

Section 1 - Sample Provision Excerpt (Public Preview)

Radio or television antennae, satellite dishes, and related telecommunication devices must not be attached to or hung from the exterior of the building without the prior written approval of the board of directors.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · POTENTIAL FED LAW CONFLICT

BOARD & COUNSEL REVIEW

Sec. 1 (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:

Radio or television antennae, satellite dishes, and related telecommunication devices must not be attached to or hung from the exterior of the building without the prior written approval of the board of directors.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

St. George Tower and Grill Owners Corporation HOUSE RULES & Terrace Guidelines
The St. George is a large co-op with 277 apartments. Our house rules are based upon the proprietary lease, and are designed for the benefit, safety, and comfort of all shareholders and residents and to promote the continued value, safety, and well-being of our building.