

SECTION C

DISCLOSURE DOCUMENTS INDEX

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CONVERSION TABLE

OLD TO NEW DAVIS-STIRLING ACT

EXISTING CODE	NEW CODE
1350	4000
1350.5	4005
1350.7	4040, 4045, 4050
1351 (intro)	4075
1351(a)	4080
1351(b)	4095
1351(c)	4100
1351(d)	4105
1351(e)(1)-(3)	4285
1351(e)(3)	4285(c), 4290, 4295
1351(f)	4125
1351(g)	4130
1351(h)	4135
1351(i)	4145
1351(j)	4150
1351(k)	4175
1351(l)	4185
1351(m)	4190
1352	4200
1352.5	4225
1353(a)(1)	4250(a)
1353(a)(1)-(4)	4255
1353(b)	4250(b)
1353.5	4705
1353.6	4710
1353.7	4720
1353.8	4735
1353.9	4745
1354	5975
1355(a)	4270(a)
1355(b)	4260
1355(b)(1)	5115(e)
1355(b)(2)	4270(b)
1355(b)(3)	4270(a)(3)
1355.5	4230
1356	4275
1357	4265
1357.100(a)	4340(a)
1357.100(b)	4340(b)

EXISTING CODE	NEW CODE
1357.110	4350
1357.120	4355
1357.130	4360
1357.140	4365
1357.150	4370
1358(a)	4625
1358(b)	4630
1358(c)	4635
1358(d)	4640
1358	4645, 4650
1359	4610
1360	4760
1360.2	4740
1360.5	4715
1361	4505
1361.5	4510
1362	4500
1363(a)	4800
1363(b)	none
1363(c)	4805
1363(d)	5000(a)
1363(e)	5240(b)
1363(f)	5850(a)
1363(g)	5855
1363(h)	4820
1363(i)	5865
1363.001	5400
1363.005	none
1363.03(a)	5105(a)
1363.03(b)	5100(a), 5115(b)-(c)
1363.03(c)	5110
1363.03(d)	5130
1363.03(e)	5115(a)
1363.03(f)	5120(a)
1363.03(g)	5120(b)
1363.03(h)	5125
1363.03(i)	none
1363.03(j)	5105(b)
1363.03(k)	5115(d)

EXISTING CODE	NEW CODE
1363.03(l)	5100(c)
1363.03(m)	5100(d)
1363.03(n)	5100(e)
1363.03(o)	none
1363.04	5135
1363.05(a)	4900
1363.05(b)	4925(a); 4935(a)-(b)
1363.05(c)	4935(e)
1363.05(d)	4950(a)
1363.05(e)	4950(b)
1363.05(f)	4920
1363.05(g)	4923
1363.05(h)	4925(b), 5000(b)
1363.05(i)	4930
1363.05(j)	4910
1363.05(k)(1)	4155
1363.05(k)(2)	4090
1363.07	4600
1363.07(a)(3)(F)	4202(a)(4)
1363.09 (elections)	5145
1363.09(a)-(b) (exclusive use)	4605
1363.09(a)-(b) (open meetings)	4955
1363.1(a)	5375
1363.1(b)	4158
1363.1(b)(1)	5385
1363.2(a)-(e)	5380(a)-(e)
1363.2(f)	4158, 5385
1363.2(g)	5380(f)
1363.5	4280
1363.6	5405
1363.810	5900
1363.820	5905
1363.830	5910
1363.840	5915
1363.850	5920
1364(a)	4775(a)
1364(b)	4780
1364(c)	4775(b)
1364(d)-(e)	4785
1364(f)	4790
1365(a)(1)	5300(b)(1)
1365(a)(2) (intro)	5300(b)(2)

