Section 4.4 - Sample Provision Excerpt (Public Preview)

equipment or satellite dish television services and equipment of not to exceed five { 5) years duration, provided that the supplier is not an entity in which the Declarant has a direct or indirect ownership i nt erest, of ten percent (10%) or more.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING — BOARD & COUNSEL REVIEW

Sec. 4.4 (p. 19): Blanket pet prohibition violates California Civil Code § 4715, which guarantees every owner the right to keep at least one pet.

Statutory / Legal Reference: Cal. Civ. Code § 4715

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:

equipment or satellite dish television services and equipment of not to exceed five { 5) years duration, provided that the supplier is not an entity in which the Declarant has a direct or indirect ownership i nt erest, of ten percent (10%) or more.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

equipment or satellite dish television services and equipment of not to exceed five { 5) years duration, provided that the supplier is not an entity in which the Declarant has a direct or indirect ownership i nt erest, of ten percent (10%) or more.