

Sec. RULES AND REGULATIONS (p. 17): 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 (FCC OTARD Rule)

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:

No radio or television antenna or any wiring for any purpose may be installed on the exterior of a building without the written consent of the Association. An owner may identify his apartment with a name plate of a type and size approved by the Association and mounted in a place and manner approved by the Association.

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, 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 C.F.R. § 1.4000).

WOODHAVEN CONDOMINIUM ASSOCIATION, INC
RULES AND REGULATIONS Amended March 20, 2024

REGULATIONS - CONCERNING THE USE OF THE CONDOMINIUM BY ITS OWNER

1. Automobiles may be parked only in the areas provided for that purpose, facing forward and have the sticker or parking permit visible in the back window and **no more than three (3) automobiles allowed per Unit.**
2. No radio or television antenna or any wiring for any purpose may be installed on the exterior of a building without the written consent of the Association.
3. An owner may identify his apartment with a name plate of a type and size approved by the Association and mounted in a place and manner approved by the Association. No other signs may be displayed except "For Sale" or "For Rent" signs approved by the Association.
4. The balconies, terraces and exterior stairways shall be used only for the purposes intended, and shall not be used for hanging garments or other objects, or for cleaning of rugs or other household items or outdoor cooking.
5. Common areas of building, such as loggia, lobbies and halls, will be used only for the purposes intended. No articles belonging to apartment owners will be kept in such area, which shall be kept free of obstruction.
6. Hurricane Preparations: Each unit, owner, or lessee, who plans to be absent from his unit during the hurricane season, must prepare their unit prior to departure by removing all furniture and movable objects from balconies or outside. Designate a responsible individual to care for the unit during the absence, if the unit suffers hurricane damage, the designated individual's contact information shall be given to the association prior to the unit owners absence.
7. Apartment owners are reminded that alteration and repair of the apartment building is the responsibility of the Association except for interior of apartments. No work of any kind is to be done upon exterior building walls, interior walls with common elements like plumbing, electrical, mechanical or upon interior boundary walls without first obtaining the approval required by the Declaration of Condominium. A plan of the work must be submitted for approval by the Board of Directors at least 30 days prior to start.
8. ~~Second floor apartments shall be carpeted except in bathrooms and kitchens.~~
Second floor units with prior approval by the Association shall be permitted to install laminate or tile flooring with the proper sound insulation as per standards established by the Board and updated from time to time.
9. Disposition of garbage, trash, and recyclables shall be only by the use of garbage disposal units or by use of receptacles supplied by the Association.
10. No children under 16 years of age shall be permitted as permanent occupants of any of the apartments in WOODHAVEN except as a visitor.