EXISTING CODE	NEW CODE
1365(a)(2)(A)-(D)	5565
1365(a)(3)(A)	5300(b)(4)
1365(a)(3)(B)	5300(b)(5)
1365(a)(3)(C)	5300(b)(6)
1365(a)(3)(D)	5300(b)(8)
1365(a)(4)(1st ¶)	5300(b)(7)
1365(a)(4) (2nd ¶)	5300(d)
1365(a)(4) (3rd ¶)	5300(a)
1365(b)	5300(b)(3)
1365(c)	5305
1365(d)	5320
1365(e)	5310(a)(7)
1365(f)(1)	5300(a), 5300(b)(9)
1365(f)(2)	5810
1365(f)(3)	5300(b)(9)
1365(f)(4)	5300(b)(9)
1365.1(a)-(b)	5730
1365.1(c)	4040(b)
1365.2(a)(1)	5200(a)
1365.2(a)(1)(I)(ii)	5225
1365.2(a)(1)(I)(iii)	5220
1365.2(a)(2)	5200(b), 5205(g)
1365.2(b)(1)	5205(a)
1365.2(b)(2)	5205(b)
1365.2(c)(1)-(5)	5205(c)-(g)
1365.2(d)	5215
1365.2(e)	5230
1365.2(f)	5235
1365.2(g)	5240(c)
1365.2(h)	5205(h)
1365.2(i)-(j)	5210(a)-(b)
1365.2(k)	5210(c)
1365.2(l)	5240(a)
1365.2(m)	5240(d)
1365.2(n)	none
1365.2.5	5570
1365.2.5(b)(3)	5300(e)
1365.3	5580
1365.5(a)	5500
1365.5(b)	5510(a)
1365.5(c)(1)	5510(b)
1365.5(c)(2)	5515

EXISTING CODE	NEW CODE
1365.5(d)	5520
1365.5(e)(1)-(5)	5550
1365.5(e)(5)	5560
1365.5(f)	4177
1365.5(g)	4178
1365.5(h)	none
1365.6	5350(a)
1365.7	5800
1365.9	5805
1366(a)	5600(a), 5605(a), 5605(c)
1366(b)	5605(b), 5605(c)
1366(b)(1)-(3)	5610(a)-(c)
1366(c)	5620
1366(d)	5615
1366(e)	5650(b)
1366(f)	5650(c)
1366.1	5600(b)
1366.2(a)	4210
1366.2(b)	none
1366.4	5625
1367	none (see 5740(b))
1367.1(a) (1st sentence)	5650(a)
1367.1(a) (2nd sentence)	5660
1367.1(a)(1)-(6)	5660(a)-(f)
1367.1(b)	5655
1367.1(c)(1)(A)	5670
1367.1(c)(1)(B)	none
1367.1(c)(2)	5673
1367.1(c)(3)	5665
1367.1(d)	5675, 5685(a), 5725(a)
1367.1(e)	5725(b)
1367.1(f)	5680
1367.1(g)	5735, 5700(a), 5710(a)
1367.1(g)(1)-(2)	5710(c)(1)-(2)
1367.1(h)	5700(b)
1367.1(i)	5685(b)
1367.1(j)	5710(b)
1367.1(k)	4040(b)
1367.1(l)	5690
1367.1(m)	5740(m)
1367.1(n)	none

EXISTING CODE	NEW CODE
1367.4(a)	5705(a), 5715(a), 5720(a)
1367.4(b)	5720(b)-(c)(1)
1367.4(c)(1)-(3)	5705(b)-(d)
1367.4(c)(4)	5715(b)
1367.4(d)	5720(c)(2)-(3)
1367.5	5685(c)
1367.6	5658
1368(a)	4525
1368(b)	4530
1368(c)(1)	4575
1368(c)(2)	4580
1368(c)(3)	4110
1368(d)	4540
1368(e)	4545
1368(f)	4535
1368(g)	none
1368.1	4730
1368.2	4528
1368.3	5980
1368.4	5985
1368.5	6150
1369	4615
1369.510	5925
1369.520	5930
1369.530	5935
1369.540	5940
1369.550	5945
1369.560	5950
1369.570	5955
1369.580	5960
1369.590	5965
1370	4215
1371	4220
1372	4020
1373	4202
1374	4201
1375	6000
1375.1	6100
1376	4725
1378	4765

_____ OWNERS ASSOCIATION

**ASSESSMENT AND RESERVE FUNDING DISCLOSURE SUMMARY
20XX**

- The current assessment is \$ _____ per **month**.
- Additional assessments that have already been scheduled to be imposed or charged, regardless of purpose, if they have been approved by the board and/or members:

Date Assessment is due	Amount per unit	Purpose of assessment
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_____	_____	_____
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- Based upon the most recent reserve study and other information available to the board of directors, will currently projected reserve account balances be sufficient at the end of each year to meet the association’s obligation for repair and/or replacement of major components during the next 30 years? Yes _____ NO _____
- If the answer to Question 3 is no, what additional assessments or other contributions to reserves would be necessary to ensure that sufficient reserve funds will be available each year during the next 30 years?

