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DIVISION 4. GENERAL PROVISIONS [3274 - 9566] (*Heading of Division 4 amended by Stats. 1988, Ch. 160, Sec. 16.*)

PART 5.3. Commercial and Industrial Common Interest Developments [6500 - 6876] (*Part 5.3 added by Stats. 2013, Ch. 605, Sec. 21.*)

CHAPTER 4. Ownership and Transfer of Interests [6650 - 6670] (*Chapter 4 added by Stats. 2013, Ch. 605, Sec. 21.*)

ARTICLE 2. Restrictions on Transfers [6656 - 6660] (*Article 2 added by Stats. 2013, Ch. 605, Sec. 21.*)

6656. (a) Except as provided in this section, the common area in a condominium project shall remain undivided, and there shall be no judicial partition thereof. Nothing in this section shall be deemed to prohibit partition of a cotenancy in a condominium.

(b) The owner of a separate interest in a condominium project may maintain a partition action as to the entire project as if the owners of all of the separate interests in the project were tenants in common in the entire project in the same proportion as their interests in the common area. The court shall order partition under this subdivision only by sale of the entire condominium project and only upon a showing of one of the following:

- (1) More than three years before the filing of the action, the condominium project was damaged or destroyed, so that a material part was rendered unfit for its prior use, and the condominium project has not been rebuilt or repaired substantially to its state prior to the damage or destruction.
- (2) Three-fourths or more of the project is destroyed or substantially damaged and owners of separate interests holding in the aggregate more than a 50-percent interest in the common area oppose repair or restoration of the project.
- (3) The project has been in existence more than 50 years, is obsolete and uneconomic, and owners of separate interests holding in the aggregate more than a 50-percent interest in the common area oppose repair or restoration of the project.
- (4) Any conditions in the declaration for sale under the circumstances described in this subdivision have been met.

(*Added by Stats. 2013, Ch. 605, Sec. 21. (SB 752) Effective January 1, 2014.*)

6658. (a) In a common interest development, no labor performed or services or materials furnished with the consent of, or at the request of, an owner in the common interest development or the owners' agent or contractor shall be the basis for the filing of a lien against any other property of any other owner in the common interest development unless that other owner has expressly consented to or requested the performance of the labor or furnishing of the materials or services. However, express consent shall be deemed to have been given by the owner of any separate interest in the case of emergency repairs thereto.

(b) Labor performed or services or materials furnished for the common area, if duly authorized by the association, shall be deemed to be performed or furnished with the express consent of each separate interest owner.

(c) The owner of any separate interest may remove that owner's separate interest from a lien against two or more separate interests or any part thereof by doing either of the following:

- (1) Pay to the holder of the lien the fraction of the total sum secured by the lien that is attributable to the owner's separate interest.
- (2) Record a lien release bond, pursuant to Section 8424, in an amount equal to 125 percent of the sum secured by the lien that is attributable to the owner's separate interest.

(*Amended by Stats. 2017, Ch. 44, Sec. 3. (AB 534) Effective January 1, 2018.*)

6660. If the association is served with a claim of lien pursuant to Part 6 (commencing with Section 8000) for a work of improvement on a common area, the association shall, within 60 days of service, give individual notice to the members, pursuant to Section 6514.

(Added by Stats. 2017, Ch. 44, Sec. 4. (AB 534) Effective January 1, 2018.)