Ignacio Creek Homeowners Association
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Election Guide (Preliminary)
Proposed CC&R Amendment
Common Area Utility Maintenance and Repair and Garage Electrical Services

October 30, 2026

The HOA will be conducting a vote by secret ballot on January 28, 2027 (to coincide with our January 2027 Board Meeting) to approve the following CC&R Amendment:

Seventh Amendment

The following new Article V, Section 9, Subsections (d) and (e) of the Declaration are hereby inserted, as follows:

Article V
USES PROHIBITED AND PERMITTED
Section 9. *Common Areas.*

(d) Utility line maintenance, repair and replacement in Common Areas – The following rules govern the financial responsibility for the maintenance, repair and replacement of utility service lines including those for water, natural gas, electricity and sewers in the common areas. (In accordance with Section 9(a) above, only the HOA and its agents are permitted to manage improvements in the common area – including those for utility service lines).

(1) Sewer lines (to within 2' of residence foundation) – The HOA is financially responsible for all maintenance, repair and replacement.

(2) Master Electrical Panels - The HOA is financially responsible for all maintenance, repair and replacement.

(a) Service Upgrades – Owners who request an upgrade in the service level to be delivered through their PG&E meter will be responsible for all associated costs incurred (including charges by PG&E). The HOA can require a 50% deposit based on the estimated project costs before commencing work.

(3) All other utility lines, pipes and conduits exclusively serving the Lot Owner – The Lot Owner is financially responsible for all maintenance, repair and replacement.

(4) Common Conduits – In some cases, multiple utility service lines run through a common conduit (and may include HOA electrical service lines for ground lighting). The costs for maintenance, repair and replacement of such common conduits shall be borne proportionately by the respective Lot Owners (and the HOA, if applicable).

The Board shall develop necessary policies and procedures to manage such projects that are consistent with the above rules governing utility line maintenance, repair and replacement in the common areas.

(e) Garages using HOA power – While most garages located in the common area have an electrical service line from the Resident Lot electrical panel to the garage, a small number of the garages receive power via an HOA electrical service line. The HOA will notify all such affected Lot Owners who will be provided with the following options:

(1) Accept financial responsibility for the installation of a new electrical service line from the Resident Lot electrical panel to the garage, or

(2) Agree to limit the use of the electrical services in the garage to the following:

(i) Garage Door opener

(ii) Garage Lights

Note: No appliances (e.g., refrigerators or freezers) or vehicle charging operations will be permitted.

Failure to abide by these restrictions may result in the termination of HOA electrical service to the affected garage.

Background – This proposed amendment addresses the following two issues involving maintenance in the HOA Common Areas:

- Utility Lines in Common Areas – Many of the utility lines that benefit individual residences run underground in the HOA common area. These are called ***"Exclusive Use Common Areas"*** because they provide an *exclusive* benefit for a specific Owner.
    - State Law (2017) - About ten years ago, the state introduced a distinction between the assignment of responsibilities for "maintenance" and "repair and replacement." Under the revised Civ.Code, §4775 – unless the CC&Rs provide otherwise – the responsibility to manage these tasks in exclusive use common areas are as follows:
        - **HOA is responsible for "repairing and replacing"**
        - **Owners are responsible for "maintaining" them**
    - Amendment – Owners will be financially responsible for the maintenance, repair and replacement of utility lines, pipes and conduits that serve the owner, subject to the following exceptions:
        - Sewer lines (within 2' of residence foundation) – Remains HOA responsibility
        - Master Electrical Panels – HOA responsibility
        - Common Conduits – Where several service lines share a common underground protective conduit, the costs will be shared proportionately by the respective owners.
- Garages using HOA power – Most separate garages in the common area have an underground electrical line to the owner's residence. However, a small number of garages receive power from the HOA's PG&E common area service. These lines were designed to support our ground lights – not refrigerators, freezers or electrical vehicle charging.
    - Amendment – Owners who are using HOA power for their garage must either:
        - Install a dedicated electrical line to their residence or
        - Limit their use of garage electrical services to garage door openers and lighting to avoid overloading the HOA's electrical service lines.

Argument in Favor of the Amendment

- Utility Lines in Common Areas – Attorneys who specialize in California HOA law have identified a problem with Civ.Code, §4775 in its division of responsibility between "maintenance" (Owners) and "repairs and replacement" (HOA):
  > "This, of course, is absurd because many repairs or replacements are necessitated by a failure to maintain. To separate the duty to maintain from the duty to repair is unworkable. Thus, the necessary solution is to ensure that your Governing Documents (e.g., your CCRs) expressly say that the association must maintain, repair and replace the common areas but the owners must maintain, repair and replace their exclusive use common area."
  > https://rossmorganco.com/2017-legal-update/
  > (Opinion provided by the Law Firm - *Kulik Gottesman Siegel & Ware LLP)*
  - The proposed Amendment addresses this issue by adopting a uniform rule (subject to certain listed exceptions) to remove the ambiguity introduced by the State Legislature when they amended Civ.Code, §4775. It is also fair for owners who benefit from these lines to accept financial responsibility for their maintenance, repair and replacement.
- Garages using HOA power – This amendment was introduced to address a problem the HOA has recently identified involving a small number of separate garages in the common area whose owners have inadvertently overloaded the HOA's electrical service lines causing damage to those lines and disruptions in power to our ground lights and other garages.
  - The proposed amendment affords these owners the opportunity to either stop using the HOA's electrical power or accept certain limitations on their power use to avoid these problems.

Note: Per the Election Rules, if an owner would like to submit a Rebuttal to the above Argument in Favor and/or an Argument Against adoption of the amendment, please follow the rules outlined in the Election Procedures, Section 15. The deadline for submission is **November 19th**.

The election procedures are posted on the HOA website at:

https://ignaciocreek.com/elections/

If you have any questions or concerns, feel free to contact the Board.

Board of Directors
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