

COMMUNITY ASSOCIATION

LEGISLATIVE ALERT



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Legislature Requires Associations to Permit Lawns to Go Brown

Effective July 21, 2014
Governor Brown signed into law AB 2100. This bill prohibits community associations from imposing a fine or assessment on owners for lack of maintenance related to under-watering landscaping on their separate interest.

More specifically, AB 2100 adds subsection (c) to California Civil Code section 4735 which now states:

(c) Notwithstanding any other provision of this part, an association shall not impose a fine or assessment against a member of a separate interest for reducing or eliminating the watering of vegetation or lawns during any period for which ... The Governor has declared a state of emergency due to drought

This legislation follows the Governor's issuance of a drought state of emergency on January 17, 2014. That was



followed by an April 25, 2014, Executive Order which, among other things, declared void and unenforceable any governing document provision which has the effect of prohibiting compliance with any water-saving measures adopted by a public agency or private water company or contained in the Executive Order.

In light of this new legislation, it is critical that every board of directors review their governing documents to

determine what restrictions may exist that impede compliance with the new law. Communities that have landscaping responsibilities on separate interests where the water is provided by the owner will be particularly challenged in this regard.

Please contact us if you would like us to assist your community in determining its legal requirements under its governing documents in light of the new legislation in order to ensure compliance.

Newsletter

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