Section 2.4 - Sample Provision Excerpt (Public Preview)

Residence any antenna or over-the-air receiving device, except for an "Authorized Antenna" that is not prohibited under Section 2. 7.3, without the prior written approval of the Design Review Committee. The use and installation of an Authorized Antenna in the Community is subject to applicable law and regulation and the following: 5069-34368\FSJ037\CCRS\...

ISSUE #1

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 2.4 (p. 24): Sign or flag restriction conflicts with California Civil Code §§ 4705 and 4710 protections for the U.S. flag and noncommercial signs/banners.

Statutory / Legal Reference: Cal. Civ. Code § 4705 & 4710

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:

Residence any antenna or over-the-air receiving device, except for an "Authorized Antenna" that is not prohibited under Section 2. 7.3, without the prior written approval of the Design Review Committee. The use and installation of an Authorized Antenna in the Community is subject to applicable law and regulation and the following: 5069-34368\FSJ037\CCRS\...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Residence any antenna or over-the-air receiving device, except for an "Authorized Antenna" that is not prohibited under Section 2. 7.3, without the prior written approval of the Design Review Committee. The use and installation of an Authorized Antenna in the Community is subject to applicable law and regulation and the following: 5069-34368\FSJ037\CCRS\ 542018.16 2/JS/06 [FEDERAL OTARD...