Section BALFOUR OWNERS CORP - Sample Provision Excerpt (Public Preview)

External Antennas No radio or television antennas or satellite dishes may be attached to or hung from the exterior of th building. Televisions, Exercise Equipment, and Other Noise Emitting Devices The building maintains a master antenna system to which individual sets may be connected.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. BALFOUR OWNERS CORP (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:

External Antennas No radio or television antennas or satellite dishes may be attached to or hung from the exterior of the building. Televisions, Exercise Equipment, and Other Noise Emitting Devices The building maintains a master antenna system to which individual sets may be connected.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

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