

Letter re Brush Abatement Responsibilities - January 30, 2026

Dear Sandy Point Homeowners(s):

We are writing to provide clarity regarding brush abatement responsibilities in the Rear Common Maintenance Areas (RCMAs) behind homes that border the canyon. As a new Board, our responsibility is to ensure Sandy Point is managed in accordance with our governing documents while minimizing financial, legal, and insurance risk for the entire community. This update explains what our CC&Rs require, how these areas have historically been maintained, and how we plan to move forward.

Homes that border the canyon include an RCMA extending from the rear property line to the boundary of land managed by the San Elijo Lagoon Conservancy (SELC). The HOA does not own or control Conservancy land and is not permitted to perform work within it. From Sandy Point's establishment in 1985 through 2023, canyon-side homeowners were responsible for maintaining vegetation within their own RCMA boundaries. In 2024, the prior Board temporarily shifted brush abatement for all RCMAs to the HOA, transferring what had historically been an individual homeowner responsibility to the Association as a whole. While well-intentioned, that change significantly increased community-wide liability by making all homeowners responsible for maintenance on privately owned land.

Our CC&Rs address this issue directly. Article 8, Section 2 states that HOA maintenance of RCMAs is limited to trash and debris removal, with the intent that these areas remain in a natural or substantially natural condition. "Trash and debris" refers to man-made materials—not natural vegetation or brush. This language clearly limits the HOA's responsibility and reflects the original intent of the community.

If the HOA assumes responsibility for brush abatement on private RCMAs, the entire community assumes ownership-level liability, fire-related risk becomes shared by all homeowners, HOA insurance, reserves, and future assessments could be impacted, and the Association would be acting outside the scope of its authority. This level of collective risk has never existed in Sandy Point's nearly 40-year history.

To remain compliant with our CC&Rs while supporting fire safety, HOA responsibilities include trash and debris removal only within RCMAs, brush abatement in HOA-owned common areas, and community education and coordination. Homeowner responsibilities include canyon-side homeowners maintaining vegetation within their own RCMAs, compliance with City of Encinitas fire-safety standards, and reference to the City's May 2025 Fire Safety Notice for guidance. The Board will also provide contractor referrals and host an

informational session for affected homeowners.

The CC&Rs are clear: RCMA vegetation maintenance is not an HOA responsibility. Returning brush abatement within RCMA's to individual homeowners protects the entire community from unnecessary financial and legal exposure while remaining aligned with our governing documents.

We appreciate your understanding and engagement as we work to keep Sandy Point safe, compliant, and well-managed.

Thank you,
The Sandy Point Board of Directors