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**IMPORTANT NOTICE TO THE ORCHARDS
CONDOMINIUM ASSOCIATION MEMBERS & RESIDENTS**

**REGARDING ENFORCEMENT OF ASSOCIATION PARKING AND
GARAGE RULES & USE OF HANDICAP PLACARDS IN COMMON
AREA PARKING SPACES**

Ref: 43244

Dear Members & Residents of The Orchards Condominium Association,

Our firm has been retained by the Association's Board of Directors ("Board") to serve as the Association's legal counsel. An important component of our job is to render guidance to the Board as to the actions required to fulfill its duties under the Association's Governing Documents and California law.

The Board has informed our firm of an ongoing issue relating to parking activities and enforcement. Our firm was directed to perform a thorough review and analysis of the matter, and to advise the Board as to what actions must be taken to satisfy the Board's enforcement obligations. We were then directed to prepare a notification to all Association members and residents to disclose the action being taken by the Board based upon our advice and recommendations.

The purpose of this correspondence is to inform all Association members and residents of an **immediate shift** in the way which the Association will enforce its parking rules with respect to the following issue:

The display of handicap placards or plates ("Handicap Placards") by residents seeking to park their vehicles in the Association's Common Area parking spaces intended for guest use and beyond the safelist period limits.

BACKGROUND INFORMATION

The Association was developed with garages to be utilized for the parking of resident vehicles. Also existing within the Association's development are various exterior, marked parking spaces ("Common Area Spaces"), which were designated as intended for guest use through the Association's Declaration of Covenants, Conditions, Restrictions, and Reservation of Easements for The Orchards ("Declaration"). Due to the limited number of Common Area

Spaces and to help uphold the intent behind these Common Area Spaces, the Board has promulgated parking rules and regulations (“Parking Rules”) intended to preserve the availability of Common Area Spaces for use by residents who have more vehicles than a garage can accommodate. The Board’s authority to adopt and enforce the Parking Rules is set forth within the Association’s Governing Documents (e.g., its Declaration and Bylaws). The Board’s authority to adopt the Parking Rules is also codified at Civil Code section 4350. A complete copy of the current Parking Rules may be obtained from the Association’s community manager.

THE GARAGE PARKING REQUIREMENT & RESTRICTIONS ON PARKING IN COMMON AREA SPACES

As indicated above, the Declaration and the Parking Rules were promulgated to preserve the availability of the limited number of Common Area Spaces for guest parking. To this end, the Declaration and Parking Rules contain provisions which:

- Require garages to be kept clear and available for the parking of at least two vehicles at all times;
- Prohibit the parking of owner or resident vehicles in Common Area Spaces unless within the permitted safe listing periods (twenty safelist days available within a ninety-day period); *and*
- Require that guests and invitees park within the guest parking spaces on a first-come-first-served basis.

A HANDICAP PLACARD DOES NOT EXEMPT A RESIDENT FROM HAVING TO COMPLY WITH THE ASSOCIATION’S PARKING AND GARAGE RULES OR THE SAFE LISTING PERIOD RESTRICTIONS

The Association has encountered difficulty in enforcing the restrictions on parking in Common Area Spaces against certain resident vehicles that display a Handicap Placard. The owners of these vehicles opt to park in the Common Area Spaces rather than their respective garages, and thus in violation of the Parking Rules. These individuals may believe that their Handicap Placards serve to exempt them from the Parking Rules; that by displaying a Handicap Placard they are lawfully entitled to park in any parking space within the Association’s development notwithstanding the extent to which they are using their respective garages for parking or are within the limits of their safe listing period.

This belief is misguided. It is often based upon a flawed interpretation of California Vehicle Code sections 22511.5 and 22507 which afford special parking privileges to vehicles displaying Handicap Placards. Those privileges apply only to *public* streets/parking areas, not to *private* parking spaces under the jurisdiction of a *private* homeowners association such as The Orchards. In other words, such individuals may not circumvent the requirements of their association’s parking rules through their use of Handicap Placards. This has been confirmed by attorneys in our firm on several occasions, including through direct communications with DMV personnel.

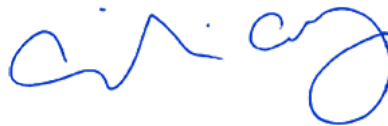
The Board has the duty to enforce the Parking Rules in a faithful, consistent, and uniform manner. This duty requires the Board to enforce the Parking Rules against all residents—regardless of any resident’s misguided belief as to the legal effect of his/her Handicap Placard. **Accordingly, please be advised that residents who violate the Parking Rules by parking their vehicles in Common Area Spaces outside of their available safe listing period will be subject to enforcement action by the Association regardless of whether such vehicles display a Handicap Placard or plate. Enforcement will commence on November 1, 2025, in order to allow residents a reasonable period of time to make parking arrangements, clean out their garages, or apply to the Association for a reasonable accommodation from these parking and garage rules.**

Enforcement actions may include, but are not limited to, the citation and potential removal (towing) of the vehicle from the Association’s development. We hope that by the issuance of this correspondence, no such action will be required.

The Board thanks all members and residents for their attention and cooperation in this matter, and for the trust you have placed in the Board as the Association’s elected leadership. Should you have any questions regarding the information above, you may bring them to the Board’s attention at the Board’s next meeting.

Very truly yours,

TINNELY LAW GROUP

A handwritten signature in blue ink, appearing to read 'C. Chung', with a stylized flourish at the end.

CECILIA S. CHUNG, ESQ.

CC:ta

Cc: Board of Directors
The Orchards Condominium Association