



ISSUE #1

MARKUP #1 ->

Section 1: [Mutual Occupancy Agreement & Policies, Section 14.2] Restriction on Member Use of Common Area Facilities

Common area clubhouses and meeting rooms may not be reserved by residents for meetings concerning Mutual board recalls, litigation against the Foundation, or candidates for public office unless the Resident group pays a \$250.00 room rental fee and provides a \$500,000 commercial general liability insurance certificate.

Section 2: [Alterations Policy, Section 8.5] Exclusive Use Common Area Grant Without 67% Member Vote

The Mutual Board of Directors may, by majority vote of the Directors, grant any Member an exclusive-use patio expansion or exclusive-use storage enclosure encroaching onto general Common Area lawn space.

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. Mutual Occupancy Agreement & Policies, Section 14.2 (p. 1): Charging rental fees and requiring liability insurance for resident assembly/election/political meetings in common areas

Statutory / Legal Reference: Cal. Civ. Code § 4515

Statutory Comparison: Cal. Civ. Code § 4515(b)-(c) guarantees members and residents the right to peacefully assemble and meet in common area facilities (during reasonable hours when not already in use) to discuss common interest development living, association elections, legislation, election to public office, or recall/referendum, and explicitly prohibits requiring a member or resident to pay a fee, make a deposit, or obtain liability insurance for such meetings.

CURRENT WORDING IN DOCUMENT:

[Mutual Occupancy Agreement & Policies, Section 14.2] Restriction on Member Use of Common Area Facilities for Political or Assembly Meetings - Common area clubhouses and meeting rooms may not be reserved by residents for meetings concerning Mutual board recalls, litigation against the Foundation, or candidates for public office unless the Resident group pays a \$250.00 room rental fee and provides a \$500,000 commercial general liability insurance certificate.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section Mutual Occupancy Agreement & Policies, Section 14.2 ([Mutual Occupancy Agreement & Policies, Section 14.2] Restriction on Member Use of Common Area Facilities for Political or Assembly Meetings - Common area clubhouses and meeting rooms may not be reserved by residents for meetings concerning Mutual board recalls, litigation against the Foundation, or candidates for public office unless the Resident group pays a \$250.00 room rental fee and provides a \$500,000 commercial general liability insurance certificate.) to conform with Cal. Civ. Code § 4515 and the manual attorney audit recommendations for Golden Rain Foundation of Walnut Creek (Rossmoor / Walnut Creek Mutual).