Section 8.01. - Sample Provision Excerpt (Public Preview)

No Utilities Without Approval. No facilities, including without limitation, poles, antennas, satellite 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 above the surface of the ground on any portion of the Properties,...

ISSUE #1

MARKUP #1 ->

MARKUP #1 · HIGH LEGAL & ENFORCEMENT RISK

BOARD & COUNSEL REVIEW

Sec. 8.01. (p. 15): Architectural control provision sets an extended 45 - 90 day review timeline, deems applications denied by silence, or vests sole subjective aesthetic discretion without requiring a written denial citing specific published guidelines under 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).

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)

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 Utilities Without Approval. No facilities, including without limitation, poles, antennas, satellite 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 above the surface of the ground on any portion of the Properties,...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
No Utilities Without Approval. No facilities, including without limitation, poles, antennas, satellite 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 above the surface of the ground on any portion of the Properties, without the prior written approval of the...