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Uncertainty -- over water rules -- grows lush like a lawn

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By BEN GOAD
The Press-Enterprise

Sometimes, you've got to go brown to be green. At least that's the way Lynne Karman sees it.

The Temecula woman, like many others, has found herself stuck between homeowners association regulations requiring her to keep a green lawn and a set of new watering restrictions imposed to conserve water during a third consecutive year of drought across Southern California.

The competing rules have led to confusion and consternation among some homeowners.

Water and homeowners association officials say the new restrictions leave plenty of room for people to keep their lawns green. But one state lawmaker has proposed legislation that would protect residents from association fines for brown lawns.

Story continues below

Terry Pierson / The Press-Enterprise
Lynne Karman, 49, of Temecula, received a letter in June from her homeowners association for brown spots in her front lawn.

Karman and her husband, Greg, have lived for more than a decade in Redhawk, a 3,000-house planned community in the Temecula hills south of Highway 79. They've taken pride in their home, always careful to follow the rules set forth by the Redhawk Community Association.

According to the association's formal regulations, all vinyl fencing must be tan, "nomadic taupe" to be specific.

Check. Only the American flag can fly on flagpoles. Check. All residents must "maintain landscape in a clean, safe and attractive condition."

This last stipulation has never been a problem, since the Karmans have a sprinkler system that can be set to water the couple's lawn daily.

But under new water restrictions imposed by the local water district, and agencies across much of the state, residents can water their yards only from 10 to 20 minutes every other day, depending on what type of sprinklers they have.

They are also asked to water only between 8 p.m. and 7 a.m.

The Karmans changed their watering habits in accordance with the new restrictions even before they took effect. Then came the brown spots. Then came the letter from the Redhawk Community Association, telling the Karmans they were in violation of the community's rules.

"I was actually shocked," said Karman, 49. "I thought it was very short-sighted. We were trying to be proactive."

Karman said she and her husband enjoy having a green yard but they also understand the importance of conservation.

"Maybe we should be more focused on our water supply than keeping our lawns lush and green in Southern California during July and August," she said.

Green lawns possible

Karman said she called the association to complain. She's not alone.

John Ellett, an official with Redhawk's property management company, said such complaints were common even before the new restrictions set in. Area water agencies throughout the region also reported hearing concerns from residents, some of whom would prefer a more California-friendly brand of landscaping, using plants that don't require as much water as lawns.

"We have been getting calls," said Peter Odencrans, a spokesman for the Eastern Municipal Water District based in Perris. "Some of them say they would like to get rid of their lawns and get something more appropriate, but they're not allowed."

Bill Stephens, a water resources planner at the Rancho California Water District, said the agency -- which covers Redhawk-- has gotten numerous calls from residents concerned that the restrictions make it impossible to keep their grass alive.

He said that's not the case. In many instances, the concerns come from people who overcorrect behavior and turn their sprinklers too low.

"They can have a healthy lawn with the water allocation they have," said Stephens, who said he routinely offers to give seminars on water-friendly landscaping.

Harry Garnett, vice president of the Redhawk Community Association's board and a resident of the development, said he has no problem keeping his lawn green under the current restrictions. He estimated that fewer than 5 percent of homes in Redhawk have brown spots or otherwise deteriorating lawns.

Garnett said the upkeep of homes is vital, especially during the current abysmal state of the region's housing market.

"It's the responsibility of the board to carry out the rules and regulations and see that they're enforced," Garnett said. "You're supposed to support the property values."

Fine ban proposed

The Karman have not been fined, and Garnett said the association issues them only when the two sides can't

reach an agreement over how to resolve an issue. Still, such brown-lawn violations can lead to monetary penalties.

Such punishment would be outlawed under a bill currently moving through the state Legislature.

"We realized this conflict was about to happen," said Assemblyman Ted Lieu, who introduced the legislation in February, as California entered its third year of drought.

The bill clarifies in state law that water conservation regulations take precedence over the bylaws of homeowners associations or any other common interest developments.

"There's some pretty restrictive rules about what people can do with their lawns," Lieu said. "We should allow people to go to more water-efficient lawns without being penalized by their HOA."

The bill has passed in the Assembly and needs approval in the Senate before Gov. Arnold Schwarzenegger can sign it into law.

Garnett said he opposed the law, reasoning that people should not move to a neighborhood with a homeowners association if they don't like the accompanying rules.

Richard Monson, president of the California Association of Homeowners Associations, said he hasn't had any conversations with groups that have changed landscaping rules, or considered changing them, as a result of local water restrictions.

Monson said he hasn't seen clashes between rules and water consumption or any legal battles as a result, either.

But he said water is an issue for the associations.

"Everybody that owns property in California is aware of the water situation," Monson said. "It is amazing to me that that the number of houses that continue to be built when water is such a premium. ... As to the homeowners associations, water conservation is a primary concern."

Karman said she favors the bill, arguing that it would help residents keep their priorities straight at a time of dwindling water supplies.

"We want our house to look nice," she said. "But we want to be conscious of the environment."

Staff writer Duane W. Gang contributed to this report.