

## DAVIS-STIRLING ACT



**Lawrence W. Stirling**

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.

Through the efforts of Assemblyman [Lawrence W. Stirling](#) and law professor Katherine Rosenberry, a comprehensive body of law governing common interest developments was drafted in 1985 and became known as the Davis-Stirling Common Interest Development Act.

1. **The Act went into effect January 1, 1986** as [Civil Code §§1350-1378](#) **OLD CODE**

[http://www.leginfo.ca.gov/.html/civ\\_table\\_of\\_contents.html](http://www.leginfo.ca.gov/.html/civ_table_of_contents.html)

2. In 2012, the Davis-Stirling Act was rewritten so as to simplify, reorganize and renumber the Act into **Civil Code §§4000-6150** **NEW CODE**. **The rewrite goes into effect January 1, 2014**

<http://www.davis-stirling.com/MainIndex/Statutes/DavisStirlingActRewrite/tabid/3667/Default.aspx#axzz2ENp8RG8d>

3. The conversion table for the old to new code can be found at the following website:

<http://www.lawforhoas.com/Davis-Stirling-Conversion-Table~460776~21153.htm>

The Davis-Stirling Act applies to all common interest developments in California, including those in existence prior to the Act.

[The Davis-Stirling] Act governs common interest developments that predate its enactment. ([Nahrstedt v. Lakeside Village](#) (1994) 8 Cal.4th 361, fn. 8.)

Although Villa De Las Palmas was created prior to the enactment of the Davis-Stirling Act, the Act applies to common interest developments in existence prior to its enactment. ([Villa De Las Palmas v. Terifaj](#) (2004) 33 Cal.4th 73, 95, fn.2.)

The Davis-Stirling Act by its own terms applies to all common interest developments, even those that were created before the Act was adopted. ([Bear Creek v. Edwards](#) (2005) 130 Cal.App.4th 1470, 1480.)

**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](#). Read more: [Davis-Stirling Act](#) <http://www.davis-stirling.com/MainIndex/DavisStirlingAct/tabid/427/Default.aspx#ixzz2QqAbrFt5> from Davis-Stirling.com by Adams Kessler PLC. If your association needs legal assistance, call us at (800) 464-2817.