

Section D - Sample Provision Excerpt (Public Preview)

Directors or the Managing Agent, nor shall anything, including satellite TV or TV dish antennas, be projected out of any window of the building without similar approval. #16 Water closets and other water apparatus in the building shall not be used for any purpose other than those for which they were constructed, nor shall any sweepings, rubbish, rags or any...

ISSUE #1



MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. D (p. 7): 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:

Directors or the Managing Agent, nor shall anything, including satellite TV or TV dish antennas, be projected out of any window of the building without similar approval. #16 Water closets and other water apparatus in the building shall not be used for any purpose other than those for which they were constructed, nor shall any sweepings, rubbish, rags or any...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Directors or the Managing Agent, nor shall anything, including satellite TV or TV dish antennas, be projected out of any window of the building without similar approval. #16 Water closets and other water apparatus in the building shall not be used for any purpose other than those for which they were constructed, nor shall any sweepings, rubbish, rags or any article be thrown into the water...