



CITY OF CULVER CITY

SAMPLE LEASE PROVISIONS AND HOA RULES

Required Lease Terms for All New and Existing Units in Rental Complexes:

Pursuant to Culver City Municipal Code (CCMC), Section 9.11.235, every lease or other rental agreement entered into, renewed, or continued month-to-month after November 26, 2014, shall include or be amended to include provisions substantially consistent with the following: [**NOTE:** *Amendments to any lease or other rental agreement shall be made on the earliest possible date such lease or other rental agreement may be amended in accordance with applicable law, including providing the minimum legal notice.*]

1. "It is a material breach of this agreement for tenant or any other person subject to the control of the tenant or present by invitation or permission of the tenant to engage in smoking in the unit as of May 26, 2016."

[**NOTE:** *A landlord may determine an earlier date by which smoking is prohibited in the unit, which would replace the May 26, 2016 date.*]

2. "It is a material breach of this agreement for tenant or any other person subject to the control of the tenant or present by invitation or permission of the tenant to engage in smoking in any common area of the property, except in an outdoor designated smoking area, if one exists."
3. "It is a material breach of this agreement for tenant or any other person subject to the control of the tenant or present by invitation or permission of the tenant to violate any law regulating smoking while anywhere on the property."
4. "Other occupants of the property are express third-party beneficiaries of those provisions in this agreement that concern smoking. As such, other occupants of the property may seek to enforce such provisions by any lawful means, including by bringing a civil action in a court of law."

****For more information regarding the duties of a landlord to amend leases or other rental agreements, implied lease terms, liability for breach and other information, please see all of the provisions of CCMC Section 9.11.235.***

Required Terms to be included in Rules and Regulations for all New and Existing Units in Common Interest Complexes:

Pursuant to CCMC Section 9.11.245, all existing rules and regulations for a common interest complex (e.g. condominium, townhome, etc.) shall include or be amended to include provisions substantially consistent with the following: **[NOTE: Amendments to HOA rules shall be made on the earliest possible date such HOA rules may be amended in accordance with applicable law, including providing the minimum legal notice.]**

1. "It is a violation of these rules and regulations for a homeowner or any other person subject to the control of the homeowner or present by invitation or permission of the homeowner to engage in smoking in the unit as of May 26, 2016."

[NOTE: An HOA Board may determine an earlier date by which smoking is prohibited in the unit, which would replace the May 26, 2016 date.]

2. "It is a violation of these rules and regulations for a homeowner or any other person subject to the control of the homeowner or present by invitation or permission of the homeowner to engage in smoking in any common area of the property, except in an outdoor designated smoking area, if one exists."
3. "It is a violation of these rules and regulations for a homeowner or any other person subject to the control of the homeowner or present by invitation or permission of the homeowner to violate any law regulating smoking while anywhere on the property."

****For more information regarding the duties of an HOA board to amend HOA rules, implied rules, homeowner liability for violations and other information, please see all of the provisions of CCMC Section 9.11.245.***