

Section (By-Laws) - Sample Provision Excerpt (Public Preview)

*Satellite Dishes: Any and all TV and radio antennae are prohibited from being erected on the roof. They can be erected in the ground within 3 feet of the home. Satellite dishes are not allowed on any exterior surface.

ISSUE #1



MARKUP #1 ->



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

BOARD & COUNSEL REVIEW

Sec. (By-Laws) (p. 4): 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:

*Satellite Dishes: Any and all TV and radio antennae are prohibited from being erected on the roof. They can be erected in the ground within 3 feet of the home. Satellite dishes are not allowed on any exterior surface.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

*Satellite Dishes: Any and all TV and radio antennae are prohibited from being erected on the roof. They can be erected in the ground within 3 feet of the home. Satellite dishes are not allowed on any exterior surface. [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...