

CIVIL CODE - CIV

DIVISION 4. GENERAL PROVISIONS [3274 - 9566]

(Heading of Division 4 amended by Stats. 1988, Ch. 160, Sec. 16.)

PART 5. Common Interest Developments [4000 - 6150]

(Part 5 added by Stats. 2012, Ch. 180, Sec. 2.)

CHAPTER 1. General Provisions [4000 - 4190]

(Chapter 1 added by Stats. 2012, Ch. 180, Sec. 2.)

ARTICLE 1. Preliminary Provisions [4000 - 4070]

(Article 1 added by Stats. 2012, Ch. 180, Sec. 2.)

4041.

(a) A member shall, on an annual basis, provide written notice to the association of all of the following:

(1) The member's preferred delivery method for receiving notices from the association, which shall include the option of receiving notices at one or both of the following:

(A) A mailing address.

(B) A valid email address.

(2) An alternate or secondary delivery method for receiving notices from the association, which shall include the option to receive notices at one or both of the following:

(A) A mailing address.

(B) A valid email address.

(3) The name, mailing address, and, if available, valid email address of the owner's legal representative, if any, including any person with power of attorney or other person who can be contacted in the event of the member's extended absence from the separate interest.

(4) Whether the separate interest is owner-occupied, is rented out, if the parcel is developed but vacant, or if the parcel is undeveloped land.

(b) (1) The association shall solicit the annual notices described in subdivision (a) of each owner and, at least 30 days before making its own required disclosure under Section 5300, shall enter the data into its books and records.

(2) The association shall include in the solicitation required by paragraph (1) both of the following:

(A) Notification that the member does not have to provide an email address to the association.

(B) A simple method for the member to inform the association in writing that the member wishes to change their preferred delivery method for receiving notices from the association.

(c) If a member fails to provide the notices set forth in subdivision (a), the last mailing address provided in writing by the member or, if none, the property address shall be deemed to be the address to which notices are to be delivered.

(d) (1) To the extent that interests regulated in Chapter 2 (commencing with Section 11210) of Part 2 of Division 4 of the Business and Professions Code are part of a mixed-use project where those interests comprise a portion of a common interest development, the association, as defined in Section 4080, shall be deemed compliant with this section if, at least once annually, it obtains from the time-share plan association a copy of the list described in subdivision (e) of Section 11273 of the Business and Professions Code, and enters the data into its books and records.

(2) Notwithstanding subdivision (e) of Section 11273 of the Business and Professions Code, the time-share plan association shall provide the list required by paragraph (1) to the association at least annually for this purpose.

(e) For the purposes of this section, a valid email address is one that, after a notice is sent, does not result in a bounce or other error notification indicating failure of the message. If the association delivers a notice to a member's email address and finds that the email address provided is no longer valid, the association shall resend the notice to a mailing or email address identified by the member pursuant to Section 4040.

(Amended by Stats. 2021, Ch. 640, Sec. 3. (SB 392) Effective January 1, 2022.)