Section 4 - Sample Provision Excerpt (Public Preview)

shall be kept on any lot, except as hereinafter specified. Property owners keeping any animals must maintain sanitary conditions at all times, including proper waste disposal and prevention of conditions that would encourage pest breeding or create odors affecting neighboring properties.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 4 (p. 5): 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:

shall be kept on any lot, except as hereinafter specified. Property owners keeping any animals must maintain sanitary conditions at all times, including proper waste disposal and prevention of conditions that would encourage pest breeding or create odors affecting neighboring properties.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

shall be kept on any lot, except as hereinafter specified. Property owners keeping any animals must maintain sanitary conditions at all times, including proper waste disposal and prevention of conditions that would encourage pest breeding or create odors affecting neighboring properties.