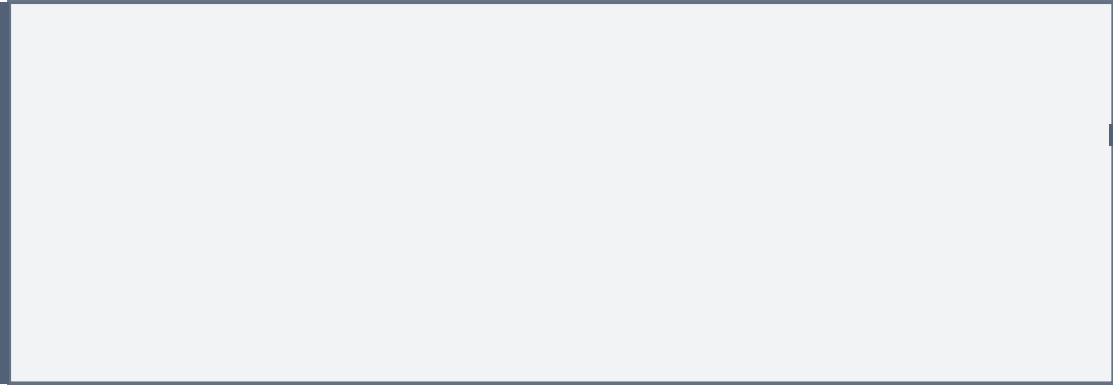


Section 1. - Sample Provision Excerpt (Public Preview)

requirements. No exterior HAM or CB radio antennas shall be placed, allowed, or maintained upon any portion of the improvements located upon the Property, except as may be approved, in writing, by the Association's Architectural Control Committee.

ISSUE #1



MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 1. (p. 3): Voting rights suspension clause lacks Colorado statutory notice, hearing due process, or delinquency safeguards (C.R.S. § 38-33.3-209.5 (HB 22-1137 \$500 Non-Health/Safety Cap & Cure Notice)).

Statutory / Legal Reference: C.R.S. § 38-33.3-209.5 (HB 22-1137 \$500 Non-Health/Safety Cap & Cure Notice); Colo. Rev. Stat. § 38-33.3-101 to 38-33.3-402 (CCIOA); Colo. Rev. Stat. § 7-121-101 to 7-137-301...

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:
requirements. No exterior HAM or CB radio antennas shall be placed, allowed, or maintained upon any portion of the improvements located upon the Property, except as may be approved, in writing, by the Association's Architectural Control Committee.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
requirements. No exterior HAM or CB radio antennas shall be placed, allowed, or maintained upon any portion of the improvements located upon the Property, except as may be approved, in writing, by the Association's Architectural Control Committee. [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 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...