

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 1892 (Davies)
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Fiscal: No
Urgency: No
ID

SUBJECT

Common interest developments: associations

DIGEST

This bill reduces the time periods by which a homeowner's association of a common interest development must send specified notices to members when the homeowner's association wishes to conduct an election of the board of directors by acclamation, and makes various other changes to the Davis-Sterling Common Interest Development Act.

EXECUTIVE SUMMARY

Common Interest Developments (CIDs) are self-governing housing developments comprised of individually-owned housing units and common space that all homeowners and residents of the common interest development can enjoy. The rules for CIDs are tightly prescribed by law, and are governed by a homeowner's association (HOA). The HOA is responsible for maintaining common areas and for the repair of interruptions of utilities that begin in the common area. HOA elections for its board of directors must be by secret ballot, for which the HOA must provide members with various notices regarding the process of voting and nominating candidates for the board. The HOA may elect the board by acclamation if no more candidates than the number of board vacancies are nominated by the deadline for nominations, if the HOA provides members specified notices and meets other requirements. AB 1982 shortens the specified timelines for these notices for an election by acclamation. In addition, the bill clarifies that an HOA is responsible for the repair of interruptions of utilities when the interruption begins in the common area, as specified, and also makes a number of other minor and technical changes to various provisions of HOA law.

AB 1892 is author-sponsored, and is supported by the Community Associations Institute - California Legislative Action Committee. The Committee has received no timely letters of opposition. AB 1892 previously passed out of the Senate Housing Committee by a vote of 10 to 0.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Establishes the Davis-Stirling Common Interest Development Act (Act), providing rules and regulations governing the establishment and operation of residential common interest developments (CIDs) and the rights and responsibilities of a CID's homeowner association (HOA) and its members. (Civ. Code §§ 4000 et seq.)
- 2) Specifies that a CID is created whenever a separate interest coupled with an interest in a common area or membership in an association is conveyed, provided that a declaration, condominium plan, if any, and a final map or parcel map are recorded. (Civ. Code § 4200.)
- 3) Specifies that, unless otherwise provided in the Covenants, Conditions, and Restrictions (CC&Rs), the HOA is responsible for repairing, replacing, and maintaining the HOA's common area. Specifies that, unless otherwise provided in the CC&Rs or unless a utility service provider is required to maintain the utility service that failed, the HOA is responsible for repairs and replacements necessary to restore interrupted gas, heat, water, or electrical services 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, as specified. (Civ. Code § 4775.)
- 4) Requires HOA elections regarding assessments that legally must be voted on, elections and removal of HOA board of directors, amendments to the governing documents, and the grant of an exclusive use of common area be held by secret ballot, as specified. Requires an HOA to hold an election for a board of directors seat at the expiration of the corresponding director's term and at least once every four years. (Civ. Code § 5100.)
- 5) Specifies that an HOA must adopt operating rules for elections that do the following:
 - a) ensure that any candidate and member advocating a point of view has equal access to association media, newsletters, or websites during a campaign, for purposes reasonably related to the election;
 - b) ensure access to common-area meeting space to all candidates at no cost;
 - c) specify the qualifications for candidates for the board and any other elected position, as well as procedures for the nomination of candidates, consistent with the governing documents. A rule shall not be deemed reasonable if it disallows any member from nominating themselves for election to the board;
 - d) specify the voting power of each member; the authenticity, validity, effect of proxies; and the voting period for elections. This includes the times at which polls will open and close, consistent with the governing documents;