Approximate date assessment will be due	Amount per unit
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_____	_____
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- The following major components, which are included in the reserve study, are NOT included in the existing reserve funding:

Major component	Useful remaining life in years	Reason not included
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<u>Refer to attached detail.</u>	_____	_____
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- Based on the method of calculation in paragraph (4) of subdivision (b) of Section 5570, the estimated amount required in the reserve fund at the end of the current fiscal year is \$ _____, based in whole or in part on the last reserve study or update prepared by _____ as of _____ (month), _____ (year). The projected reserve fund cash balance at the end of the current fiscal year is \$ _____, resulting in reserves being _____% funded at this date. If an alternate but generally accepted, method of calculation is also used, the required amount is \$ _____

Refer to attached.

- Based on the method of calculation in paragraph (4) of subdivision (b) of Section 5570, the estimated amount required in the reserve fund at the end of each of the next five budget years is \$ **Attached**, and the projected reserve fund cash balance in each of those years, taking into account only assessments already approved and other known revenues, is \$ **Attached** leaving the reserve at _____ percent funding. If the reserve funding plan approved by the association is implemented, the projected reserve fund cash balance in each of those years will be, leaving the reserve at _____ percent funding. **Refer to attached.**

Note: The financial representations set forth in this summary are based on the best estimates of the preparer at that time. The estimates are subject to change. At the time this summary was prepared, the assumed long-term before –tax interest earned on reserve funds was _____ per year, and the assumed long term inflation rate to be applied to major component repair and replacement costs was _____ per year.

(b) For the purposes of preparing a summary pursuant to this section:

- “Estimated remaining useful life” means the time reasonably calculated to remain before a major component will require replacement.
- “Major Component” has the meaning used in Section 5550(b)(1). Components with an estimated useful life of more than 30 years may be included in a study as a capital asset or disregarded from the reserve calculation, so long as the decision is revealed in the reserve study report and reported in the Assessment and Reserve Funding Disclosure Summary.
- The form set out in subdivision (a) shall accompany each pro forma operating budget or summary thereof that is delivered pursuant to this article. The form may be supplemented or modified to clarify the information delivered, so long as the minimum information set out in subdivision (a) is provided.
- For the purpose of the report and summary, the amount of reserves needed to be accumulated for a component at a given time shall be computed as the current cost of replacement or repair multiplied by the number of the years the component has been in service divided by the useful life of the component. This shall not be construed to require the board to fund reserves in accordance with this calculation.

Question 5. Details:

Components considered in Reserve Study but not funded. Special assessment may be required.

1. Flood: Damage to the sewer, storm drain, water lines, sidewalks, drives, curbs and gutters. Reserve funding not practical.
2. Landscape: Shrubs and trees Sudden Oak Death. Reserve funding not practical.
3. Landscape: Drought and/or major water use restrictions and landscape loss. Reserve funding not practical.
4. Water and Sewer Lines: Root damage and other line damage. Reserve funding not practical.

Question 7. Details:

1. Assessments are approved on an annual basis. The following table with the exception of the first year is based on estimated assessments.
2. Note that the funds required are estimated on the straight-line method.
3. Note that the cash balance is estimated on "In Time Funding" basis or "Cash Flow" method.

<u>YEAR</u>	FUNDS REQUIRED ESTIMATED	CASH BALANCE ESTIMATED	% FUNDED ESTIMATED
2008			
2009			
2010			
2011			
2012			

SAMPLE STATEMENT

OWNERS ASSOCIATION

Civil Code §5915. DEFAULT DISPUTE RESOLUTION PROCEDURE (IDR) as modified applies to a dispute between an association and a member. This procedure supplements and does not replace the Alternative Dispute Resolution as a prerequisite to an enforcement action (§5925).

