

Section 15.5 - Sample Provision Excerpt (Public Preview)

of the Declaration provides the Association with the right to enforce these Rules and Regulations. In the event of any conflict between these Guidelines and the Declaration or Bylaws, the provisions of the Declaration or Bylaws (whichever applies) shall prevail. ! &' (%()) ' # ,* 8. Skateboards.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · POTENTIAL FED LAW CONFLICT

BOARD & COUNSEL REVIEW

Sec. 15.5 (p. 2): Renewable Energy, Solar Orientation, EV Charging, or Water-Wise Landscaping Conflict: Clause prohibits or impairs solar collectors, solar drying lines, EV charging stations, or drought-tolerant landscaping in conflict with CA law.

Statutory / Legal Reference: 47 C.F.R. § 1.4000 (FCC OTARD Rule)

Statutory Comparison: Under Cal. Civ. Code §§ 714, 714.1, 4745 (EV Charging Stations); 47 C.F.R. § 1.4000, covenants and architectural rules may not prohibit solar energy systems, ban street-facing solar panels without the statutory efficiency/cost safe harbor, prohibit residential EV charging stations in designated parking areas, or ban statutorily protected drought-tolerant landscaping or solar drying lines.

CURRENT WORDING IN DOCUMENT:

of the Declaration provides the Association with the right to enforce these Rules and Regulations. In the event of any conflict between these Guidelines and the Declaration or Bylaws, the provisions of the Declaration or Bylaws (whichever applies) shall prevail. ! &' (%()) ' # ,* 8. Skateboards.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section 15.5 to incorporate the mandatory statutory safe harbors of Cal. Civ. Code §§ 714, 714.1, 4745 (EV Charging Stations); 47 C.F.R. § 1.4000, permitting OTARD reception antennas (up to 1 meter in diameter without prior approval) and solar/EV/water-wise installations within statutory parameters.