Section 1. - Sample Provision Excerpt (Public Preview)

landscaping, landscape structure, skylight, solar heating equipment, spa, antenna, utility lines, or any exterior permane temporary structure of any kind be commenced or erected, nor shall any exterior painting, exterior addition or alteration to or change of any nature be made in or to the

ISSUE #1

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 1. (p. 8): Election or voting provision conflicts with California Civil Code §§ 5100 - 5145 requirements for secret ballots, independent Inspector of Elections, non-suspension of member voting rights (§ 5105(g)(1)), or AB 2159 electronic voting safeguards.

Statutory / Legal Reference: Cal. Civ. Code §§ 5100, 5105, 5110 & 5115 (SB 323 / AB 2159)

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:
landscaping, landscape structure, skylight, solar heating equipment, spa, antenna, utility lines, or any exterior permanent or temporary structure of any kind be commenced or erected, nor shall any exterior painting, exterior addition or alteration to or change of any nature be made in or to the

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
landscaping, landscape structure, skylight, solar heating equipment, spa, antenna, utility lines, or any exterior permanent or temporary structure of any kind be commenced or erected, nor shall any exterior painting, exterior addition or alteration to or change of any nature be made in or to the [FEDERAL OTARD CARVEOUT]: Provided that this restriction shall not prohibit or require prior approval...