1. The party may request the other party to meet and confer in an effort to resolve the dispute. The request shall be in writing. A response to the request is to be made in less than 30 days.
2. A member of an association may refuse a request to meet and confer. The association may not refuse a request to meet and confer. If the member participates but the dispute is resolved other than by agreement of the member, the member shall have a right of appeal to the association's board of directors.
3. The association's board of directors shall designate a member of the board to meet and confer.
4. The parties shall meet promptly at a mutually convenient time and place, explain their positions to each other, and confer in good faith in an effort to resolve the dispute.
5. A resolution of the dispute agreed to by the parties shall be memorialized in writing and signed by the parties, including the board designee on behalf of the association.

An agreement of a dispute reached pursuant to the procedure, that is not in conflict with the law or the governing documents, binds the parties and is judicially enforceable.

This notice is distributed in accordance with in accordance with Civil Code §5920.

**SUMMARY OF CALIFORNIA CIVIL CODE 5935
RELATING TO ENFORCEMENT OF GOVERNING DOCUMENTS
THROUGH ALTERNATIVE DISPUTE RESOLUTION**

PLEASE TAKE NOTICE: This Civil Code statute is required to be sent to association members annually with the Pro-Forma Budget .

In general, Civil Code 5935 Et. Seq. encourages parties to a dispute involving enforcement of an association's governing documents to submit the dispute to a form of alternative dispute resolution (ADR) such as mediation or arbitration prior to filing civil action. The intent of the statute is to promote speedy and cost-effective resolution of such disputes, to better preserve community cohesiveness and to channel CC&R disputes away from our state's court system. The statute **does not** apply to assessments nor to monetary claims in excess of \$5,000.00.

Under Civil Code 5955 Et. Seq., the form of alternative dispute resolution may be binding or non-binding and the costs will be borne as agreed to by the parties involved.

Any party to a dispute regarding enforcement of the governing documents may initiate the process of ADR by serving a Request for Resolution on another party to the dispute. A Request for Resolution must contain (1) a brief description of the nature of the dispute, (2) a request for ADR and (3) a notice that the party receiving the Request for Resolution is required to respond within 30 days of receipt or the Request will be deemed rejected.

If the Request is accepted, the ADR must be completed within 90 days of receipt of the acceptance, unless otherwise agreed by the parties. Any Request for Resolution sent to the owner of a separate interest must include a copy of Civil Code 1354 in its entirety.

FAILURE OF A MEMBER OF THE ASSOCIATION TO COMPLY WITH THE ALTERNATIVE DISPUTE RESOLUTION REQUIREMENTS OF SECTION 5930 HE CIVIL CODE MAY RESULT IN THE LOSS OF YOUR RIGHT TO SUE THE ASSOCIATION OR ANOTHER MEMBER OF THE ASSOCIATION REGARDING ENFORCEMENT OF THE GOVERNING DOCUMENTS OR THE APPLICABLE LAW.

Should the association or an individual member wish to file a lawsuit for enforcement of the association's governing documents, the law requires the association or the individual to file a certificate with the court stating that ADR has been completed prior to the filing of the suit. Failure to file this certificate can be grounds for dismissing the lawsuit. There are limited exceptions to the filing of this required certificate when (1) one of the parties to the dispute refused ADR prior to the filing of the complaint, (2) preliminary or temporary injunctive relief is necessary, or (3) the statute of limitation period for filing the suit will expire within 120 days of the lawsuit being filed. Each of these exceptions, however, must also be certified in writing to avoid the court's dismissing the action.

Furthermore, in any lawsuit to enforce the governing documents, while the prevailing party may be awarded attorney's fees and costs, under Civil Code 5950 the court may consider any party's refusal to participate in ADR prior to the lawsuit being filed when it determines the amount of the award.

NOTICE

ASSESSMENTS AND FORECLOSURE

This notice outlines some of the rights and responsibilities of owners of property in common interest developments and the associations that manage them. Please refer to the sections of the Civil Code indicated for further information. A portion of the information in this notice applies only to liens recorded on or after January 1, 2003. You may wish to consult a lawyer if you dispute an assessment.

