

Section 3.4 - Sample Provision Excerpt (Public Preview)

heating equipment, spas, antennas, pet enclosures and shelters, television satellite reception equipment, lighting, utility lines or any other structure or improvement of any kind. Excluded from the definition of "Improvement" shall be (i) any projects undertaken

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 3.4 (p. 18): 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:

heating equipment, spas, antennas, pet enclosures and shelters, television satellite reception equipment, lighting, utility lines or any other structure or improvement of any kind. Excluded from the definition of "Improvement" shall be (i) any projects undertaken

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

heating equipment, spas, antennas, pet enclosures and shelters, television satellite reception equipment, lighting, utility lines or any other structure or improvement of any kind. Excluded from the definition of "Improvement" shall be (i) any projects undertaken [FEDERAL OTARD CARVEOUT]: Provided that this restriction shall not prohibit or require prior approval for any owner or occupant...