

ISSUE #1

MARKUP #1 ->

Section 1: [Section 7.4] Antennas, Satellite Dishes, and Balcony Installations

No radio or television antenna, satellite dish, or wiring shall be installed on any balcony, patio, roof, or exterior wall of the Cooperative without the prior written consent of the Board of Directors.

Section 2: [Section 11.2] Swimming Pool and Common Grounds Usage by Children

Children under the age of sixteen (16) are prohibited from using the swimming pool during designated 'Adult Only Swim' hours between 12:00 PM and 2:00 PM daily and after 6:00 PM, and children under fourteen (14) are prohibited from playing or congregating in the interior courtyards.

Section 3: [Section 3.8] Inspection of Cooperative Records and Member Lists

Shareholders may inspect only the annual audited financial summary distributed prior to the Annual Meeting; inspection of detailed general ledgers, Board minutes, vendor contracts, or the Shareholder directory is permitted solely in the discretion of the Board of Directors.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. Section 7.4 (p. 1): Blanket ban, sub-1-meter size cap, or prior approval requirement on satellite dishes or antennas is preempted by federal FCC OTARD regulations.

Statutory / Legal Reference: 47 C.F.R. § 1.4000 (OTARD Rule)

Statutory Comparison: The FCC Over-the-Air Reception Devices rule (47 C.F.R. § 1.4000) preempts community association restrictions that prohibit, require prior architectural approval for, or impose sub-1-meter (39.37-inch) diameter caps on the installation, maintenance, or use of antennas and satellite dishes 1 meter or less in diameter situated on property within the exclusive use or control of the owner/tenant.

CURRENT WORDING IN DOCUMENT:

[Section 7.4] Antennas, Satellite Dishes, and Balcony Installations - No radio or television antenna, satellite dish, or wiring shall be installed on any balcony, patio, roof, or exterior wall of the Cooperative without the prior written consent of the Board of Directors.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Provided that this restriction shall not prohibit or require prior approval for any owner or occupant installing an antenna 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 C.F.R. § 1.4000).