

INSERT
**2014 DAVIS-STIRLING COMMON INTEREST
DEVELOPMENT ACT**

Update effective 7/21/14

(To be inserted at page 34 of The Revised Davis-Stirling Common Interest Development Act & Community Association Mini-Legal Dictionary.)

§ 4735. *Low Water-Using Plants*

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

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

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

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

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

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

(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 either of the following have occurred:

(1) The Governor has declared a state of emergency due to drought pursuant to subdivision (b) of Section 8558 of the Government Code.

(2) A local government has declared a local emergency due to drought pursuant to subdivision (c) of Section 8558 of the Government Code.

On July 21, 2014, AB 2100 became effective as urgency legislation and amended Civil Code Section 4735. This amendment is shown in bold italics.

FIORE RACOBS & POWERS

— A PROFESSIONAL LAW CORPORATION —

The Recognized Authority in Community Association Law.

www.fiorelaw.com