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Separate But Not Equal: The New Commercial and Industrial Common Interest Development Statute

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Since 1986, a single body of law, the Davis-Stirling Common Interest Development Act (“Davis-Sterling Act”), has governed both residential and commercial common interest developments. The provisions of the Davis-Stirling Act, however, were largely geared to the needs and interests of residential projects and homeowner associations, and resulted in cumbersome and unnecessarily restrictive limitations in the organization and structure of commercial and industrial projects.

Hearing the call of commercial and industrial developers, and seeing an increase in the number of commercial common interest developments, in 2013 the legislature passed the Commercial and Industrial Common Interest Development Act, SB 752.2 Now two separate statutory schemes govern residential and commercial common interest developments. This article gives a brief overview of the evolution of the statutory scheme that has evolved for commercial and industrial developments and provides an introduction to the new Commercial and Industrial Common Interest Development Act.

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