ISSUE #1

Section 7.1 - Sample Provision Excerpt (Public Preview)

Antennas. No antennas for transmitting or receiving radio signals or any other form of electromagnetic radiation may be installed or attached to a wall, except as provided in the Association's Rules and Regulations, its Architectural Standards, and applicable law.

MARKUP #1 ->

MARKUP #1 · POTENTIAL FED LAW CONFLICT

BOARD & COUNSEL REVIEW

Sec. 7.1 (p. 1): FCC OTARD Satellite Dish / Antenna Preemption Defect: Clause imposes a blanket ban, prior-approval delay, or sub-1-meter size cap on residential reception antennas/satellite dishes preempted by 47 C.F.R. § 1.4000.

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

Statutory Comparison: Under the FCC Over-the-Air Reception Devices (OTARD) Rule, 47 C.F.R. § 1.4000, promulgated under § 207 of the Telecommunications Act of 1996, any covenant or rule that prohibits, requires prior architectural approval before installation, or restricts satellite dishes/antennas measuring one meter (39.37 inches) or less in diameter on property within the owner's exclusive use or control is federally preempted and void.

CURRENT WORDING IN DOCUMENT:

Antennas. No antennas for transmitting or receiving radio signals or any other form of electromagnetic radiation may be installed or attached to a wall, except as provided in the Association's Rules and Regulations, its Architectural Standards, and applicable law.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section 7.1 to incorporate the mandatory statutory safe harbors of Cal. Civ. Code §§ 714, 714.1, 4745 (EV Charging Stations); Cal. Civ. Code §§ 4000 - 6150 (Davis-Stirling Act), permitting solar, EV charging, and water-wise installations within statutory parameters.