

Section 16 - Sample Provision Excerpt (Public Preview)

No Sold Loft Unit Owner shall attach, hang or project any radio or television aerial, antenna or satellite dish to or from exterior of such Owner's Sold Loft Unit, or the Sold Unit's windows or

ISSUE #1



MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 16 (p. 3): Fining provision permits the Board or managing agent to impose summary or automatic monetary fines without prior written notice and a reasonable opportunity to be heard.

Statutory / Legal Reference: N.Y. Real Prop. Law § 339-j

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 Sold Loft Unit Owner shall attach, hang or project any radio or television aerial, antenna or satellite dish to or from the exterior of such Owner's Sold Loft Unit, or the Sold Unit's windows or

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

No Sold Loft Unit Owner shall attach, hang or project any radio or television aerial, antenna or satellite dish to or from the exterior of such Owner's Sold Loft Unit, or the Sold Unit's windows or [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...