

First Supplement to Memorandum 2013-23

**Common Interest Development: Statutory Clarification
and Simplification of CID Law: Further Issues**

Memorandum 2013-23¹ discusses a proposed clean-up amendment to Civil Code Section 4350(c), which had been provisionally approved by the Chair and presented to the Senate Committee on Transportation and Housing for inclusion in Senate Bill 745.

In the memorandum, the proposed amendment was set out as follows:

4350. An operating rule is valid and enforceable only if all of the following requirements are satisfied:

...
(c) The rule is not ~~inconsistent~~ in conflict with governing law and the declaration, articles of incorporation or association, and bylaws of the association.²

While that language correctly shows the key element of the proposed amendment, it omitted some minor grammatical changes that the staff had also proposed.

The correct version of the amendment is as follows:

4350. An operating rule is valid and enforceable only if all of the following requirements are satisfied:

...
(c) The rule is not ~~inconsistent~~ in conflict with governing law ~~and~~ , or the declaration, articles of incorporation or association, ~~and~~ or bylaws of the association.

(Emphasis added.)

1. Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission's website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission's staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

2. Memorandum 2013-23, pp. 4-5.

The staff regrets the error.

Respectfully submitted,

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