ASSESSMENTS AND NONJUDICIAL FORECLOSURE

The failure to pay association assessments may result in the loss of an owner's property without court action, often referred to as nonjudicial foreclosure. When using nonjudicial foreclosure, the association records a lien on the owner's property. The owner's property may be sold to satisfy the lien if the lien is not paid. Assessments become delinquent 15 days after they are due, unless the governing documents of the association provide for a longer time. (Sections 1366 and 1367.1 of the Civil Code)

In a nonjudicial foreclosure, the association may recover assessments, reasonable costs of collection, reasonable attorney's fees, late charges, and interest. The association may not use nonjudicial foreclosure to collect fines or penalties, except for costs to repair common areas damaged by a member or a member's guests, if the governing documents provide for this. (Sections 1366 and 1367.1 of the Civil Code)

The association must comply with the requirements of Section 1367.1 of the Civil Code when collecting delinquent assessments. If the association fails to follow these requirements, it may not record a lien on the owner's property until it has satisfied those requirements. Any additional costs that result from satisfying the requirements are the responsibility of the association. (Section 1367.1 of the Civil Code)

At least 30 days prior to recording a lien on an owner's separate interest, the association must provide the owner of record with certain documents by certified mail. Among these documents, the association must send a description of its collection and lien enforcement procedures and the method of calculating the amount. It must also provide an itemized statement of the charges owed by the owner. An owner has a right to review the association's records to verify the debt. (Section 1367.1 of the Civil Code)

If a lien is recorded against an owner's property in error, the person who recorded the lien is required to record a lien release within 21 days, and to provide an owner certain documents in this regard. (Section 1367.1 of the Civil Code)

The collection practices of the association may be governed by state and federal laws regarding fair debt collection. Penalties can be imposed for debt collection practices that violate these laws.

PAYMENTS

When an owner makes a payment, he or she may request a receipt, and the association is required to provide it. On the receipt, the association must indicate the date of payment and the person who received it. The association must inform owners of a mailing address for overnight payments. (Sections 1367.1 and 1367.1 of the Civil Code)

An owner may dispute an assessment debt by giving the board of the association a written explanation, and the board must respond within 15 days if certain conditions are met. An owner may pay assessments that are in dispute in full under protest, and then request alternative dispute resolution. (Sections 1366.3 and 1367.1 of the Civil Code)

An owner is not liable for charges, interest, and costs of collection, if it is established that the assessment was paid properly on time. (Section 1367.1 of the Civil Code)

MEETINGS AND PAYMENT PLANS

An owner of a separate interest that is not a time-share may request the association to consider a payment plan to satisfy a delinquent assessment. The association must inform owners of the standards for payment plans, if any exist. (Section 1367.1 of the Civil Code)

The board of the directors must meet with an owner who makes a proper written request for a meeting to discuss a payment plan when the owner has received a notice of a delinquent assessment. These payment plans must conform with the payment plan standards of the association, if they exist. (Section 1367.1 of the Civil Code)

OWNERS ASSOCIATION
ELECTION PROCEDURES AND RULES

The Davis-Stirling Common Interest Development Act Civil Code Section Article 4 – Member Election §5100 requires that no matter what our Protective Restrictions (CC&Rs) provide, elections held after July 1, 2006 must comply with that statute, and the Association must adopt appropriate procedures and rules.

I. Procedures for Electing Board of Governors

1. Notice. A copy of these procedures will be distributed to all members thirty (30) days prior to the annual meeting.
2. Nominations. A member may nominate a candidate for the Board of Governors by either notifying any current Board member in writing of the name of a candidate at least fifteen (15) days before the annual meeting, or by offering the name from the floor at the annual meeting.
3. Acclamation. If the number of candidates for the Board is equal to or less than the positions to be filled, the candidates may be elected by acclamation at the annual meeting and no balloting is required. Candidates elected by acclamation will take office _____.
4. Ballots. If the number of candidates exceeds the positions to be filled, the Board will appoint an election inspector (*refer II. 4.*); set a deadline for the inspector to receive ballots; set an election meeting to count the ballots; prepare ballots, and at least thirty days before the voting deadline mail or deliver the ballots and voting instructions to all members.
5. Security. The election inspector will keep all sealed ballots unopened and in his or her custody until the election meeting.
6. Counting. At the election meeting and in the presence of any members in attendance, the inspector will verify each return address represents an eligible voter, open the outer envelopes of eligible voters, remove the unopened inner envelopes, separate the inner envelopes from the outer envelopes so they cannot be traced, open the inner envelopes, tally the votes, and report the results to the Board. The Board will record the results in the minutes of its next meeting and report the results in writing to all members within fifteen days of the election meeting.
7. Preservation of Records. The Board will take custody of all ballots and envelopes, retain them in the Association records for a period of not less than one year, and make them available for inspection by members on request.
8. Taking Office. Candidates elected as Governors by ballot will take office ___ days after the election meeting.

