

Section 11.5 - Sample Provision Excerpt (Public Preview)

landscaping, landscape structures, solar heating equipment, spas, antennas, television satellite reception dishes, parking pads, driveways, utility lines or any other structure of any kind. Architectural Rules - Article V, Section 5 The Architectural Rules shall interpret and implement the provisions hereof by setting forth (a) the

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 11.5 (p. 33): Clause prohibits or imposes unlawful conditions on Electric Vehicle (EV) charging stations in conflict with California Civil Code § 4745.

Statutory / Legal Reference: Cal. Civ. Code § 4745

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:

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SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

landscaping, landscape structures, solar heating equipment, spas, antennas, television satellite reception dishes, parking pads, driveways, utility lines or any other structure of any kind. Architectural Rules - Article V, Section 5 The Architectural Rules shall interpret and implement the provisions hereof by setting forth (a) the [FEDERAL OTARD CARVEOUT]: Provided that this restriction shall...