- e) specify a method for selecting one or three independent third parties as inspector or inspectors of elections. Inspectors may appoint or oversee additional independent third-party persons to verify signatures and to count and tabulate votes, as the inspector or inspectors deem appropriate;
 - f) require the retention of both a candidate registration list and voter list, including the name, voting power, and either the physical address of the voter's separate interest, the parcel number, or both, and the mailing address for the ballot if the address differs from the physical address of the voter's separate interest or only the parcel number is used. The HOA must permit members to verify the accuracy of their individual information on both lists at least 30 days before the ballots are distributed, and a member must report any errors or omissions to either list to the inspector or inspectors of the election, who must make corrections to the list within two business days. (Civ. Code § 5105.)
- 6) Provides, for an election or recall of the board of directors, that an HOA must provide general notice of the procedure and the deadline for submitting a nomination for the board of directors at least 30 days before the nomination deadline. Requires an individual notice must be delivered, as specified, if individual notice is requested by a member. (Civ. Code § 5115(a).)
- 7) For an election of directors and recall elections, requires HOAs to provide general notice of all of the following at least 30 days before ballots are distributed:
- a) The date and time by which, and the physical address where, ballots are to be returned by mail or handed to the inspector or inspectors of elections;
 - b) If the HOA allows for voting in an election by electronic secret ballot, preliminary instructions on how to vote and the date and time by which electronic secret ballots are to be transmitted to the internet-based voting system;
 - c) the date, time, and location of the meeting at which ballots will be counted, if the governing documents require a quorum of members;
 - d) the list of all candidates' names that will appear on the ballot;
 - e) individual notice of (a)-(c) must be delivered pursuant to existing law if individual notice is requested by a member; and
 - f) if a quorum for an election of directors is required, a statement that if a quorum is not met for the election, the HOA may call a reconvened meeting to be held at least 20 days after a scheduled election, at which time the quorum will be 20 percent of the HOA's members voting in person, by proxy, or by secret ballot. (Civ. Code § 5115(b).)
- 8) Specifies the voting process for an HOA election as follows:
- a) ballots and two pre-addressed envelopes with instructions on how to return ballots must be mailed by first-class mail or delivered by the

association to every member not less than 30 days prior to the deadline for voting, unless the HOA conducts an electronic secret ballot. In order to preserve confidentiality, a voter may not be identified by name, address, lot, parcel, or unit number on the ballot. The association must use as a model those procedures used by California counties for ensuring confidentiality of vote-by-mail ballots, as specified. (Civ. Code § 5115(c).)

- 9) Requires the HOA to select one or three independent, third-party inspectors to run the election and receive and tabulate ballots, and specifies their duties and obligations. Specifies that an inspector may be a volunteer. (Civ. Code § 5110.)
- 10) Requires that all votes in a board election are to be counted and tabulated by the inspector or inspectors of elections in public at a properly noticed open meeting of the board or members, and that any candidate or other member of the association may witness the counting and tabulation of the votes. Prohibits any person, including a member of the association or an employee of the management company, from opening or otherwise reviewing any ballot prior to the time and place at which the ballots are counted and tabulated. (Civ. Code § 5120(a).)
- 11) Specifies that a quorum is required in a board election only if stated in the governing documents or other provisions of law. If a quorum is required by the governing documents, each ballot received by the inspector of elections is to be treated as a member present at a meeting for purposes of establishing a quorum. Specifies a process by which, if a quorum is not met at the public meeting to count the votes, the board may call a subsequent meeting where the quorum requirement will be 20 percent of voting members, as specified. (Civ. Code § 5115(d).)
- 12) Allows an HOA to seat candidates for the board of directors by acclamation in lieu of balloting if, at the close of nominations for directors, the number of qualified candidates is not more than the number of vacancies to be elected, as determined by the inspector or inspectors of elections, provided that:
 - a) the HOA has held a regular election for the board in the last three years;
 - b) the HOA provided individual notice of the election and the procedure for nominating candidates:
 - i. at least 90 days before the deadline for submitting nominations, with specified information;
 - ii. a reminder notice between seven and 30 days before the deadline for submitting nominations, as specified;
 - c) the HOA provides, within seven business days of receiving a nomination, a written or electronic communication acknowledging the nomination and indicating whether the nominee is a qualified candidate to the member who submitted the nomination;
 - d) the HOA permits all candidates to run if nominated, except as specified;and

- e) the HOA board votes to consider the qualified candidates elected by acclamation at a meeting for which the agenda reflects the name of each qualified candidate. (Civ. Code § 5103.)

This bill:

- 1) Clarifies that the 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 period for the initial notice that an HOA must provide members before the deadline for submitting nominations for the board of directors from 90 to 30 days if the HOA wishes to elect board candidates by acclamation, as specified in (12), above.
- 3) Changes the period for the reminder notice that an HOA must provide members before the deadline for submitting nominations for the board of directors from between seven and 30 days to not less than ten days if the HOA wishes to elect board candidates by acclamation.
- 4) Changes the requirement that the HOA deliver by individual notice the electronic secret ballot to each member from 30 days before the election to no later than 30 days before the election.
- 5) Makes a number of other technical changes.

COMMENTS

1. Author's statement

In support of this 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.

