

REPORT OF THE  
CALIFORNIA LAW REVISION COMMISSION ON  
CHAPTER 754 OF THE STATUTES OF 2004  
(ASSEMBLY BILL 1836)

Alternative Dispute Resolution in Common Interest Developments

Assembly Bill 1836, authored by Assembly Member Tom Harman, implements the California Law Revision Commission recommendation on *Alternative Dispute Resolution in Common Interest Developments*, 34 Cal. L. Revision Comm'n Reports 689 (2004). The revised Comment set out below supersedes the comparable Comment in the recommendation and reflect amendments made to Assembly Bill 1836 in the legislative process.

**Civ. Code § 1369.520. ADR prerequisite to enforcement action**

**Comment.** Subdivision (a) of Section 1369.520 continues the substance of a portion of the first sentence of former Section 1354(b). See also Section 1369.510 (“alternative dispute resolution” and “enforcement action” defined). Subdivision (a) does not continue the clause excepting a dispute where the applicable time limitation for commencing the action would run within 120 days. Instead, action under this subdivision tolls a statute of limitations that would run within 120 days. See Section 1369.550.

Subdivision (b) expands the provision of the first sentence of former Section 1354(b) specifying the types of enforcement actions to which the section applies. As revised, the provision covers an action for writ relief, as well as an action for declaratory or injunctive relief. It makes clear that a dispute resolution effort is not a prerequisite to a small claims action. Because the alternative dispute resolution requirement is limited to an action for declaratory, injunctive, or writ relief (or those types of relief joined with a damage claim not exceeding the jurisdictional limit of the small claims division of superior court), the requirement necessarily is inapplicable to a small claims proceeding. *Cf.* Code Civ. Proc. § 116.220 (limited jurisdiction of small claims court). A small claims action itself satisfies key functions of alternative dispute resolution — it provides a quick and inexpensive means of resolving a dispute within the jurisdiction of the small claims division of the superior court. Subdivision (b) is also revised to make clear that alternative dispute resolution is not applicable to an assessment dispute, except to the extent that it is made applicable by another provision of law.