

Section OUTSIDE ANTENNAE/CABLE/ PHONE SERVICE/ABOVE - Sample Provision Excerpt (Public Preview)

OUTSIDE ANTENNAE/CABLE/ PHONE SERVICE/ABOVE SURFACE UTILITIES: No outside radio, telegraphic, telev or other electronic antenna, dish or other transmitting or receiving device shall be erected on any unit or other portion of the Condominium property, without the prior approval of the Board. 5.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. OUTSIDE ANTENNAE/CABLE/ PHONE SERVICE/ABOVE (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:

OUTSIDE ANTENNAE/CABLE/ PHONE SERVICE/ABOVE SURFACE UTILITIES: No outside radio, telegraphic, television, or other electronic antenna, dish or other transmitting or receiving device shall be erected on any unit or other portion of the Condominium property, without the prior approval of the Board. 5.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

OUTSIDE ANTENNAE/CABLE/ PHONE SERVICE/ABOVE SURFACE UTILITIES: No outside radio, telegraphic, television, or other electronic antenna, dish or other transmitting or receiving device shall be erected on any unit or other portion of the Condominium property, without the prior approval of the Board. 5. INTERIOR MODIFICATIONS: All work with respect to the interior or exterior of any unit shall be...