

Dog Rules & Restrictions: What You Need to Know



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Presented by:

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Who are John & Bill?



John Pentecost is a partner with over 30 years of significant experience representing mobilehome communities. He has litigated hundreds of trials and has had extensive involvement in defending mobilehome communities—ranging from ground lease dispute issues, state and federal discrimination issues, failure to maintain actions, and Americans with Disabilities Act (ADA) matters.



Bill Dahlin has been practicing law and helping manufactured housing community owners and managers since 1988. He has been trial counsel in multiple cases involving the protection of property rights, including disputes over rent control, mobilehome park closures, subdivisions, park sales and purchases, ground lease disputes, failure to maintain and other land use issues. Bill understands the needs and goals of park owners. Rent control, utility issues and residency concerns are the primary basis of Bill's practice.

Civil Code §798.33 – Pets

- A) No lease agreement entered into, modified, or renewed on or after January 1, 2001, shall prohibit a homeowner from keeping at least one pet within the park, subject to reasonable rules and regulations of the park. This section may not be construed to affect any other rights provided by law to a homeowner to keep a pet within the park.
- B) A homeowner shall not be charged a fee for keeping a pet in the park unless the management actually provides special facilities or services for pets. If special pet facilities are maintained by the management, the fee charged shall reasonably relate to the cost of maintenance of the facilities or services and the number of pets kept in the park.
- C) For purposes of this section, “pet” means any domesticated bird, cat, dog, aquatic animal kept within an aquarium, or other animal as agreed to between the management and the homeowner.

Case Study #1

FACTS:

Ms. Smith is an existing resident and owns 2 pets. She likes to walk her dogs in the park but allows them to urinate and “poop” on other residents’ sites and the park’s golf course.

Residents are complaining. Ms. Smith has told the park management that she has a right to walk her dogs and that one is her emotional support dog. The park rules have a weight and size limitation but Ms. Smith did not obtain “approval” for her dogs. One of the dogs may be a Pit Bull, which is expressly prohibited by the rules.



Case Study #1 (continued)

Questions:

1. What can/should the park manager do?
2. What if one of the dogs is a service dog and Ms. Smith brings the dog in the clubhouse and Park Office? The service dog has fleas. What can/should the park manager do?
3. What if one of the dogs is a companion dog? Does this change the outcome?
4. What should the park do about Mrs. Smith's dog roaming and pooping on the golf course?

Case Study #2

FACTS:

Mr. Jones has been a long time resident and recently got a large, aggressive dog named Max. Neighbors have complained that they can hear the dog barking late at night and when Mr. Jones is not home. Residents have also seen Mr. Jones walk Max with a muzzle on, often concerning neighbors that he must not be a “friendly” dog.

One afternoon as Mr. Jones went to get the mail, Max escaped and mauled a smaller dog that was on a walk with its owner. Max was not on a leash and the smaller dog suffered some major cut and bite marks around the body.

Since the dog attack, Mr. Jones has not been cooperating with the resident regarding vet bills and park management with their dog rules. The last conversation he had with the park manager, Mr. Jones said, “It’s not like Max attacked another human”.

Case Study #2 (continued)



Questions:

1. What can/should the park manager do?
2. Is the dog mauling attack enough for Max to be banned from the park?
3. What steps can park management do to try and **prevent** this situation from happening again?
4. What damage control, if any, can park management do to notify residents about this incident?



Questions?



Thank you!



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