

Section 5.9 - Sample Provision Excerpt (Public Preview)

No unit owner shall install any electrical or telephone wire, television antenna, satellite dishes, air conditioning unit, or other machine anywhere on the Condominium outside of a Unit without the approval of the Board of Directors.

ISSUE #1



MARKUP #1 ->



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

BOARD & COUNSEL REVIEW

Sec. 5.9 (p. 16): 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:

No unit owner shall install any electrical or telephone wire, television antenna, satellite dishes, air conditioning unit, or other machine anywhere on the Condominium outside of a Unit without the approval of the Board of Directors.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

No unit owner shall install any electrical or telephone wire, television antenna, satellite dishes, air conditioning unit, or other machine anywhere on the Condominium outside of a Unit without the approval of the Board of Directors. [FEDERAL OTARD CARVEOUT]: Provided that this restriction shall not prohibit or require prior approval for any owner or occupant installing an antenna, fixed wireless...