

Section 4 - Sample Provision Excerpt (Public Preview)

No radio, television aerial, satellite dish, or similar devices shall be attached to or hung from the exterior of any Building or any Unit by any Unit Owner or Person other than the Sponsor. No sign, notice, poster, advertisement or illumination (excepting Holiday

ISSUE #1



MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

**Sec. 4 (p. 20): 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:**

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**SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):**

No radio, television aerial, satellite dish, or similar devices shall be attached to or hung from the exterior of any Building or any Unit by any Unit Owner or Person other than the Sponsor. No sign, notice, poster, advertisement or illumination (excepting Holiday [FEDERAL OTARD CARVEOUT]: Provided that this restriction shall not prohibit or require prior approval for any owner or occupant...