

Law Requires That California Community Associations/HOAs Request That Members Provide Their Contact Information — Civil Code § 4041

Starting January 1, 2017, every California community association will be required to ask its members to provide their contact information and property status. New Civil Code § 4041 requires, effective January 1, 2017, that each association solicit the following information from its members:

1. The mailing address where notices from the association are to be delivered;
2. Any secondary address where notices from the association are to be delivered;
3. The name and address of each member's legal representative, if any, or other person who can be contacted in case of the member's extended absence;
4. Whether the member's property is owner-occupied, rented, vacant, or undeveloped land.

Although the statute does not mention how often an association must solicit this information, it does state that each member is responsible for providing this information to the association on an annual basis. If a member does not provide this information, the member's onsite mailing address is deemed to be the proper mailing address for the association to deliver notices to the member. It is recommended that owners be asked annually to provide this information.

Associations are required to solicit these notices at least 30 days prior to the annual association disclosures. If an owner does not annually provide this notification, the association must deem the residence address as the address for notifications.

There are at least two major issues here - HOAs now have an additional annual notification to owners that cannot be lumped in with the Annual Budget Report and Annual Policy Statement; and off-site owners now need to tell the HOA each year of the off-site address or their notices will be sent to the tenant's address.

It is important for associations to note that as long as they request all of the contact information above, Section 4041 places the responsibility on members to provide their correct and current contact information. Requiring members to provide this information should aid associations in giving notice of meetings or for other required notices as well as with the collection of delinquent assessments as it should help negate the argument that a notice was sent to the wrong address.

Request for Annual Notice of Address, Representative and Rental Status

Civil Code, Section 4041 requires each owner of a separate interest to provide written notice to the Association of all the following information annually. Please provide the information in the form below and return the completed form to the Association within 30 days. If the requested information is not provided, the property address of the Owner's separate interest will be used for notices.

1. The address or addresses to which notices from the Association are to be delivered.

2. An alternate or secondary address to which notices from the Association are to be delivered.

3. The name and address of your legal representative, if any, including any person with power of attorney, or other person who can be contacted in the event of your extended absence from the separate interest.

4. Is the separate interest --

- Owner-occupied? Rented out? Developed, but vacant?
 Undeveloped?

5. Member Name

Property Address

6. Return form to:

More Mesa Shores Home Owners Association
P.O. Box 63731
Santa Barbara, CA 93160-1731