

Section c - Sample Provision Excerpt (Public Preview)

Exterior Modifications. No exterior modifications, including but not limited to window replacement, door replacement, satellite dish installation, patio covers shall commence without prior written consent from the Neighborhood Association. 2.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. c (p. 9): Disciplinary or fining provision conflicts with the notice, hearing, or penalty-schedule requirements of California Civil Code §§ 5850 and 5855 and 10 CCR § 2792.26.

Statutory / Legal Reference: Cal. Civ. Code § 5850 & 5855; 10 CCR § 2792.8, 2792.26 (Cal. DRE Subdivided Lands Regulations)

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:

Exterior Modifications. No exterior modifications, including but not limited to window replacement, door replacement, satellite dish installation, patio covers shall commence without prior written consent from the Neighborhood Association. 2.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Exterior Modifications. No exterior modifications, including but not limited to window replacement, door replacement, satellite dish installation, patio covers shall commence without prior written consent from the Neighborhood Association. 2.