MARKED-UP PAGE 1: 1 COMPLIANCE ISSUE (#1) - SEE REDLINE COMMENTS AT RIGHT ->

Section NO EXCEPTIONS - Sample Provision Excerpt (Public Preview)

Satellite dishes cannot be attached to any parts of the building. Pets are not permitted. Any pets that are registered pri
new management must use the rear exit or entrance. Dogs must be leashed at all times.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · FAIR HOUSING ACT (FHA) LIABILITY RISK

BOARD & COUNSEL REVIEW

Sec. NO EXCEPTIONS (p. 2): Pet restriction clause lacks mandatory statutory carveout for assistance and emotional support animals.

Statutory / Legal Reference: 42 U.S.C. § 3604(f)(3)(B) & 24 C.F.R. § 100.204 (Fair Housing Act - Assistance Animals) & HUD FHEO-2020-01

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:

Satellite dishes cannot be attached to any parts of the building. Pets are not permitted. Any pets that are registered prior to new management must use the rear exit or entrance. Dogs must be leashed at all times.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Satellite dishes cannot be attached to any parts of the building. Pets are not permitted. Any pets that are registered prior to new management must use the rear exit or entrance. Dogs must be leashed at all times. [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...