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PRACTICE GUIDE · REAL PROPERTY

HOA / CC&R Disputes

Grand Park Law Group · 2026



A. **Davis-Stirling Common Interest Development Act (Civ. Code § 4000 et seq.)**

Davis-Stirling, recodified in 2014, governs all California common interest developments — condominiums, planned developments, stock cooperatives, and community apartment projects. Core requirements:

- **Recorded declaration (CC&Rs)** that runs with the land (§ 4250);
- **Association** organized as a nonprofit mutual benefit corporation (typically) with bylaws and operating rules (§ 4340);
- **Open meetings** (§ 4900) and member access to records (§ 5200);
- **Reserve studies** every three years (§ 5550) and disclosure to members;
- **IDR (Internal Dispute Resolution)** under § 5910 and **ADR (Alternative Dispute Resolution)** under § 5930, both mandatory before enforcement litigation between an association and a member regarding the governing documents.

B. **Architectural Approval and Enforcement**

Architectural review committees ("ARCs") must act in **good faith** and within the procedural framework of § 4765, which requires (i) a fair, reasonable, and expeditious procedure, (ii) decisions in writing with reasons, and (iii) a right of reconsideration by the board. Arbitrary or capricious denials are reviewable under the deferential "rule of judicial deference" of *Lamden v. La Jolla Shores Clubdominium Homeowners Assn.* (1999) 21 Cal.4th 249 — but only when the decision falls within the board's authority and was reached through an investigation reasonable under the circumstances.

Enforcement of CC&Rs (typically by injunction and fine) requires (i) **reasonable enforcement** under § 5975, (ii) compliance with IDR/ADR, and (iii) the equitable defenses of waiver, laches, and selective enforcement, which apply with particular force where the board has tolerated similar violations.

C. Anti-SLAPP in HOA Disputes

HOA disputes increasingly draw anti-SLAPP motions under CCP § 425.16. Board votes, member-recall efforts, election challenges, and architectural-review communications can constitute "protected activity" — particularly where they touch on issues of public concern within the community. *Talega Maintenance Corp. v. Standard Pacific Corp.* (2014) 225 Cal.App.4th 722, and its progeny, illustrate how broadly the doctrine reaches; defamation, abuse-of-process, and breach-of-fiduciary-duty claims arising from board conduct routinely face anti-SLAPP scrutiny.

The two-step framework requires the moving party to show protected activity, after which the burden shifts to the plaintiff to show minimal merit. A losing plaintiff faces **mandatory attorney's fees** under § 425.16(c)(1).

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