

Section 5 - Sample Provision Excerpt (Public Preview)

Outside Antennae/Cable/Phone Service/Above Surface Utilities (Article X, Sections 10.05, 10.09) * No facilities, including without limitation, poles, antennas, dishes, or wires for the transmission of electricity, electronic or telephone messages, and water, gas, sanitary and storm sewer drainage pipes and conduits shall be placed or maintained about the...

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 5 (p. 12): 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. Not-for-Profit Corp. Law § 507(a)

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:

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SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Landscaped Areas The Association also shall be responsible for snow plowing of driveways, excluding walks. Individual Lot owners are responsible for snow removal from roof, walks and entryways abutting their dwellings. The Association is solely responsible for the maintenance of the Common Area and the improvements within the area.