

Assembly Bill No. 611

CHAPTER 151

An act to add Section 5216 to the Civil Code, relating to confidential information.

[Approved by Governor August 31, 2021. Filed with Secretary of State August 31, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 611, Quirk-Silva. Safe at Home program: homeowners' associations.

Existing law, the Davis-Stirling Common Interest Development Act, defines and regulates common interest developments. The act authorizes the association of a common interest development to withhold or redact information from association records in specified instances, including, but not limited to, when the release of the information is reasonably likely to compromise the privacy of an individual member of the association.

Existing law establishes an address confidentiality program for victims of domestic violence, sexual assault, stalking, human trafficking, or elder or dependent adult abuse, commonly known as the Safe at Home program, under which an adult person, or a guardian on behalf of a minor or an incapacitated person, states that they are a victim of domestic violence, sexual assault, stalking, human trafficking, or elder or dependent adult abuse, and designates the Secretary of State as the agent for service of process and receipt of mail. Under existing law, when the Secretary of State certifies the person as a program participant, the person's actual address is confidential.

This bill would, upon request of a participant in the Safe at Home program, require the association of a common interest development to accept and use the address designated by the Secretary of State as the Safe at Home participant's substitute address for association communications and to withhold or redact information that would reveal the name, community property address, or email address of the Safe at Home participant in specified communications of the association.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) In 1998, the Legislature established the Safe at Home program within the office of the Secretary of State to allow victims of domestic violence to apply for a substitute address to be used in public records in order to prevent their assailants, or potential assailants, from finding their work or home address. Through subsequent legislation, the program has been expanded

to include victims of sexual assault, stalking, elder abuse, human trafficking, reproductive health care service providers, employees, volunteers, and patients.

(b) A person applying for protection under the Safe at Home program may not simply sign up. Rather, to ensure the integrity of the program, the law requires the application to include a sworn statement that the applicant has good reason to believe that they are a victim and fear for their safety, and permits applicants to provide evidence with the application, including, but not limited to, police, court, or other government agency records or files; documentation from legal, clerical, medical, or other professionals from whom the applicant sought assistance in dealing with the alleged abuse or stalking; and any other evidence that supports the sworn statement alleging that the applicant is a victim.

(c) When a Safe at Home participant owns a home in a planned community property such as a condominium, townhouse, or community housing, the owner is required to become part of a homeowners' association.

(d) Membership associations in these planned communities typically provide the list of all owner names, addresses, and contact numbers to all owners in the homeowners' association. The usual stated purpose is to provide the information to candidates for board election campaigns.

(e) Furthermore, the homeowners' board often shares the same information with their management company, which in turn shares with third-party vendors, for instance, in order to set up an online owner bulletin board where property owner and resident information can be viewed online by other owners and residents. The shared owner information contains personal identifying information including the name, occupant, unit number, contact information, and addresses. This information may also be given to vendors.

(f) Requests to opt out of the listings to the homeowners' board do not work to resolve the concerns raised by sharing personal information of Safe at Home participants, as granted board decisions and policies may change when the board or management team changes.

(g) Opting out does not work even if the participant notifies the board and management that they will opt not to vote in elections, as the opt-out provision in existing law is permissive and there is no repercussion when the owner's request is ignored. This results in the owner's information being shared, including in publicly available online web portals, which may expose a Safe at Home participant's confidential address information to their stalker or abuser.

SEC. 2. Section 5216 is added to the Civil Code, to read:

5216. (a) Notwithstanding any other law, upon request of a member of an association who is an active participant in the Safe at Home program, the association shall do both of the following:

(1) Accept and use the address designated by the Secretary of State as the Safe at Home participant's substitute address under the Safe at Home program for all association communications.

(2) Withhold or redact information that would reveal the name, community property address, or email address of the Safe at Home participant from both of the following:

(A) All resident community membership lists, including mailbox bank listings, resident directories, electronic keypads, unit property numbers, and internet web portal accounts.

(B) Any membership list that will be shared with other members of the association.

(b) An association shall keep member participation in the Safe at Home program confidential.

(c) For purposes of this section:

(1) “Community property address” means the address of the member’s property within the community governed by the association.

(2) “Safe at Home participant” means a person certified as a program participant in the Safe at Home program.

(3) “Safe at Home program” means the address confidentiality program established pursuant to Chapter 3.1 (commencing with Section 6205) of Division 7 of Title 1 of the Government Code.