

## **RULES REGARDING ASSEMBLY AND PETITIONING FOR SB 407 PURPOSES**

Civil Code section 4515 (enacted pursuant to SB 407) provides that an association shall not prohibit a member or resident from:

- Assembling or meeting with other members, residents, and their invitees or guests during reasonable hours and in a reasonable manner for purposes relating to common interest development living, association elections, legislation, election to public office, or the initiative, referendum, or recall processes.
- Inviting public officials, candidates for public office, or representatives of homeowner organizations, to speak on matters of public interest
- Using the common area (or a separate interest with the consent of the owner) for assembling or for meetings, as described in the statute, when that area is not otherwise in use
- Canvassing and petitioning the members, the association Board, and residents for such meetings or speaking engagements, at reasonable hours and in a reasonable manner
- Distributing or circulating, without prior permission, information on association living, elections, legislation, election to public office, specified political processes, or other issues of concern to members and residents, at reasonable hours and in a reasonable manner.

The purpose of these rules is to define what shall be considered "reasonable" for the purposes listed above, referred to as "SB 407 Purposes", and further to clarify how these rules affect the use of common areas for SB 407 Purposes. These rules shall apply when the purpose of the meeting falls under one of the above descriptions, whether the person or persons reserving the room for such purpose is an individual or an existing resident group or chartered club. Uses of the common areas and facilities by members, residents and invitees for other purposes shall continue to be regulated as provided in the then-current rules of the Association pertaining to such use. To the extent the current rules of the Association conflict with these "SB 407 Purpose" rules, the rules of SB 407 shall be given priority.

### **Use of Common Areas**

The use of common areas for SB 407 Purposes shall be scheduled in advance with management. An application for use of the common areas shall be made using the form attached, entitled "Application for Use of Common Area Facility for SB 407 Purposes." The application must be completed fully and delivered to management for the proposed event. Competing scheduling requests will be handled on a "first come, first served" basis. "Reasonable hours" for such meetings shall be between 8:00 am and 10:00 pm, and the time reserved must include prep time and take down time.

The applicant must, at least 72 hours before the event, deliver to management/the Board a list, by name, of proposed non-resident attendees, including any speaker and speaker affiliates. The purposes of this requirement are to regulate entrance by non-residents into the community through its gates, to assure that all persons attending are actually the guests or invitees of the applicant, and finally to assure that the number of attendees shall in no case exceed the maximum number specified for fire and other safety purposes for the common area in question.

The Association will only provide the set-up and removal of chairs and tables. Other services and equipment, such as providing linens, will be provided to Applicant at an additional cost. Applicant may apply for permission to use Association-owned equipment such as microphones and tables and chairs, but the applicant will be personally liable for any damage to common areas and/or equipment resulting from such use. Applicant shall be responsible for clean-up of the facility, including adjacent common areas, after the event concludes. Trash is to be bagged at the conclusion of the event, for custodial pickup.

Applicant shall not drive or permit to be driven nails, hooks, tacks screws, poles stakes or other forms of fasteners into any part of the facility and shall not make or allow to be made any alterations of any kind therein.

Insofar as injury occurs on the common areas or Association-owned equipment or personal property, please be aware that the association, and its insurers, will look to the applicant as responsible party.

Any sound amplification shall be moderate and shall not be permitted to travel to nearby residential areas.

Applicant shall comply with all local, state, and federal law and regulations related to use of the facility, and shall not invite a larger number of individuals than can lawfully, safely and freely move about the facility.

Smoking is not permitted at the facility.

Animals are not permitted at the facility, except as dictated by fair housing and civil rights laws. All animals lawfully brought on to the premises shall be controlled by the owner of such animals. The owner of a lawful animal shall take full responsibility for their animal while at the facility.

#### Canvassing and Petitioning Members, Residents and Board Members for SB 407 Purpose Events

Per Civil Code section 4515, canvassing and petitioning activities by members or residents related to SB 407 Purpose events may be carried out only "at reasonable hours and in a reasonable manner." The Board has concluded that "reasonable hours" for such actions are between the hours of 10:00 a.m. and 5:00 p.m. Board Members

are to be contacted only through the management company/by letter/by email. Further, in a "reasonable manner" does not include entry onto private property when the resident has posted a "No Solicitation", "No Trespassing", or similar sign.

PLEASE OBSERVE COMMON COURTESY and leave or stop such activities immediately upon being requested to do so by the member or resident.

### Distributing Information

While Section 4515 allows members and residents to distribute or circulate information about association life, elections legislation, election to public office, the initiative, referendum or recall process, or "other issues of concern to members and residents", such distribution must be carried on during reasonable hours and in a reasonable manner. The Board has concluded that "reasonable hours" for such actions are between the hours of 10:00 a.m. and 5:00 p.m. No outside distributors may be used for this purpose.

As to the manner of distribution, federal law prohibits the use of mail boxes by persons or organizations other than the postal service. The information tubes owned and used by the Association for distribution of Association communications may be used for this purpose under the same rules and regulations applied to chartered clubs and resident groups.

Do not post materials by attaching them to the common area elements, such as stop signs, light standards, fences, *etc.* Except as provided above, no one may distribute, hand-out or circulate materials at any Association facility or on the Association's common area except at a meeting or event held for a SB 407 Purpose.

The Association maintains a bulletin board at the Association office, located at 80814 Sun City Boulevard, Suite B, and you may post your notice without prior permission, for a total of two weeks, after which the information will be removed from the bulletin board. Further be aware that if the distributed material is discarded and the Association is required to retrieve or dispose of it, the Association will look to the person or persons distributing such materials for reimbursement of any costs associated therewith. PLEASE BE ATTENTIVE to this, and do not leave materials where the resident has declined to receive a copy.

Please make appropriate arrangements for retrieval and destruction of discarded pamphlets, posters, advertisements, and similar items, to be completed within 24 hours of the end of the event.