

CALIFORNIA COMMON INTEREST DEVELOPMENTS: LAW AND PRACTICE

A Guide to California Common Interest
Development and Community Association Law

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By

JOHN PAUL HANNA
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and

DAVID VAN ATTA
Member of the California Bar

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2025 Preface and Acknowledgments

The authors have endeavoured to bring together, in this book, the statutes, regulations, and cases that define and govern the ownership, development, sale, use and governance of common interest developments in California.

The major emphasis is on the development, sale and operations of common interest developments for residential purposes as provided in the Davis-Stirling Common Interest Development Act, found at Civil Code §§ 4000 et seq., with some discussion of commercial common interest properties, particularly with references to the Commercial and Industrial Common Interest Development Act, found at Civil Code §§ 6500 et seq.

Major portions of the work are devoted to the administration, management, and operation of residential and commercial property owners' associations.

We provide substantial discussion in chapter 12 on the legal requirements for the development of residential and commercial development projects in the state of California, including, but not limited to the Affordable Housing Act, zoning laws, Land use requirements and limitations and other legal requirements for development of projects in the state.

Although California real estate attorneys will be the principal users of this work, it is also designed to be useful to community associations, both residential and commercial, and their officers, directors, and members. We trust that other professionals will also find the text useful, including title insurance officers, civil engineers, land surveyors, land planners, lenders, property and community association managers, and other professionals operating in the fields of real estate development, real estate finance, and insurance.

The work is organized in a manner designed to facilitate rapid reference to a particular area of the law. The work includes both the law (relevant statutes, regulations, and cases) and a useful guide to the practitioner. In addition, we include many forms that will be needed by developers, attorneys, and property owners' associations and their members. The text and forms are extensively cross-referenced to shorten research time. Several of the forms are annotated and contain alternative provisions to make them more flexible and easier to use. A detailed table of contents and index will quickly lead the reader to the pertinent section(s) of the text and forms.

AUTHOR'S NOTE: We continue to provide updates as to the current legislation and case law pertaining to common interest developments.

Pertaining to the operations of residential common interest project homeowners associations, the legislature enacted a provision providing for electronic voting for homeowners associations. See § 18:64.

Effective June 30, 2025, legislation was enacted to drastically limit fines that can be imposed by California common interest development homeowner associations. See § 22:110.

As in past years, there continues to be several legislative developments pertaining to land use and housing in California, particularly as related to the continuing legislative effort to foster affordable housing; see the provisions of § 12:28 that review the various provisions of housing legislation enacted over the years by the California legislature. We note, in particular, that, effective in 2025, the legislature added significant details to the Affordable Housing Act provisions regarding the Builder's Remedy.

Note: By statute enacted by the California legislature under Stats. 2025, c. 22 (A.B.130), § 26, eff. June 30, 2025, several amendments or repeal of California statutes, including those involving housing laws and the California Environmental Quality Act became immediately effective as law.

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JOHN PAUL HANNA
DAVID VAN ATTA
Menlo Park, California
2025

About the Authors

JOHN PAUL HANNA

John Paul Hanna is a graduate of Stanford University (B.A. 1954) and Stanford Law School (J.D. 1959). Mr. Hanna is an active member of the Home Building Association of Northern California (Director, South Bay Division; Member BRE Committee). He is a member of the American College of Real Estate Lawyers (ACREL), the Condominium and Cooperative Housing Committee of the real property section of the State Bar of California; and the Real Estate Law Section of the American Bar Association. He is a member of the Community Associations Institute (CAI) and the Executive Council of Homeowners (ECHO) (member of ECHO Legal Resource Panel), and the Urban Land Institute. He was a member of the State Bar Committee that was largely responsible for drafting numerous amendments to the California Condominium Act and the Common Interest Development Act and is a member of the College of Community Association Lawyers, and the Department of Real Estate Task Force on Homeowners Associations. He has been a seminar speaker and panelist for many continuing legal education programs. He has testified as an expert witness on common interest subdivision law and homeowners' association law.

DAVID VAN ATTA

David Van Atta is a graduate of the University of California at Berkeley (A.B. 1966) and University of California College of the Law, San Francisco (formerly Hastings College of the Law) (J.D. 1969). He is a member of the State Bar Real Property Section (past chair, condominium cooperative housing and subdivision committee; vice chair, executive committee); the Home Building Association of Northern California (past chair, Department of Real Estate committee; Director, South Bay Division); the Urban Land Institute (member, district council executive committee; past chair, program committee); American College of Real Estate Lawyers (Board of Governors and Secretary); the College of Community Association Lawyers, the Anglo American Real Property Institute (Board of Governors and Treasurer) and Lambda Alpha International Land Economics Society. He has been an adjunct professor at Golden Gate University School of Law and a frequent lecturer for California Continuing Education of the Bar. He was involved with the select committee regarding the legislation that resulted in the Davis-Stirling Common Interest Development Act.

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He has testified as an expert witness on land use law, common interest subdivision law and homeowners' association law.



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