

ASSEMBLY BILL

No. 637

Introduced by Assembly Members Torres and Levine

February 20, 2013

An act to amend Section 4775 of the Civil Code, relating to common interest developments.

LEGISLATIVE COUNSEL'S DIGEST

AB 637, as introduced, Torres. Common interest developments.

Existing law, the Davis-Stirling Common Interest Development Act, provides that, unless otherwise provided in the declaration of a common interest development, the association of the common interest development is responsible for repairing, replacing, or maintaining the common area, other than the exclusive use common area, and the owner of each separate interest is responsible for maintaining that separate interest and any exclusive use common area appurtenant to the separate interest.

This bill would instead provide that, unless otherwise provided in the declaration, the association is responsible for maintaining, repairing, and replacing the common area, the owner of each separate interest is responsible for maintaining, repairing, and replacing the separate interest, and the owner of the separate interest is responsible for maintaining the exclusive use common area appurtenant to the separate interest while the association is responsible for repairing and replacing this area.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4775 of the Civil Code is amended to
2 read:

3 4775. (a) (1) Unless otherwise provided in the declaration of
4 a common interest development, the association is responsible for
5 *maintaining, repairing, ~~replacing, or maintaining and replacing~~*
6 *the common area, ~~other than exclusive use common area, and the~~.*

7 (2) *Unless otherwise provided in the declaration, the owner of*
8 *each separate interest is responsible for maintaining, repairing,*
9 *and replacing that separate interest ~~and any exclusive use common~~*
10 *area appurtenant to the separate interest.*

11 (3) *Unless otherwise provided in the declaration, the owner of*
12 *each separate interest is responsible for maintaining the exclusive*
13 *use common area appurtenant to the separate interest and the*
14 *association is responsible for repairing and replacing this exclusive*
15 *use common area.*

16 (b) The costs of temporary relocation during the repair and
17 maintenance of the areas within the responsibility of the association
18 shall be borne by the owner of the separate interest affected.