

Section I. - Sample Provision Excerpt (Public Preview)

No radio or television receiving or transmitting antennae or external apparatus exceeding 10 feet in height above the highest point of the dwelling shall be installed on any lot. No freestanding antennae, tower, or the like shall be permitted on any lot.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. I. (p. 3): Voting rights suspension clause lacks Maryland statutory notice, hearing due process, or delinquency safeguards (Md. Code, Real Prop. §§ 11-113, 11B-111.10 (Dispute Settlement Notice & Hearing)).

Statutory / Legal Reference: Md. Code, Real Prop. § 11B-111.10 (Dispute Settlement Notice & Hearing); Md. Code, Real Prop. Title 11B (Maryland Homeowners Association Act); Md. Code, Corps. & Ass'ns Title 5, Subt. 2

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:

No radio or television receiving or transmitting antennae or external apparatus exceeding 10 feet in height above the highest point of the dwelling shall be installed on any lot. No freestanding antennae, tower, or the like shall be permitted on any lot.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

No radio or television receiving or transmitting antennae or external apparatus exceeding 10 feet in height above the highest point of the dwelling shall be installed on any lot. No freestanding antennae, tower, or the like shall be permitted on any lot.