

Section OF ORIGINAL INSTRUMENT AS - Sample Provision Excerpt (Public Preview)

tip television or .radio antenna or tower shall be erected upon any lot or builJiny unless prior approval is obtained ·from  
ACC. Section J. Mailboxes and l~ewspaper Tubes. Each Owner or occupant of a living Unit shall be responsible for·  
providing his own mailbox.

ISSUE #1



MARKUP #1 ->



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

BOARD & COUNSEL REVIEW

Sec. OF ORIGINAL INSTRUMENT AS (p. 9): 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 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):

tip television or .radio antenna or tower shall be erected upon any lot or builJiny unless prior approval is obtained ·from the ACC. Section J. Mailboxes and l~ewspaper Tubes. Each Owner or occupant of a living Unit shall be responsible for· providing his own mailbox. [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 hub/relay device, or satellite dish of one meter (39.37 inches) or less in diameter within areas under the owner's or occupant's exclusive use or control, in accordance with...