Section 16 - Sample Provision Excerpt (Public Preview)

No radio or television aerial or dish shall be attached to or hung from the exterior of the building without the prior, writte
approval of the Lessor or the managing agent.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 16 (p. 3): 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:
No radio or television aerial or dish shall be attached to or hung from the exterior of the building without the prior, written approval of the Lessor or the managing agent.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
No radio or television aerial or dish shall be attached to or hung from the exterior of the building without the prior, written approval of the Lessor or the managing agent. [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 hub/relay device, or satellite dish of one meter...