Section RULES AND REGULATIONS - Sample Provision Excerpt (Public Preview)

Weather vanes, flagpoles, arbors, gazebos, greenhouses, and other significant structures require ARC approval. No mast, flagpole, antenna, or similar device shall be constructed on any lot, nor shall any flag, banner, pennant, or similar device be flown or displayed upon any lot, without ARC approval. However, nothing in this paragraph shall be construed to prevent an owner from displaying the American flag.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. RULES AND REGULATIONS (p. 6): Rental restriction conflicts with California Civil Code §§ 4740 and 4741 (AB 3182) protections regarding rental caps, minimum lease durations, or ADU/JADU exemptions.

Statutory / Legal Reference: Cal. Civ. Code § 4740 & 4741 (AB 3182)

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 satellite dishes 1 meter or less in diameter, and fixed wireless broadband antennas (including hub and relay antennas) situated on property within the exclusive use or control of the owner/tenant.

CURRENT WORDING IN DOCUMENT:

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SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

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