

## 2014 End of Session Report

Electronic Voting-AB 1360 would amend the Davis-Stirling Common Interest Development Act to authorize associations to conduct elections using electronic voting systems, as specified, provided participating voters opt into using the electronic voting system and other required conditions are met. The measure was sponsored on behalf of the LAC; however, it was **defeated**, because the Secretary of State opposed the measure based on unsecure internet concerns.

Dispute Resolution-The Davis-Stirling Common Interest Development Act requires an association to provide a fair, reasonable, and expeditious procedure for resolving a dispute between an association and a member involving their rights, duties, or liabilities under the act, the Nonprofit Mutual Benefit Corporation Law, or the association's governing documents. AB 1738 requires the resolution or agreement under an association's procedure for resolving these disputes between an association and a member to be in writing and signed by both parties. The bill authorizes a member and an association to be assisted by an attorney or another person in explaining their positions at their own cost. The LAC opposed the bill, because it is already allowed in law, will drive up HOA costs since "lawyering up" will cost \$900 for each internal dispute resolution, allows anything said or written to be admissible in court, and provides no notice as to whether a party will be bringing its attorney. The measure was **signed into law**.

Yard Maintenance; Fines; Drought-AB 2100 prohibits an association of a common interest development from imposing a fine or assessment against a member of a separate interest for reducing or eliminating watering of vegetation or lawns during any period for which the Governor has declared a state of emergency, or a local government has declared a local emergency, due to drought. The measure was **signed into law**.

Water-efficient Landscapes- The Davis-Stirling Common Interest Development Act provides that a provision of any of the common interest development governing documents that governs the operation of a common interest development, is void and unenforceable if it prohibits, or includes conditions that have the effect of prohibiting, the use of low water-using plants as a group, or if it has the effect of prohibiting or restricting compliance with a local water-efficient landscape ordinance or water conservation measure. AB 2104 prohibits boards from unilaterally adopting new rules, policies, and guidelines (without getting members' approval) regarding what drought tolerant plants may be substituted for those that require a lot of water. The measure was **signed into law**.

Property Use and Maintenance- Current 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. SB 992 exempts from these prohibitions against imposing a fine or assessment an association that uses recycled water for landscape irrigation. The LAC succeeded in getting an amendment that allows associations and their members to continue to water during a declared drought if the irrigation system uses reclaimed, recycled, or non-potable water. The measure was **signed into law**.

Solar Energy; Permits-AB 2188 requires a city, county, or city and county to adopt, on or before September 30, 2015, in consultation with specified public entities an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems, as specified. The bill allows members to go directly to local government approving authorities with solar installation applications which must be acted upon in five days; leap frogs over the HOA's architectural guideline process. The measure was **signed into law**.

Personal Agriculture-AB 2561 allows members to plant personal gardens. The LAC secured three amendments that require such gardens to be in the backyards owned by the member, allowed for reasonable restrictions on the gardens, and stopped owners from commercially selling their produce on site to the public. The measure was **signed into law**.