Section 8.2 - Sample Provision Excerpt (Public Preview)

O. Pets shall not be permitted in the pool/spa/patio area except for service animals. Pets are not allowed in the patio area except for trained service animals. The swimming pool, spa, and surrounding patio area shall be reserved for the exclusive use of Summerset II Residents and Guests. These facilities are not available for lease or private use.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 8.2 (p. 6): 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:

O. Pets shall not be permitted in the pool/spa/patio area except for service animals. Pets are not allowed in the patio area except for trained service animals. The swimming pool, spa, and surrounding patio area shall be reserved for the exclusive use of Summerset II Residents and Guests. These facilities are not available for lease or private use.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

O. Pets shall not be permitted in the pool/spa/patio area except for service animals. Pets are not allowed in the patio area except for trained service animals. The swimming pool, spa, and surrounding patio area shall be reserved for the exclusive use of Summerset II Residents and Guests. These facilities are not available for lease or private use.