MARKED-UP PAGE 1: 1 COMPLIANCE ISSUE (#1) - SEE REDLINE COMMENTS AT RIGHT ->

Section 22 - Sample Provision Excerpt (Public Preview)

All windows and screens must be maintained in good repair. 23. Satellite dishes are not permitted on the terraces or ra
They may only be installed on the metal platform near the AC compressors with the permission of the Board of

ISSUE #1

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 22 (p. 4): 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:

All windows and screens must be maintained in good repair. 23. Satellite dishes are not permitted on the terraces or railings. They may only be installed on the metal platform near the AC compressors with the permission of the Board of

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

All windows and screens must be maintained in good repair. 23. Satellite dishes are not permitted on the terraces or railings. They may only be installed on the metal platform near the AC compressors with the permission of the Board of [FEDERAL OTARD CARVEOUT]: Provided that this restriction shall not prohibit or require prior approval for any owner or occupant installing an antenna, fixed...