



Section 1. - Sample Provision Excerpt (Public Preview)

a. No exterior radio or television antenna or window or wall air conditioning unit may be installed, attached, or erected on a Dwelling Unit, except as originally installed, if any, by the Sponsor (or the comparable replacement thereof).

ISSUE #1



MARKUP #1 ->

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

BOARD & COUNSEL REVIEW

Sec. 1. (p. 34): 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:

a. No exterior radio or television antenna or window or wall air conditioning unit may be installed, attached, or erected on a Dwelling Unit, except as originally installed, if any, by the Sponsor (or the comparable replacement thereof).

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

a. No exterior radio or television antenna or window or wall air conditioning unit may be installed, attached, or erected on a Dwelling Unit, except as originally installed, if any, by the Sponsor (or the comparable replacement thereof). [FEDERAL OTARD CARVEOUT]: Provided that this restriction shall not prohibit or require prior approval for any owner or occupant installing an antenna, fixed...