Section 4 - Sample Provision Excerpt (Public Preview)

External Fixtures No external items shall be placed within the Project such as, but not limited to, satellite or radio anten in excess of 42" in diameter, wind powered generating or pumping machines, television and radio poles and antennas, clotheslines, wiring, insulation, air-conditioning equipment, water softening equipment, or sunshades unless...

ISSUE #1

MARKUP #1 ->

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

Sec. 4 (p. 14): 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:

External Fixtures No external items shall be placed within the Project such as, but not limited to, satellite or radio antennas in excess of 42" in diameter, wind powered generating or pumping machines, television and radio poles and antennas, clotheslines, wiring, insulation, air-conditioning equipment, water softening equipment, or sunshades unless...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

External Fixtures No external items shall be placed within the Project such as, but not limited to, satellite or radio antennas in excess of 42" in diameter, wind powered generating or pumping machines, television and radio poles and antennas, clotheslines, wiring, insulation, air-conditioning equipment, water softening equipment, or sunshades unless screened from view from adjacent areas of the...