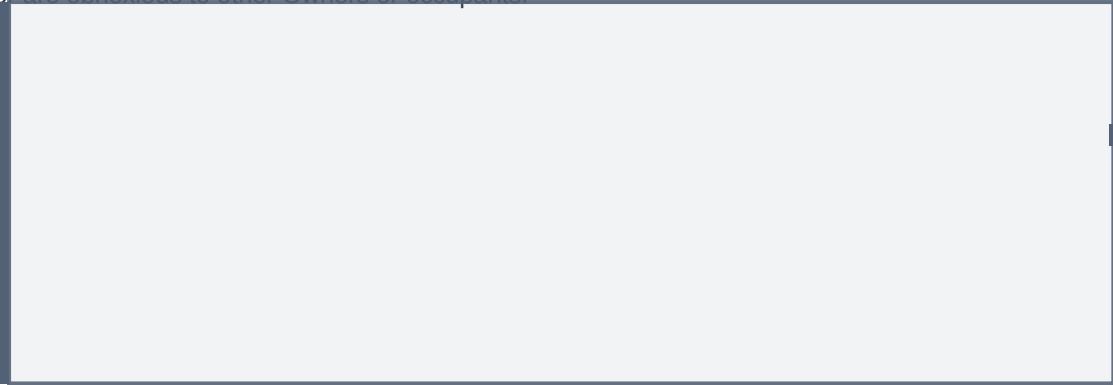


Section 4.4 - Sample Provision Excerpt (Public Preview)

PETS.

An Owner may keep and maintain in his Dwelling domesticated pets such as dogs, cats or other usual and ordinary household pets, provided that they are not kept, maintained or bred for any commercial purposes. The foregoing notwithstanding, no pets may be kept on the Project which result in ah annoyance or are obnoxious to other Owners or occupants.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 4.4 (p. 19): Blanket pet prohibition violates California Civil Code § 4715, which guarantees every owner the right to keep at least one pet.
Statutory / Legal Reference: Cal. Civ. Code § 4715

Statutory Comparison: Under Cal. Civ. Code § 4715(a), no governing document enacted or amended on or after January 1, 2001 shall prohibit the owner of a separate interest within a common interest development from keeping at least one pet (defined as any domesticated bird, cat, dog, aquatic animal kept within an aquarium, or other animal as agreed to between the association and the homeowner), subject to reasonable...

CURRENT WORDING IN DOCUMENT:

PETS. An Owner may keep and maintain in his Dwelling domesticated pets such as dogs, cats or other usual and ordinary household pets, provided that they are not kept, maintained or bred for any commercial purposes. The foregoing notwithstanding, no pets may be kept on the Project which result in ah annoyance or are obnoxious to other Owners or occupants.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Pursuant to California Civil Code § 4715, each owner of a separate interest is permitted to keep at least one (1) domesticated pet within the owner's separate interest, subject to reasonable Association rules and regulations regarding nuisance, leashing in common areas, and waste removal, and in addition to any assistance animals accommodated under the Fair Housing Act and California Fair...