

Section 7 - Sample Provision Excerpt (Public Preview)

No aerial, antenna or satellite dish or other device or equipment or line or cable shall be placed, attached to or hung from any portion of the exterior of the building or grounds without the prior written approval of the Managing Agent.

ISSUE #1



MARKUP #1 ->



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

BOARD & COUNSEL REVIEW

Sec. 7 (p. 1): 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:

No aerial, antenna or satellite dish or other device or equipment or line or cable shall be placed, attached to or hung from any portion of the exterior of the building or grounds without the prior written approval of the Managing Agent.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

No aerial, antenna or satellite dish or other device or equipment or line or cable shall be placed, attached to or hung from any portion of the exterior of the building or grounds without the prior written approval of the Managing Agent. [FEDERAL OTARD CARVEOUT]: Provided that this restriction shall not prohibit or require prior approval for any owner or occupant installing an antenna, fixed...