
SENATE COMMITTEE ON HOUSING
Senator Scott Wiener, Chair
2021 - 2022 Regular

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| Bill No: | AB 611 | Hearing Date: | 6/17/2021 |
| Author: | Quirk-Silva | | |
| Version: | 5/28/2021 | | |
| Urgency: | No | Fiscal: | No |
| Consultant: | Erin Riches | | |

SUBJECT: Safe at Home program: homeowners' associations

DIGEST: This bill requires homeowner associations (HOAs) to protect the confidentiality of contact information for participants in the Safe at Home program.

ANALYSIS:

Existing law:

- 1) Establishes the Safe at Home program under the Secretary of State's Office to help victims of domestic violence, stalking, sexual assault, human trafficking, elder and dependent abuse, and reproductive health care workers keep their addresses confidential.
- 2) Establishes, within the Davis-Stirling Common Interest Development (CID) Act, rules and regulations governing the operation of a CID and the respective rights and duties of an HOA and its members. Requires the governing documents of a CID, and any amendments to the governing documents, to be adopted through HOA elections in accordance with specified procedures.
- 3) Provides that an HOA may withhold or redact information from association records in specified instances, including, but not limited to, when the release of the information is reasonably likely to compromise the privacy of an individual member of the association.
- 4) Requires HOAs to keep membership lists. Defines a membership list as name, property address, mailing address, and email address, excluding information for membership who have opted out of having their contact information shared. Authorizes HOA members to request a copy of the membership list.

This bill:

- 1) Requires an HOA, upon request of a member who is an active participant in the Safe at Home program, to accept and use the substitute address designated by the Secretary of State under this program for all HOA communications.
- 2) Also requires an HOA, upon request of a member who is an active participant in the Safe at Home program, to withhold or redact information that would reveal the name, community property address, or email address of the member from both of the following:
 - a) All HOA membership lists, including mailbox bank listings, resident directories, electronic keypads, unit property numbers, and Internet web portal accounts.
 - b) Any HOA membership list that is shared with other members.
- 3) Requires an HOA to keep member participation in the Safe at Home program confidential.

COMMENTS:

- 1) *Author statement.* “The Safe at Home Program is an address confidentiality program administered by the California Secretary of State, designed to help survivors of domestic violence, stalking, human trafficking, and sexual assault safely start new lives. The protective intention of this address confidentiality program is in conflict with the law governing Home Owner’s Associations. Because SAH Participants who own property in a common development with a Homeowners Association, become part of the homeowner’s membership, they are required to provide their contact information to the Board and the Management Company-which must also be made available to the full membership. While the law allows for homeowners to opt out of sharing their information for specified purposes, that provision is voluntary on the part of association boards, which remain free to use and publish personal information of the members despite a member’s request for privacy. In the case of SAH participant’s, public access to this information can hold life threatening consequences. AB 611 will provide SAH participants with the intended protections of a confidential address.”
- 2) *Safe at Home program.* The Safe at Home program was initially established as the Address Confidentiality for Victims of Domestic Violence program (SB 489, Alpert, 1998). It was later expanded to include victims of stalking, sexual assault, human trafficking, elder and dependent abuse, and reproductive health

care workers. This program, which is administered by the Secretary of State, provides a substitute mailing address for a participant to receive first class, certified, and registered mail, in order to protect the location of their real address. (Mail is then forwarded to their real address.) California state, county, and city government agencies are required to accept the substitute address in lieu of a residential or other mailing address. The program is provided free of charge to California residents who qualify as participants.

- 3) *Background: CIDs.* A CID is a form of real estate in which each homeowner has an exclusive interest in a unit or lot and a shared or undivided interest in common-area property. Condominiums, planned unit developments, stock cooperatives, community apartments, and many resident-owned mobilehome parks all fall under the umbrella of CIDs. There are more than 54,000 CIDs in California comprising 5.1 million housing units, or approximately 35% of the state's housing stock. CIDs are governed by HOAs. The Davis-Stirling Common Interest Development Act provides the legal framework under which CIDs are established and operate. In addition to the requirements of the Act, each CID is governed according to the recorded declarations, bylaws, and operating rules of the association, collectively referred to as the governing documents.
- 4) *Strengthening Safe at Home protections.* The author notes that although a homeowner in an HOA may opt out of sharing their information for specified purposes, HOA boards are not required to keep the information confidential and there are no penalties for failing to do so. Crime Victims United, co-sponsor of this bill, states that this bill closes a loophole in the prior laws that neglected to include HOAs.
- 5) *Double-referral.* This bill was also referred to the Senate Judiciary Committee.

RELATED LEGISLATION:

SB 1318 (Alpert, Chapter 562, Statutes of 2000) — extended the protections of the Address Confidentiality for Victims of Domestic Violence program to victims of stalking and revised certain notification procedures relating to termination of certification as a program participant.

SB 489 (Alpert, Chapter 1005, Statutes of 1998) — established the Address Confidentiality for Victims of Domestic Violence program to provide victims of domestic violence with a substitute mailing address whenever their home, work, or school address is required. Designated the Secretary of State as the domestic violence victim's agent for service of process for mail receipt.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

POSITIONS: (Communicated to the committee before noon on Friday,
June 11, 2021.)

SUPPORT:

Calegislation (Co-Sponsor)
Crime Victims United of California (Co-Sponsor)
California Partnership to End Domestic Violence
Innovative Justice Alliance
Los Angeles District Attorney
Orange County Employees Association
San Francisco District Attorney
2 Individuals

OPPOSITION:

None received

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