

Section 2 - Sample Provision Excerpt (Public Preview)

No Above Surface Utilities Without Approval. No facilities, including without limitation, poles, antennas, dishes or wires for the transmission of electricity, electronic or telephone messages, and water, gas, sanitary and sewer drainage pipes and conduits shall be placed or maintained above the surface of the ground on any portion of the Property without...

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 2 (p. 23): **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:

No Above Surface Utilities Without Approval. No facilities, including without limitation, poles, antennas, dishes or wires for the transmission of electricity, electronic or telephone messages, and water, gas, sanitary and sewer drainage pipes and conduits shall be placed or maintained above the surface of the ground on any portion of the Property without...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

No Above Surface Utilities Without Approval. No facilities, including without limitation, poles, antennas, dishes or wires for the transmission of electricity, electronic or telephone messages, and water, gas, sanitary and sewer drainage pipes and conduits shall be placed or maintained above the surface of the ground on any portion of the Property without the prior written approval of the...