

ISSUE #1

transfer of his title, together with such information concerning the transferee as the Condominium Association may reasonably require, and a copy of all instruments to be used in transferring title.

(iii) Failure to Give Notice. If written notice to the Condominium Association herein required is not given, then at any time after receiving knowledge of a transaction or event transferring ownership or possession of a Unit, the Condominium Association at its election and without notice may approve or disapprove the transaction or ownership. If the Condominium Association disapproves the transaction or ownership, the Condominium Association shall proceed as if it had received the required notice on the date of such disapproval.

(iv) Condominium Association Response. Within twenty (20) days after receipt of such notice and information, the Condominium Association must either approve or disapprove the proposed transfer of title of the Unit in writing, whether by sale, gift or other transfer. If the Condominium Association fails to respond within such twenty (20) day period, the transfer shall be deemed approved.

(b) Approval.

(i) Sale. If a proposed sale is approved, the approval shall be stated in a certificate executed by the proper officers (or designated agents) of the Condominium Association in recordable form and shall be delivered to the purchaser and shall be recorded in the Public Records of the County.

(ii) Gift; Other Transfers. If a proposed gift or other transfer is approved, the approval shall be stated in a certificate executed by the proper officers of the Condominium Association in recordable form and shall be delivered to the transferee and shall be recorded in the Public Records of the County.

(iii) Approval of Owner other than an Individual. Inasmuch as the Condominium may be used only for residential purposes, and a corporation, trust or other entity cannot occupy a Unit for such use, if the Unit Owner or purchaser of a Unit is a corporation, trust or other entity, the approval of ownership by the corporation, trust or other entity shall be conditioned upon the primary occupant of the Unit being approved by the Condominium Association. Any change in the primary occupant of the Unit shall be deemed a change of ownership subject to Condominium Association approval pursuant to this Section.

(c) Disapproval.

(i) Sale. If a proposed sale is disapproved, the Condominium Association shall deliver or mail by certified mail to the Unit Owner an agreement to purchase by the Condominium Association, or by a purchaser approved by the Condominium Association, to whom the Unit Owner must sell the Unit, upon the following terms:

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 10.7. (p. 55): 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:

Antennae. No aerial or antenna shall be erected or maintained on or about the exterior of any Unit, Building, Common Element or Condominium Property without the prior written approval of the Condominium Association, which approval may be granted in the sole and absolute discretion of the Condominium Association. Notwithstanding the MIAMI .\0898'2 v9 (2K) -20-

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).