

Section 7.1 - Sample Provision Excerpt (Public Preview)

antenna, or other equipment. fixtures or items Of any kind, without the prior written permission of the Board or the manapnilacent, acttng 1n accord with the Board's direction. No Owner of a Unit, eXlept as provided below.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 7.1 (p. 38): 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:

antenna, or other equipment. fixtures or items Of any kind, without the prior written permission of the Board or the manapnilacent, acttng 1n accord with the Board's direction. No Owner of a Unit, eXlept as provided below.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

antenna, or other equipment. fixtures or items Of any kind, without the prior written permission of the Board or the manapnilacent, acttng 1n accord with the Board's direction. No Owner of a Unit, eXlept as provided below. [FEDERAL OTARD CARVEOUT]: Provided that this restriction shall not prohibit or require prior approval for any owner or occupant installing an antenna, fixed wireless broadband...