

HISTORY OF DAVIS-STIRLING ACT

Common interest developments were first regulated in California in 1963 with the passage of the California Condominium Act. However, the laws affecting homeowners associations were scattered throughout the Corporations Code and the Civil Code and did not adequately address the unique issues posed by community associations.

Formation of the Act. Through the efforts of Assemblyman Lawrence W. Stirling, author of the legislation, law professor Katharine Rosenberry who drafted the language of the Act, a comprehensive body of law governing common interest developments was drafted in 1985. Assemblyman Gray Davis who was chair of the Housing Committee and later become Governor of California added his name to what became known as the Davis-Stirling Common Interest Development Act. The legislation was [signed into law](#) by Governor Deukmejian on September 18, 1985 and went into effect January 1, 1986 as [Civil Code §§1350-1378](#).



Hon. Lawrence Stirling

Task Force. A "Task Force" of attorneys and management professionals assisted with the writing and passage of the Act. Task Force members were: Peter Saputo, Gary Aguirre, Curtis Sproul, David Van Atta, Michael Packard, Melinda Masson, F. Scott Jackson, Brian Greenberg, and Wayne Hanson. See [pictures and bios](#) of Task Force members.

Stability and Disclosures. The Davis-Stirling Act brought stability to the governance of the millions of Californians served by community associations. It did so by creating financial safeguards, disclosures, insurance protections and reserves in a framework that allowed community associations to govern themselves through elected representatives in each community.

Davis-Stirling Rewrite. Each year from Act's passage, the legislature amended, revised and added to the numerous provisions of the Act. Due to growing length and complexity of the Davis-Stirling Act, the [California Law Revision Commission](#), under the leadership of attorney [Brian Hebert](#), reorganized and renumbered the Act into [Civil Code §§4000-6150](#). The rewrite took effect January 1, 2014. Whereas the original Act was only 25 pages long, the Rewrite was 100 pages long with an additional 100 pages dedicated to a separate [Commercial & Industrial](#) Common Interest Development Act (which previously was a small section in the original Davis-Stirling Act).



Prof. Katharine Rosenberry

Retroactive. The Davis-Stirling Act applies to all forms of residential common interest developments in California, including those in existence [prior to the Act](#).

Corporations Code. The Davis-Stirling Act applies to all common interest developments in California. In addition, the Corporations Code applies to all incorporated associations. From time to time, there are conflicts between governing documents and statutes which can be resolved using established [rules of interpretation](#).