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AB-648 Common interest developments: procedures: meetings by teleconference. (2023-2024)

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Assembly Bill No. 648

CHAPTER 203

An act to amend Section 4090 of, and to add Section 4926 to, the Civil Code, relating to common interest developments.

[Approved by Governor September 22, 2023. Filed with Secretary of State September 22, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 648, Valencia. Common interest developments: procedures: meetings by teleconference.

Existing law, the Davis-Stirling Common Interest Development Act, governs the management and operation of common interest developments. Existing law defines a board meeting as a congregation or a teleconference, as provided. Existing law requires, among other things, a board meeting held by teleconference to identify at least one physical location so that members of the association may attend, except as provided. Existing law also establishes alternative teleconferencing procedures for a board meeting or a meeting of the members if gathering in person is unsafe or impossible because the common interest development is in an area affected by a federal, state, or local emergency.

This bill would authorize a board meeting or a meeting of the members to be conducted entirely by teleconference if specified conditions are satisfied. These conditions would include, among others, a requirement that the notice for the meeting provide clear instructions on how to participate by teleconference and would require each director and member to have the same ability to participate that would exist if the meeting were held in person. These teleconference provisions would not apply to a meeting at which ballots are counted and tabulated, as prescribed. The bill would make conforming changes and include related legislative findings.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) Board meetings pursuant to the Davis-Stirling Common Interest Development Act that are held virtually, using telephone, audio-video, or other audio-only conferencing enable greater access for all members of the association.

(b) Virtual homeowner association meetings improve and enhance homeowner members' ability to participate and comment on business-related matters of the association and their community.

(c) Virtual meetings should continue to be conducted in a manner that offers every member and director access equal to that offered by conventional meetings and be conducted consistent with notice and accessibility requirements.

SEC. 2. Section 4090 of the Civil Code is amended to read:

4090. “Board meeting” means either of the following:

(a) A congregation, at the same time and place, of a sufficient number of directors to establish a quorum of the board, to hear, discuss, or deliberate upon any item of business that is within the authority of the board.

(b) A teleconference, where a sufficient number of directors to establish a quorum of the board, in different locations, are connected by electronic means, through audio or video, or both. A teleconference meeting shall be conducted in a manner that protects the rights of members of the association and otherwise complies with the requirements of this act. Except for a meeting that will be held solely in executive session or conducted under Section 4926 or 5450, the notice of the teleconference meeting shall identify at least one physical location so that members of the association may attend, and at least one director or a person designated by the board shall be present at that location. Participation by directors in a teleconference meeting constitutes presence at that meeting as long as all directors participating are able to hear one another, as well as members of the association speaking on matters before the board.

SEC. 3. Section 4926 is added to the Civil Code, to read:

4926. (a) Notwithstanding any other law or the association’s governing documents, a board meeting or meeting of the members may be conducted entirely by teleconference, without any physical location being held open for the attendance of any director or member, if all of the following conditions are satisfied:

(1) The notice for each meeting conducted under this section includes, in addition to other required content for meeting notices, all of the following:

(A) Clear technical instructions on how to participate by teleconference.

(B) The telephone number and electronic mail address of a person who can provide technical assistance with the teleconference process, both before and during the meeting.

(C) A reminder that a member may request individual delivery of meeting notices, with instructions on how to do so.

(2) Every director and member has the same ability to participate in the meeting that would exist if the meeting were held in person.

(3) Any vote of the directors shall be conducted by a roll call vote.

(4) Any person who is entitled to participate in the meeting shall be given the option of participating by telephone.

(b) Subdivision (a) does not apply to a meeting at which ballots are counted and tabulated pursuant to Section 5120.