

Section 14.18 - Sample Provision Excerpt (Public Preview)

Antennas/Satellite Dish Barbecues Basketball Standards or other Play Equipment Clotheslines Dog Houses Driveways
Detached Exterior Gas Only Fireplaces, Chimneys, Fire Pits and Kitchens

ISSUE #1



MARKUP #1 ->



MARKUP #1 · MORTGAGE WARRANTABILITY & RESERVE RISK

BOARD & COUNSEL REVIEW

Sec. 14.18 (p. 8): 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:

Antennas/Satellite Dish Barbecues Basketball Standards or other Play Equipment
Clotheslines Dog Houses Driveways Detached Exterior Gas Only Fireplaces, Chimneys, Fire
Pits and Kitchens

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

**Antennas/Satellite Dish Barbecues Basketball Standards or other Play Equipment
Clotheslines Dog Houses Driveways Detached Exterior Gas Only Fireplaces,
Chimneys, Fire Pits and Kitchens [FEDERAL OTARD CARVEOUT]:** Provided that this
restriction shall not prohibit or require prior approval for any owner or occupant
installing an antenna, fixed wireless broadband hub/relay device, or satellite dish of...