Section 17.1 - Sample Provision Excerpt (Public Preview)

TV antennas or satellite dishes must not be attached or secured to the balcony railings or the patio fences. Media companies will provide tripods. Be observant and keep the Board informed of any maintenance matters or safety hazards you see.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · MORTGAGE WARRANTABILITY & RESERVE RISK

BOARD & COUNSEL REVIEW

Sec. 17.1 (p. 17): Right of First Refusal (ROFR) clause lacks mandatory exemptions for foreclosure, deeds in lieu of foreclosure, and FHA/GSE-insured mortgages.

Statutory / Legal Reference: Fannie Mae Selling Guide B4-2.1-03, Freddie Mac Guide Ch. 5701, & 24 C.F.R. § 203.43b (FHA / Agency Lending Guidelines)

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:
TV antennas or satellite dishes must not be attached or secured to the balcony railings or the patio fences. Media companies will provide tripods. Be observant and keep the Board informed of any maintenance matters or safety hazards you see.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
TV antennas or satellite dishes must not be attached or secured to the balcony railings or the patio fences. Media companies will provide tripods. Be observant and keep the Board informed of any maintenance matters or safety hazards you see. [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 FCC OTARD regulations (47...