

Section 3.1. - Sample Provision Excerpt (Public Preview)

Residential Use. No Lot may be occupied, used, or improved for other than residential and associated noncommercial purposes. No Unit may be occupied by more than two (2) persons per bedroom plus one (1) additional person without the prior written approval of the Board. No Lot may be rented or leased for transient or hotel purposes.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · STATUTORY EVICTION / LEASING VETO CONFLICT

BOARD & COUNSEL REVIEW

Sec. 3.1. (p. 22): 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:

Residential Use. No Lot may be occupied, used, or improved for other than residential and associated noncommercial purposes. No Unit may be occupied by more than two (2) persons per bedroom plus one (1) additional person without the prior written approval of the Board. No Lot may be rented or leased for transient or hotel purposes.

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...