

HOA lifts curbs on medical pot

Chandler group's board responds to residents' outcry

By Luci Scott

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Bowing to pressure from residents, the board of Carrillo Ranch, a homeowners association in Chandler, has reversed its ban on residents smoking medical marijuana in their front and backyards and on their patios.

City Property Management, which manages Carrillo Ranch, said in a news release on Friday that the public's response to the issue "has been heard loud and clear."

The HOA board had voted to ban the use of medical marijuana in homeowners' yards and on patios, which caused an uproar among residents who said the board had overstepped its bounds.

Homeowners were happy to hear the news.

Tom LaBonte, a Carrillo Ranch resident who was circulating a petition in an attempt to have the ban reversed, said of the backtracking, "Isn't that wonderful that common sense has prevailed?"

Keith Stefanczyk said he was glad the board rescinded the ban, "but most importantly, people who need medical marijuana will be able to use it without fearing our local, not-sofriendly neighborhood gestapo.

"I hope this sets an example for people who are unhappy with their HOAs. Look into it. Don't just assume they're looking out for your best interests."

LaBonte said he was thrilled, but he indicated he still does not trust the board, so he will continue collecting signatures.

The board had scheduled a March meeting for homeowners to discuss medical marijuana and had invited attorneys to speak.

"The board needs to understand that this (medical-marijuana ban) can't happen," La-Bonte said. "This (backtracking) may be a political move on their part. ... I will present my signatures at that March meeting so this will never be an issue again."

He added that the rights of the homeowners must prevail.

"The rights of law-abiding citizens need to always be protected within this HOA," La-Bonte said. "This is a personal freedom issue where people were going to dictate how other people should live. The minority view dictating to the majority just wasn't right."

Another homeowner, Dorice Exline, upon hearing of the board's reversal, said, "It's great that they rescinded, because they were overstepping their bounds in thinking they could supersede the law and thinking the homeowners would go along with it. The homeowners obviously were not going along with it."

The board voted Thursday night to rescind the ban, and notices were sent to residents in Friday's mail.

Brian Lincks, president of City Property Management, said in a news release announcing the reversal that "Carrillo Ranch's decision to lift its restrictions on medical marijuana on individual resident properties was the right decision and we back it. ... This was truly a teachable moment not only for us (and) our client, but also HOAs all over the country that must adapt to changing and evolving laws on medical marijuana."

Upon learning of the Thursday meeting, Exline immediately questioned how the board could meet without first notifying the homeowners and questioned the legality of the meeting.

"This is just more of what the concern is with the board thinking they can do what they want without including the homeowners," she said. Exline questioned how City Property Management could advise the board to have the special meeting without giving proper advance notice to the residents.

"The board does not know how to operate properly," she said. "How is this property management company giving improper advice?"

The uproar over the medical marijuana ban raised other questions.

"Because of all this, it brings to light the way the CC&Rs (covenants, conditions and restrictions) are written," Exline said. "The board votes on this stuff. We need to make changes so all the homeowners can vote."

Further, Exline said she is curious about whether the attorneys are still coming to the March meeting, and even if they are not, she wonders how much the HOA was going to pay them to attend.

"How much are we paying for that?" she said. "I'm curious to look into more of what we're paying."

Exline said she is angry that attorneys were paid to write the rule banning the use of medical marijuana, only to have the board backtrack on the ban. She also questioned how much a public-relations firm was being paid to send out the news release about the backtracking.

"All of this stuff never needed to happen in the first place," she said.

City Property Management declined to answer questions on Friday about costs or its advice to the board.

Its public-relations spokesman, Mike Scerbo of Rose +Moser+Allyn, said, "The release is going to have to

stand on its own.”

The board of Carrillo Ranch was prompted to change its policy after receiving input from affected residents and the public, the news release said.

“The Carrillo Ranch board responded immediately to the advocacy from its residents who gave it more information to make a better informed decision,” the release said.

“It was never the HOA’s intent to infringe upon the access and rights of medical-marijuana patients. The HOA, like many Arizonans, continues to learn more about this complex issue.”