COMMUNITY DEVELOPMENT: 11-1-0**

**YES:** Haney, Patterson, Ávila Farías, Caloza, Garcia, Kalra, Quirk-Silva, Ta, Tangipa, Wicks, Wilson

**NO:** Lee

### **ASM JUDICIARY: 11-1-0**

**YES:** Kalra, Bauer-Kahan, Bryan, Connolly, Dixon, Harabedian, Johnson, Pacheco, Papan, Sanchez, Zbur

**NO:** Lee

**UPDATED**

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