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ARTIFICIAL TURF WELCOME BUT HOLD THAT PINK FLAMINGO!

By Zer lyer

This autumn, as you stroll through your neighborhood waving at your neighbors as they rake leaves into neat piles, you may notice that some are getting out their brooms to sweep up tiny rubber particles strewn over the sidewalk. You may be bewildered by this new autumn cleaning custom that your neighbors are adopting, but rest assured their trees are not shedding rubber. It is the new artificial turf!

Governor Brown signed a new bill into law that voids prohibitions in homeowner associations' governing documents on the installation of artificial turf. Community associations must now allow homeowners to install artificial turf. The new bill amends Civil Code Section 4735(a) and is touted

as urgent drought legislation. As a result, the new law goes into effect immediately.

Why would they do that?

The purpose of the law is to aid homeowners in complying with emergency drought legislation and water restrictions implemented over the past year. The author of the bill, Assembly Member Lorena Gonzalez, explains that homeowners who do not live in community associations may partake in Governor Brown's rebates for lawn replacement without repercussion. However, owners who live in community associations are oftentimes prohibited by their associations' governing documents from installing artificial turf, and therefore cannot benefit from the lawn replacement rebate programs. This new law is advertised as leveling the playing field for all owners to be able to effectively participate in lawn replacement rebate programs.

Oh no! What do we do?

In order to comply with the new law, associations may not prohibit owners from installing artificial turf or any other synthetic surface that resembles grass. However, associations are not prohibited from adopting reasonable landscaping rules, in compliance with their governing documents. Any rules adopted to provide owners with guidelines on the installation of artificial turf cannot have the effect of prohibiting the installation of artificial turf entirely. Adopted rules must not be in violation of law, must be adopted in accordance with the association's governing documents, and must be reasonable. In effect, the association may restrict the location, color and type of artificial turf, and may even ban that pink flamingo lawn ornament, but may not restrict the installation to such a degree that artificial turf is effectively banned.

Are we already out of compliance?

Given that many associations already have landscaping rules in effect, boards should review their current rules to ensure compliance with the new law. Associations that do not have landscaping rules should consider adopting reasonable rules to provide owners with restrictions on the installation of artificial turf regarding the aesthetic standards and the association's expectations. Associations whose rules are out of compliance

with the new law should consider revising their rules before owners begin requesting approval for artificial turf.

Anything else?

The California Civil Code had already incorporated a few drought relief measures affecting common interest developments before this current bill was signed into law. Legislation already in effect voids any governing document restrictions banning the use of low water-using plants, water efficient landscaping, or restrictions that would interfere with a homeowners' compliance with water-saving measures during a state of emergency. Moreover, now the Civil Code provides that associations may not require homeowners to reverse water efficient landscaping measures once the drought is over. (Civil Code section 4735)



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