Section 5.19 - Sample Provision Excerpt (Public Preview)

Accessory Dwelling Units. Selling or conveying an accessory dwelling unit or junior accessory dwelling unit (together referred to herein as "ADU") separately from the primary Dwelling on the Lot is prohibited. Without limiting the generality of the foregoing, subdividing or otherwise converting a primary Dwelling and/or an ADU into a condominium is...

ISSUE #1

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 5.19 (p. 23): 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:

Accessory Dwelling Units. Selling or conveying an accessory dwelling unit or junior accessory dwelling unit (together referred to herein as "ADU") separately from the primary Dwelling on the Lot is prohibited. Without limiting the generality of the foregoing, subdividing or otherwise converting a primary Dwelling and/or an ADU into a condominium is...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section 5.19 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.