

Section VI - Sample Provision Excerpt (Public Preview)

any person for hire, that is to say: the renting of rooms for hire or the keeping of any boarding and/or lodging house on any residential lot is absolutely prohibited hereby.  
(b) There may also be erected thereon a tennis court and improvements of an ornamental character, e.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · STATUTORY EVICTION / LEASING VETO CONFLICT

BOARD & COUNSEL REVIEW

**Sec. VI (p. 6): 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.

**CURRENT WORDING IN DOCUMENT:**

any person for hire, that is to say: the renting of rooms for hire or the keeping of any boarding and/or lodging house on any residential lot is absolutely prohibited hereby.  
(b) There may also be erected thereon a tennis court and improvements of an ornamental character, e.

**SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY 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 duration requirement shall only prohibit transient or short-term rentals of thirty (30) days or less; and an Accessory Dwelling Unit (ADU) or Junior Accessory Dwelling...