

Section XII - Sample Provision Excerpt (Public Preview)

fixtures, exterior doors, standard replacement windows or skylight or egress windows, mechanical devices, satellite dishes, flower boxes, flags, bunting, or storage or other structures, whether permanent or temporary, etc. A Variance Request is also required to add any additional or replacement perennial plantings on the homeowner's lot not originally furnished by the management company.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · STATUTORY PRE-LIEN & COLLECTION DEFECT

BOARD & COUNSEL REVIEW

Sec. XII (p. 21): Assessment collection clause authorizes lien foreclosure immediately after 10 - 30 days of delinquency (or asserts a lien on tangible personal property) without incorporating the mandatory pre-lien notice, payment-plan disclosures, and pre-foreclosure waiting periods required by N.Y. Real Prop. Law § 339-j.

Statutory / Legal Reference: N.Y. Not-for-Profit Corp. Law (N-PCL), Real Prop. Law Art. 9-B & 13 NYCRR Parts 18, 20, 21 & 22 (NY AG Real Estate Finance Bureau Offering Plan Regulations); 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 satellite dishes 1 meter or less in diameter, and fixed wireless broadband antennas (including hub and relay antennas) situated on property within the exclusive use or control of the owner/tenant.

CURRENT WORDING IN DOCUMENT:
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SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
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