



Section 7.11. - Sample Provision Excerpt (Public Preview)

without the prior written approval of the Architectural Reviewer. Examples of exterior decorations are windsocks, potted plants, benches, name signs on tiles, hanging baskets, bird feeders, awnings, window sill birdfeeders, yard gnomes, and clay frogs.

ISSUE #1



MARKUP #1 ->

MARKUP #1 · HIGH LEGAL & ENFORCEMENT RISK

BOARD & COUNSEL REVIEW

Sec. 7.11. (p. 16): Absolute prohibition on FCC-licensed amateur (ham) radio operations lacks a reasonable accommodation framework.

Statutory / Legal Reference: 47 C.F.R. § 97.15(b) (FCC PRB-1 Policy) & Federal Amateur Radio Emergency Communications Policy

Statutory Comparison: Federal telecommunications policy under 47 C.F.R. § 97.15(b) (PRB-1) establishes a strong federal interest in promoting amateur radio emergency communications. Absolute covenant bans on FCC-licensed amateur radio operators without architectural review for stealth or minimally intrusive installations expose the association to federal preemption challenges and state statutory amateur-radio...

CURRENT WORDING IN DOCUMENT:

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SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

DECORATION. Residents must refrain from individualizing and decorating the exteriors of their Townhomes. What is appealing and attractive to one person, may be objectionable to another. For that reason, the Association prohibits exterior "decorations" by Owners without the prior written approval of the Architectural Reviewer.