



Section IX - Sample Provision Excerpt (Public Preview)

Television Wiring & Antennas 29. No radio or television wiring or antennae shall be attached to or hung from the exterior of the building. To the extent located on a terrace or balcony, occupants may utilize a television satellite dish so long as such satellite dish is not affixed or attached in any manner to the exterior of the building, terraces, or fire...

ISSUE #1



MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. IX (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:

Television Wiring & Antennas 29. No radio or television wiring or antennae shall be attached to or hung from the exterior of the building. To the extent located on a terrace or balcony, occupants may utilize a television satellite dish so long as such satellite dish is not affixed or attached in any manner to the exterior of the building, terraces, or fire...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Television Wiring & Antennas 29. No radio or television wiring or antennae shall be attached to or hung from the exterior of the building. To the extent located on a terrace or balcony, occupants may utilize a television satellite dish so long as such satellite dish is not affixed or attached in any manner to the exterior of the building, terraces, or fire escapes; wiring for the satellite dish...