2. Common interest developments

Common Interest Developments (CIDs) are self-governing housing developments comprised of individually-owned housing units and common space that all homeowners and residents of the CID can enjoy. Arrangements of CIDs can vary widely, from condominiums, townhouses, and detached single-family homes, to apartment-like high rises. They may be comprised of only a few housing units, or thousands. CIDs are commonly referred to as homeowner associations, or HOAs, for the body that provides for the CID's self-governance. There are an estimated 51,700 CIDs in the state, housing an estimated 14,489,00 Californians.¹

The laws that regulate CIDs are encompassed in the Davis-Sterling Common Interest Development Act (Act) (Civ. Code §§ 4000 et seq.). Many of the rules and structural elements of a CID are determined by the Declaration of Covenants, Conditions, and Restrictions (CC&Rs) that are filed with the county recorder when the CID is established by the developer. All homeowners in the CID are also members of the HOA, which manages and operates the CID and maintains its common space, and collects monthly dues from the HOA members to cover the CID's expenses.

The HOA elects a board of directors (board), and passes bylaws outlining the governance rules of the HOA. An HOA's board also can establish rules governing a broad variety of topics relating to the CID and what members can and cannot do with their individual units and in the common areas. The HOA exists as essentially its own, self-governing municipal government for the development, "regulating many aspects of [the homeowners'] daily lives." (*Villa Milano Homeowners Ass'n v. Il Davorge* (2000) 84 Cal.App.4th 819, 836.)

3. HOA elections by acclamation

The Act places a variety of requirements on HOAs for the conduct of board elections, including that the HOA notify members at least 30 days before the deadline to nominate candidates for the board, and that the HOA provide notice to members at least 30 days before ballots are distributed regarding the procedure to vote and the candidates qualified to run. (Civ. Code § 5115.) The HOA must also count the votes at a public meeting. (Civ. Code § 5120.)

A common complaint among HOAs and the companies that manage HOAs is that it is difficult to get members to run for a seat on the HOA's board. Board positions are typically volunteer positions, yet require plenty of work and responsibility on the part of the board member. Certainly, some HOAs' elections are contentious and involve the

¹ Foundation for Community Association Research, *Community Association Fact Book 2025: 2025 U.S. National and State Statistical Review* (2025).

active engagement of the membership, but nonetheless other HOAs sometimes struggle to even obtain enough nominees to fill the number of open board seats.

To help address this issue and help reduce HOAs' expenses for elections, the Legislature passed SB 754 (Moorlach, Ch. 858, Stats. 2019) to permit HOAs composed of 6,000 or more units to seat candidates for the board by acclamation if the number of nominees does not exceed the number of vacancies on the board at the deadline for nominations and the HOA follows specified procedures. This election by acclamation process was revised and expanded to HOAs of any size by AB 502 (Davies, Ch. 517, Stats. 2021). Through the acclamation process, the HOA could avoid conducting the secret ballot election altogether and simply elevate the nominees to the board.

To guard against concerns that the acclamation process could be misused in undemocratic ways, the law includes a number of protections and procedures. It requires that the HOA provide two separate notices to members regarding the deadline to nominate candidates; one at least 90 days before the deadline, and the second between seven and 30 days before the deadline. These notices must include a notice that the board may be elected by acclamation if there are no more candidates than open seats, as well as other specified information regarding the deadline and how to nominate candidates. (Civ. Code § 5103.) In addition, the acclamation process is only available if the HOA has held a regular election with balloting within the last three years, and the HOA complies with statutory requirements regarding a nominee's qualification to be a candidate.

4. AB 1892 shortens the time period required for election by acclamation and makes other technical changes to the Davis-Sterling Act

AB 1892 proposes to shorten the notice timelines required for a board election by acclamation. It shortens the 90-day period for the initial notice to 30 days, and changes the period for the reminder notice from seven to 30 days to no less than 10 days. These changes, the author argues, would modernize and streamline the notice requirements. Indeed, under current law, an HOA always must also provide notice of the nomination procedures and deadline to nominate candidates at least 30 days before the deadline to nominate members. Of course, there is no reason why an HOA could not simply elect to do both notifications at the 90-day mark. Nonetheless, this bill aligns those timelines, and similarly adjusts the timeline for the reminder notification.

