

Section OMIT ANY COVENANT OR RESTRICTION BASED - Sample Provision Excerpt (Public Preview)

No radio or television receiving or transmitting antennae or external or external apparatus shall be installed on any lot. Normal radio and television installations wholly within a building are accepted. 11. Easements for installation and maintenance of the utilities, sewer pipelines and facilities and drainage facilities over each of said lots, and all...

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. OMIT ANY COVENANT OR RESTRICTION BASED (p. 2): 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:

No radio or television receiving or transmitting antennae or external or external apparatus shall be installed on any lot. Normal radio and television installations wholly within a building are accepted. 11. Easements for installation and maintenance of the utilities, sewer pipelines and facilities and drainage facilities over each of said lots, and all...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

No radio or television receiving or transmitting antennae or external or external apparatus shall be installed on any lot. Normal radio and television installations wholly within a building are accepted. 11. Easements for installation and maintenance of the utilities, sewer pipelines and facilities and drainage facilities over each of said lots, and all pipelines and other facilities located and...