OWNERS ASSOCIATION
ELECTION PROCEDURES AND RULES

II. Rules for All Elections

1. Except for voting by acclamation, all elections that require a vote will be held by secret ballot. Such elections include elections of directors, special assessments, amendments to CC&Rs, director removal, votes to sue, etc.
2. Proxies are permitted for purposes of establishing a quorum at membership meetings and for casting votes for election of Board members by acclamation. Proxies are not permitted in ballot elections.
3. The only qualification for voting in any election is that the voter must be the owner of record of a unit within the Association. Members have one vote per unit.
4. The election inspector may be a member of the Association, a representative of the Association's management company or otherwise employed by the Association. The inspector shall not be a Governor, a candidate for the Board, or related to a Governor or candidate.
5. The inspector shall determine the number of members entitled to vote; receive ballots; hear and determine all challenges or questions relating to the right to vote; count and tabulate all ballots; determine the election results; and perform any other acts as may be proper to conduct an election that is fair to all members in accordance with Civil Code Section 5105 and the governing documents and rules of the Association not in conflict with Civil Code Section 5105. The inspector may appoint and oversee additional persons to count and tabulate votes. The inspector shall act impartially and in good faith, to the best of his or her ability, and as expeditiously as possible.
6. Ballots shall not contain any information that may identify a voter.
7. Once a ballot is cast, it shall be irrevocable.
8. The Board will take custody of all ballots and envelopes, retain them in the Association records for a period of not less than one year, and make them available for inspection by members on request.
9. Membership meetings are no longer required for elections.
10. A member may request a receipt for delivery of a ballot.

OWNERS ASSOCIATION

RULES AND PROCEDURES RENTAL LIMITATION PROGRAM February 1, 20xx Report

The _____ Owners Association has adopted a Rental Limitation Program by obtaining approval of 75% or more of our members and amending our Protective Restrictions (CC&Rs). The amendment was properly recorded by the Sonoma County Recorder on Month xx, 20xx. The adopted rules for administering the Rental Limitation are stated below. In accordance with the provisions of the Amendment, a copy of these rules must be provided to each current owner member once each year.

1. The Board of Governors on change of ownership of a unit and at least annually, shall determine and maintain records identifying the owners of all dwelling units in the Association. The record will show which units are rented. If the owner on the date of adoption of the Rental Limits is a trust, the Board shall determine the occupants of the unit at that time. These occupants shall be considered “the Owners” for applying the Rental Limitations. When such owners no longer occupy the unit, it shall be considered a change in ownership under Article III, Section 4(a) CC&Rs as amended (Month xx, 20xx, and the Rental Limitations will thereafter apply to that unit. Upon request by an owner of a unit in the Association, or any interested party, the Board shall inform them of the number of units currently rented, whether the Rental Limitation has been reached and, if not, the number of additional units that may be rented.
 - a. The result of this inventory will be recorded in the format provided as Atch #1. The completed format shows the percentage of the total units rented and the number of which this percentage is either under or over the desired total of 20%.
2. Owners who acquire property after adoption of Rental Limitation are required to apply to the Association Board of Governors prior to offering their property for rent by others. The Board may grant its consent only providing the number of existing rental units has not reached 20% of the total Association units unless the applicant can qualify for a hardship exemption as discussed below. The format for Application to Rent is provided as Atch #2. If any owner who was an owner resident at the time Rental Limitation was adopted subsequently decides to rent his unit, such owner cannot be denied the right to do so. Such owners, however, are required to complete the Application to Rent form so that the Board may count the rental among the total units rented. The form will be noted “Grandfather”.
3. A Waiting List will be maintained of those owners who acquired property after adoption of Rental Limitation and are now awaiting permission to rent such units to others. The need for such a record occurs when the Board has declined permission (because the desired rental limit of 20% was already reached) when it received a request for permission to allow a unit to be rented. The list will be in the priority order of the dates requests were received. The format for this waiting list is provided in Atch #3.
4. The Rental Limit program allows for waiver of the limitation when hardship can be demonstrated by an owner who acquired property after adoption of Rental Limitations by

