

Section 1.0 - Sample Provision Excerpt (Public Preview)

artificial screening compatible with the environment;
b.
have safe and unobtrusive access;
c.
minimize noise impact on surrounding areas; and
d.
conform to all other Plan requirements, except the restriction on
development on slopes over 30% within the limits of quarry operations.

ISSUE #1

MARKUP #1 ->



MARKUP #1 · STATUTORY EVICTION / LEASING VETO CONFLICT

BOARD & COUNSEL REVIEW

Sec. 1.0 (p. 4): Leasing, Retroactive Rental Cap, ADU Prohibition, or Tenant Screening Overreach: Clause imposes retroactive rental caps on non-consenting owners, bans statutory ADUs/JADUs, compels prohibited tenant screening disclosures, or authorizes summary eviction exceeding CA statutory authority.

Statutory / Legal Reference: Cal. Civ. Code §§ 4740, 4741, 4751

Statutory Comparison: Under Cal. Civ. Code §§ 4740, 4741, 4751, an association may not enforce newly adopted rental caps retroactively against existing non-consenting owners where protected by statute, prohibit statutory Accessory Dwelling Units (ADUs/JADUs), compel prohibited tenant credit/criminal reports, or execute non-judicial summary evictions without statutory authority.

CURRENT WORDING IN DOCUMENT:

artificial screening compatible with the environment; b. have safe and unobtrusive access; c. minimize noise impact on surrounding areas; and d. conform to all other Plan requirements, except the restriction on development on slopes over 30% within the limits of quarry operations.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section 1.0 to grandfather existing non-consenting Owners as required by Cal. Civ. Code §§ 4740, 4741, 4751, exempt statutory ADUs/JADUs, and conform tenant registration and lease enforcement to Cal. Civ. Code §§ 4740, 4741, 4751.