

AMENDED IN ASSEMBLY MAY 28, 2014

AMENDED IN SENATE MARCH 25, 2014

SENATE BILL

No. 992

Introduced by Senator Nielsen
(Principal coauthor: Senator Galgiani)
~~**(Coauthor: Senator Galgiani)**~~

February 12, 2014

An act to amend Section 4735 of the Civil Code, relating to common interest developments, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 992, as amended, Nielsen. Common interest developments: property use and maintenance.

The Davis-Stirling Common Interest Development Act governs the management and operation of common interest developments. Existing law provides that, unless otherwise provided in the common interest development declaration, the association is responsible for repairing, replacing, or maintaining the common area, other than exclusive use common area, and the owner of each separate interest is responsible for maintaining that separate interest and any exclusive use common area appurtenant to that interest. Existing law makes void and unenforceable any provision of the governing documents of a common interest development or association that prohibits use of low water-using plants, or prohibits or restricts compliance with water-efficient landscape ordinances or regulations on the use of water, as specified.

This bill would prohibit an association from imposing a fine or assessment on separate interest owners for ~~yard maintenance issues related to under-watered plants and~~ *reducing or eliminating watering*

of vegetation or lawns during any period for which the Governor has declared a state of emergency due to drought.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
 State-mandated local program: no.

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

1 SECTION 1. Section 4735 of the Civil Code is amended to
 2 read:

3 4735. (a) Notwithstanding any other law, a provision of the
 4 governing documents shall be void and unenforceable if it does
 5 any of the following:

6 (1) Prohibits, or includes conditions that have the effect of
 7 prohibiting, the use of low water-using plants as a group.

8 (2) Has the effect of prohibiting or restricting compliance with
 9 either of the following:

10 (A) A water-efficient landscape ordinance adopted or in effect
 11 pursuant to subdivision (c) of Section 65595 of the Government
 12 Code.

13 (B) Any regulation or restriction on the use of water adopted
 14 pursuant to Section 353 or 375 of the Water Code.

15 (b) This section shall not prohibit an association from applying
 16 landscaping rules established in the governing documents, to the
 17 extent the rules fully conform with the requirements of subdivision
 18 (a).

19 (c) Notwithstanding any other provision of this part, an
 20 association shall not impose a fine or assessment against an owner
 21 of a separate interest ~~for yard maintenance issues related to~~
 22 ~~under-watered plants and for reducing or eliminating watering of~~
 23 *vegetation or lawns during any period for which the Governor has*
 24 *declared a state of emergency due to drought pursuant to*
 25 *subdivision (b) of Section 8558 of the Government Code.*

26 SEC. 2. This act is an urgency statute necessary for the
 27 immediate preservation of the public peace, health, or safety within
 28 the meaning of Article IV of the Constitution and shall go into
 29 immediate effect. The facts constituting the necessity are:

30 The Governor has proclaimed a state of emergency to exist in
 31 California due to current drought conditions. In order to respond

- 1 to these current drought conditions as quickly as possible, it is
- 2 necessary for this act to take effect immediately.

O