

MARKUP #1 ->

No sign, billboard, poster board or advertising structure of any kind, including signs for the sale, rental or leasing of any Unit shall be placed, erected, displayed or maintained anywhere within the Anchorage, including on the balconies, decks, windows and exterior walls of the Units.

No attachment, enclosure, structure, outbuilding or facility of any kind, shall be placed, erected, constructed or maintained by any Owner or other person within the Anchorage except with prior written Board approval.

No tree, shrub, bush or other vegetation or landscaping element shall be cut, trimmed, pruned, removed, relocated or otherwise disturbed, nor shall any surface contour be graded, re-graded, altered or otherwise disturbed, without the prior written approval of the Board.

Personal use of common area utility outlets of water and electricity shall be limited to brief use.

Individual Units: A Unit is defined in the Declaration as “the individual air space which is contained within the perimeter walls, floors, and ceilings, windows and doors of each unit., together with all fixtures and improvements therein, but not including any of the structural components of the building, if any, located within the unit.” An Owner’s tangible interest is from the “paint in.”

Interior Unit maintenance is the sole responsibility of the Owner of each unit. Fireplaces, paint-in utility installations, fixtures, doors, windows, and the finished surfaces of all interior walls, floors and ceilings and appurtenances hereto in a unit are to be maintained in a good state of repair by the Owner.

The Resident Manager is not responsible for, nor required to perform interior maintenance or repairs except on general Common Elements, such as utility systems serving more than one unit, which are the Association’s responsibility.

ISSUE #1

Television/radio antennae, external satellite dishes and equipment that would protrude through the walls, windows or roof of the condominium may not be installed on the exterior of the complex or on any limited common element balcony, deck, or terrace. Window fans and small A/C units are allowed June 1 to September 30. Hot tubs are not permitted on unit balconies.

An owner shall take no action without written approval of the Board that would impair the structural soundness or integrity of the buildings or other common elements. Prior to starting any Unit remodel or modification (including windows and doors), whether large or small, the owner must submit a remodel request to the Board for their review and approval. Owners are responsible for obtaining necessary building permits. Construction dumpsters must be approved by the Manager.

Unit owners are directly responsible for proper asbestos remediation or issues arising from disturbance of asbestos in their Unit.

Unit Owners are required to allow ample access to heating and plumbing utilities and other Common Elements within their units.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 6 (p. 7): Blanket ban, sub-1-meter size cap, or prior approval requirement on satellite dishes or antennas is preempted by federal FCC OTARD regulations.

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

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 satellite dishes 1 meter or less in diameter, and fixed wireless broadband antennas (including hub and relay antennas) situated on property within the exclusive use or control of the owner/tenant.

CURRENT WORDING IN DOCUMENT:

Television/radio antennae, external satellite dishes and equipment that would protrude through the walls, windows or roof of the condominium may not be installed on the exterior of the complex or on any limited common element balcony, deck, or terrace.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

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 one meter (39.37 inches) or less in diameter within areas under the owner's or occupant's exclusive use or control, in accordance with FCC OTARD regulations (47 C.F.R. § 1.4000).