

Section 3.5 - Sample Provision Excerpt (Public Preview)

* Antennae and Receiving Devices: All such devices shall not require prior approval by the Architectural Control Committee before installation. In general, all such devices shall be installed in such a way as to be hidden from view from the front of your home and from adjoining property owners as much as possible and not visible from the street.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 3.5 (p. 5): Provision authorizes holding regular Board of Directors meetings "without notice" or taking Board action by written consent outside a noticed open meeting, conflicting with Idaho Code § 55-3205 & § 30-30-1102.

Statutory / Legal Reference: Idaho Code § 55-3201 to 55-3212 (Homeowner's Association Act); Idaho Code § 55-3205 & § 30-30-1102

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:

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SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

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