5. SB 900 and HOAs' obligation to repair utilities in the common area

In June of 2024, a gas leak in the La Veta Monterey Condominium complex in Orange, California led to the entire CID's gas being shut off for months, leaving residents with no hot water or gas for cooking. Repairs to restore service took months in part due to disagreements regarding whether the HOA was responsible for the repairs and how repairs would be completed. In response to the incident, the Legislature passed SB 900

(Umberg, Ch. 288, Stats. 2024) to, among other things, specify that an HOA is responsible for repairs and replacements necessary to restore interrupted utilities services that begin in the common area of the HOA, even if the matter extends into a member's separate interest.

AB 1892 clarifies the language added to the Davis-Sterling Act by SB 900, specifying that an HOA is responsible for the repairs and replacements for interrupted utilities services *when the interruption in service* begins in the common area. This change is clarifying in nature and furthers the intent of SB 900 - that HOAs be responsible for interruptions in utilities that begin the common area.

6. Other changes

In addition to these changes, AB 1892 makes a number of technical changes to the Act. Most notably, it changes a notice requirement related to when an HOA adopts a rule to conduct an election by electronic secret ballot. Currently, when an HOA adopts a rule for voting by electronic secret ballot, the HOA must deliver a specified notice regarding the electronic secret ballot to each member 30 days before the election. (Civ. Code § 5105(i).) Instead, AB 1892 specifies that this notice must be provided *no later than 30* days before the election, providing the HOA flexibility to provide it earlier than the 30th day before the election.

SUPPORT

Community Associations Institute - California Legislative Action Committee

OPPOSITION

None received

RELATED LEGISLATION

Pending Legislation: AB 1184 (Patterson, 2026) excludes an amendment to the operating rules of the HOA from the requirement that the amendment be voted on by secret ballot, and makes various other changes to the Act. AB 1184 is currently pending before this Committee.

Prior Legislation:

AB 2159 (Maienschein, Ch. 383, Stats. 2024) authorized an HOA to adopt an election operating rule that allows the HOA to conduct an election by electronic secret ballot, as defined and as specified.

SB 900 (Umberg, Ch. 288, Stats. 2024) made an association responsible for repairs and replacements necessary to restore interrupted gas, heat, water, or electrical services that begin in the common area even if the matter extends into another area, as specified, unless the utility service that failed is required to be maintained, repaired, or replaced by a utility service provider or unless otherwise provided in the HOA's CC&Rs. Also required an HOA's board to commence the process to make those repairs within 14 days, as provided.

AB 502 (Davies, Ch. 517, Stats. 2021) permitted HOAs of any size to elect candidates for the board by acclamation instead of by balloting if there are no more eligible candidates nominated than board seats open for election, and a number of other requirements are met.

SB 754 (Moorlach, Ch. 858, Stats. 2019) authorized HOAs composed of 6,000 or more units to seat candidates for the board by acclamation if the HOA follows specified procedures and, at the deadline for nominations, the number of nominees does not exceed the number of vacancies on the board.

SB 323 (Wieckowski, Ch. 848, Stats. 2019) enacted a series of reforms to the laws governing board of director elections in HOAs to increase the regularity, fairness, formality, and transparency associated with such elections. Among other things, SB 323 restricted the grounds on which an HOA could disqualify nominees from running for board positions.

SB 1128 (Roth, 2018) would have allowed HOAs of all sizes to seat board members by acclamation, provided that the HOA followed specified protocols. In his message vetoing SB 1128, then-Governor Brown wrote, among other things: "California has over 50,000 common interest developments varying in purpose and size. Each one has governing documents that are tailored specifically for that individual community. This bill takes a once-size-fits-all approach, but not all homeowner associations are alike. If changes to an election process are needed, they should be resolved by the members of that specific community."

AB 1426 (Irwin, 2017) would have allowed the board of directors of an HOA to be seated by acclamation if the election was uncontested, meaning, among other things, that there are at least as many board seats available as there are candidates. AB 1426 died in the Assembly Housing and Community Development Committee.

AB 1799 (Mayes, 2016) would have allowed the board of directors of an HOA to be seated by acclamation if the election is uncontested, as defined, and would have provided a procedure for an election to be declared uncontested. In addition, AB 1799 would have ensured a member in good standing who meets specified qualification requirements is not denied the right to vote or the right to be a candidate for director. AB 1799 died in the Senate Judiciary Committee.

PRIOR VOTES:

Senate Housing Committee (Ayes 10, Noes 0)

Assembly Floor (Ayes 72, Noes 1)

Assembly Judiciary Committee (Ayes 11, Noes 1)

Assembly Housing and Community Development Committee (Ayes 11, Noes 1)
