

Section 8.06 - Sample Provision Excerpt (Public Preview)

nail, build or construct lighting devices, shades, screens, awnings, patio covers, decorations, fences, aerials, antennae or television broadcasting or receiving devices, or paint or make any changes or otherwise alter whatsoever the structural aspects or the exterior of any building or structure containing the Units or the Restricted Common Areas or...

ISSUE #1



MARKUP #1 ->



MARKUP #1 · MORTGAGE WARRANTABILITY & RESERVE RISK

BOARD & COUNSEL REVIEW

Sec. 8.06 (p. 4): Right of First Refusal (ROFR) clause lacks mandatory exemptions for foreclosure, deeds in lieu of foreclosure, and FHA/GSE-insured mortgages.

Statutory / Legal Reference: Fannie Mae Selling Guide B4-2.1-03, Freddie Mac Guide Ch. 5701, & 24 C.F.R. § 203.43b (FHA / Agency Lending Guidelines)

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:

nail, build or construct lighting devices, shades, screens, awnings, patio covers, decorations, fences, aerials, antennae, radio or television broadcasting or receiving devices, or paint or make any changes or otherwise alter whatsoever the structural aspects or the exterior of any building or structure containing the Units or the Restricted Common Areas or...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

nail, build or construct lighting devices, shades, screens, awnings, patio covers, decorations, fences, aerials, antennae, radio or television broadcasting or receiving devices, or paint or make any changes or otherwise alter whatsoever the structural aspects or the exterior of any building or structure containing the Units or the Restricted Common Areas or to be constructed within the Property,...