

Section VIII - Sample Provision Excerpt (Public Preview)

No television or radio antenna or any other type of receiving or transmitting antenna nor avnings or other projections of structure shall be attached or erected on the exterior of units or on any lot without the prior written consent of the Board of Directors.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · POTENTIAL FED LAW CONFLICT

BOARD & COUNSEL REVIEW

Sec. VIII (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 television or radio antenna or any other type of receiving or transmitting antenna nor avnings or other projections of structure shall be attached or erected on the exterior of units or on any lot without the prior written consent of the Board of Directors.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
in accordance with FCC OTARD regulations (47 C.F.R. § 1.4000).