Section C - Sample Provision Excerpt (Public Preview)

Forest at Truckee ("Declaration") provides that "any rental or lease may only be . . . for a term not less than ninety (90) [illegible] and WHEREAS, Section 2.04(b) of the Declaration provides that "no Residence may be leased or rented for a period of less than thirty (30) days"; and

ISSUE #1

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING — BOARD & COUNSEL REVIEW

Sec. C (p. 1): 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:

Forest at Truckee ("Declaration") provides that "any rental or lease may only be . . . for a term not less than ninety (90) days"; and WHEREAS, Section 2.04(b) of the Declaration provides that "no Residence may be leased or rented for a period of less than thirty (30) days"; and

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Forest at Truckee ("Declaration") provides that "any rental or lease may only be . . . for a term not less than ninety (90) days"; and WHEREAS, Section 2.04(b) of the Declaration provides that "no Residence may be leased or rented for a period of less than thirty (30) days"; and [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 duration requirement shall only prohibit...