

ISSUE #1

Section 1: [Master Deed, Section XIII(e)] Prior Written Approval Required for Any Antenna or Sign

MARKUP #1 ->

(e) Architectural integrity of buildings and units: without the prior written approval of the Managers of the Condominium Association, no awning, screen, antenna, sign, banner or other device, and no exterior change, addition, structure, projection, decoration or other feature shall be erected or placed upon or attached to any such town home unit or any part thereof, no addition to or change or replacement (except, so far as practicable, with identical kind and quality) of any exterior light, door knocker or other piece of exterior hardware, doorway or window frame, shall be made and no painting or other decoration shall be done on any exterior part or surface of any such unit nor on the interior surface of any window.

Section 2: [Master Deed, Section XVII] Power of Managers to Terminate Lease and Bring Summary Eviction Proceedings

XVII. LEASES. Any lease or occupancy agreement shall be in writing and shall apply to an entire unit, not merely a portion thereof, and shall expressly provide that the lease or occupancy arrangement shall be subject in every respect to the Master Deed of the Condominium, the By-Laws of the Condominium Association, and the Rules and Regulations thereof, as the same have been amended most recently prior to the execution of the lease or occupancy arrangement; that any failure by the lessee or occupant to comply with the terms of such documents shall be a default under the lease or occupancy arrangement; and that in the event of such a default, the Managers of the Condominium Association shall have the power and right to terminate any lease or occupancy arrangement or to bring summary proceedings to evict any tenant or occupant in the name of the owner of the subject unit, after forty-five (45) days prior written notice to the owner of the subject unit...

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. Master Deed, Section XIII(e) (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:

[Master Deed, Section XIII(e)] Prior Written Approval Required for Any Antenna or Sign - (e) Architectural integrity of buildings and units: without the prior written approval of the Managers of the Condominium Association, no awning, screen, antenna, sign, banner or other device, and no exterior change, addition, structure, projection, decoration or other feature shall be erected or placed upon or attached to any such town home unit or any part thereof, no addition to or change or replacement (except, so far as practicable, with identical kind and quality) of any exterior light, door knocker or other piece of exterior hardware, doorway or window frame, shall be made and no painting or other decoration shall be done on any exterior part or surface of any such unit nor on the interior surface of any window.

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).