

Section c - Sample Provision Excerpt (Public Preview)

. (i) Antennas. No exterior television or radio antenna, wireless, direct broadcast satellite dishes or antennas used to receive multichannel or multipoint distribution (wireless cable) signals may be installed on any Lot in the Property without the prior approval of the Building

ISSUE #1



MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. c (p. 18): 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...

CURRENT WORDING IN DOCUMENT:

. (i) Antennas. No exterior television or radio antenna, wireless, direct broadcast satellite dishes or antennas used to receive multichannel or multipoint distribution (wireless cable) signals may be installed on any Lot in the Property without the prior approval of the Building

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

. (i) Antennas. No exterior television or radio antenna, wireless, direct broadcast satellite dishes or antennas used to receive multichannel or multipoint distribution (wireless cable) signals may be installed on any Lot in the Property without the prior approval of the Building [FEDERAL OTARD CARVEOUT]: Provided that this restriction shall not prohibit or require prior approval for any owner or...