_____ OWNERS ASSOCIATION

1 of 2

the Association. To be granted the waiver, the owner should be required to demonstrate that the hardship was not foreseen prior to the date the property was acquired. Reliance must be placed on the judgment and integrity of the Board of Governors members. In these cases, it is not possible to anticipate every circumstance that might qualify. The Board must always consider its responsibility for fairness to both the applicant and to the other Association members. If approval is granted to rent because of hardship, explain the circumstances on the Application to Rent. See Atch #3.

_____ Board of Governors

Attachments #1,2,3

2 of 2

APPLICATION TO RENT

Date: _____

Applicant: _____

Address of Property to be Rented: _____

Action by Board of Governors:

Board of Governors:

(Signatures of 2 Governors)

ATCH #2

_____ OWNERS ASSOCIATION

WAITING LIST FOR APPROVAL TO RENT

DATE: _____

<u>DATE OF APPLICATION</u>	<u>OWNER NAME</u>	<u>PROPERTY TO BE RENTED</u>

ATCH #3

**Notice of
City of Santa Rosa
SMOKING ORDINANCE**

On July 7, 2015, the City of Santa Rosa adopted an ordinance prohibiting smoking and vaping in multifamily housing.

Under the **City Code Section 9-20.030**, smoking includes lighting, burning, vaping, or carrying any lighted cigarette, cigar, pipe, electronic smoking device, tobacco product, marijuana, or any other combustible substance.

Multifamily Residence means any residential property containing two or more units with one or more shared walls, floors, or ceilings, including, but not limited to, condominiums, duplexes, and any other attached housing (such as townhouses).

City Code Section 9-20.070

Effective October 6, 2015, smoking and vaping is prohibited in all Common Areas unless the Association has designated and marked a smoking area meeting all of the criteria set forth in the ordinance..

Effective August 7, 2016, smoking and vaping is prohibited in any existing unit of a multifamily residence.

The City of Santa Rosa and the Santa Rosa Code Enforcement will enforce this ordinance. Residents wanting enforcement should call 707- 565–6680.

You may obtain the ordinance online through the City of Santa Rosa website.

Information provided by attorney Barbara Zimmerman September 2015

_____ OWNERS ASSOCIATION
BOARD OF GOVERNORS
c/o OAS Management
6572 Oakmont Drive, Suite A
Santa Rosa, CA 95409

POLICY AND PRACTICE REGARDING DELINQUENT ASSESSMENTS, LATE CHARGES, FILING OF LIENS AND LEGAL ACTION

California Civil Code and the _____ Homeowners Association Protective Restrictions govern the policies and practices regarding the imposition of interest and late charges, and the enforcement of lien rights and other legal remedies for delinquent assessments and default in payment of assessments. These policies and practices which are currently enforced, are summarized as follows:

POLICY

1. All assessments are due in **advance** on the first day of each calendar month.
2. Any regular or special assessment shall be considered delinquent 30 days following its due date.
3. A late charge of \$ _____ will be assessed on any delinquent assessment, from month to month.
4. Collection procedures for delinquent assessments will be in accordance with

the NOTICE REGARDING ASSESSMENTS AND FORECLOSURE

CIVIL CODE § 5730 - EFFECTIVE JANUARY 1, 2006

This notice is distributed annually to all members of the association.

Note: Civil Code §4040(b) Provides that upon receipt of a written request by an owner identifying a secondary address for purposes of collection notices, the association shall send additional copies of any notices required by this section to the secondary address provided.

Civil Code Reference revised 2015