

APPENDIX 4

REPORT OF THE
CALIFORNIA LAW REVISION COMMISSION
ON CHAPTER 180 OF THE STATUTES OF 2012
(ASSEMBLY BILL 805)

Statutory Clarification and Simplification of CID Law

Chapter 180 of the Statutes of 2012 was introduced as Assembly Bill 805, authored by Assembly Member Norma Torres. The measure implements the Commission's recommendation on *Statutory Clarification and Simplification of CID Law*, 40 Cal. L. Revision Comm'n Reports 235 (2010). The revised Comments set out below supersede the comparable Comments in the recommendation. The revisions correct an editorial error and reflect amendments made to Assembly Bill 805 in the legislative process.

Civ. Code § 4205. Document authority

Comment. Section 4205 is added to clarify the relationship between the law and the most common types of governing documents. Nothing in the section is intended to create an affirmative duty to amend a governing document to delete superseded material.

Subdivisions (a) and (b) of Section 4205 are new.

Subdivision (c) is consistent with Corporations Code Section 7151(c), providing that the bylaws shall be consistent with the articles of incorporation.

Subdivision (d) is consistent with Section 4350(c), providing that an operating rule may not be inconsistent with the declaration, articles of incorporation, or bylaws of the association.

See also Sections 4135 ("declaration"), 4150 ("governing documents").

Civ. Code § 4600. Grant of exclusive use

Comment. Section 4600 continues former Section 1363.07 without change, except as indicated below.

The following substantive changes are made:

- The section is no longer limited in its application to a common area that the association owns or in which the association has an easement right. It now also applies to common area that is owned by the members as tenants in common.
- Paragraphs (b)(3)(F), (G), and (J) are new.

The following nonsubstantive changes are made:

- An introductory clause is added in subdivision (b), to introduce the list of exceptions.
- The substance of former subdivision (a)(3)(F) is continued in Section 4202.
- The words “board of directors” are replaced throughout with “board.” See Section 4085 (“board”).

See also Sections 4080 (“association”), 4095 (“common area”), 4100 (“common interest development”), 4135 (“declaration”), 4145 (“exclusive use common area”), 4150 (“governing documents”), 4160 (“member”), 4185 (“separate interest”).

Civ. Code § 4730. Marketing restriction

Comment. Section 4730 continues former Section 1368.1 without change, except as indicated below.

The following substantive changes are made:

- The introductory clause is revised to make clear that a void provision does not void the entire governing document that contains it.
- The words “rule or regulation” are replaced with “governing document.” See Section 4150 (“governing documents”). This broadens the application of the section so that it governs any provision in the governing documents and not just an operating rule.

The following nonsubstantive changes are made:

- The words “his or her” are replaced with “the owner’s” in subdivision (a).
- The phrase “common areas” is singularized.
- The words “of an association” are not continued.

See also Sections 4080 (“association”), 4095 (“common area”), 4100 (“common interest development”), 4185 (“separate interest”).
