

Section 4 - Sample Provision Excerpt (Public Preview)

No Lot shall be leased for transient or hotel purposes, which shall be defined as rental for any period less than thirty (30) days or any rental whatsoever, if the occupants of the Lot provided customary hotel services such as room service for food and beverage, maid service, furnished laundry and linen and bellboy service.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 4 (p. 2): Rental restriction conflicts with California Civil Code §§ 4740 and 4741 (AB 3182) protections regarding rental caps, minimum lease durations, or ADU/JADU exemptions.

Statutory / Legal Reference: Cal. Civ. Code § 4740 & 4741 (AB 3182)

Statutory Comparison: Under Cal. Civ. Code § 4741 (AB 3182), common interest developments may not adopt or enforce provisions that prohibit the rental or leasing of separate interests, restrict rentals to less than 25% of the separate interests in the development, or count an Accessory Dwelling Unit (ADU) or Junior Accessory Dwelling Unit (JADU) as a separate interest for rental-cap purposes. While an association may prohibit transient or short-term rentals of 30 days or less, requiring a minimum lease term exceeding 30 days functions as an impermissible rental restriction. Furthermore, under Cal. Civ.

CURRENT WORDING IN DOCUMENT:

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SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

No Lot shall be leased for transient or hotel purposes, which shall be defined as rental for any period less than thirty (30) days or any rental whatsoever, if the occupants of the Lot provided customary hotel services such as room service for food and beverage, maid service, furnished laundry and linen and bellboy service.

[SAMPLE DISCUSSION WORDING - FOR CALIFORNIA HOA COUNSEL REVIEW]:

Pursuant to California Civil Code §§ 4740 and 4741, any limitation on the total number of rented separate interests shall not be less than twenty-five percent (25%) of the separate interests in the development; any minimum lease...