Section 13.2(l) - Sample Provision Excerpt (Public Preview)

No Exterior Installations. Installations of any kind, including but not limited to, trellises, awnings, electric lines, telephone lines, television antennas, satellite dishes, machines, or air conditioning units, on the exterior of the Buildings of the Development or that protrude through the walls or the roof of the Buildings, are prohibited except as...

ISSUE #1

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 13.2(l) (p. 13): Covenant suspending member voting rights is void under California Civil Code § 5105(g).

Statutory / Legal Reference: Cal. Civ. Code § 5105(g)(1) (Davis-Stirling Act)

Statutory Comparison: The FCC Over-the-Air Reception Devices rule (47 C.F.R. § 1.4000, as expanded by the 2021 OTARD Report and Order, FCC 21-10) preempts community association restrictions that prohibit, charge application fees for, require prior architectural approval for, or impose sub-1-meter (39.37-inch) diameter caps on the installation, maintenance, or use of television broadcast antennas, direct-broadcast...

CURRENT WORDING IN DOCUMENT:

No Exterior Installations. Installations of any kind, including but not limited to, trellises, awnings, electric lines, telephone lines, television antennas, satellite dishes, machines, or air conditioning units, on the exterior of the Buildings of the Development or that protrude through the walls or the roof of the Buildings, are prohibited except as...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

No Exterior Installations. Installations of any kind, including but not limited to, trellises, awnings, electric lines, telephone lines, television antennas, satellite dishes, machines, or air conditioning units, on the exterior of the Buildings of the Development or that protrude through the walls or the roof of the Buildings, are prohibited except as authorized by the Architectural Control...