MARKED-UP PAGE 1: 1 COMPLIANCE ISSUE (#1) - SEE REDLINE COMMENTS AT RIGHT ->

Section 21 - Sample Provision Excerpt (Public Preview)

television aerial
shall be attached to or hung from the exterior of the building by the unit owner without consent of the Board.
Nithout the prior written consent of the Board of Managers,
residents are prohibited from making or permitting
to continue in existence alterations, improvements or additions

ISSUE #1

ies or patios constituting limited common...

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 21 (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:
television aerial shall be attached to or hung from the exterior of the building by the unit owner without consent of the Board. Nithout the prior written consent of the Board of Managers, residents are prohibited from making or permitting to continue in existence alterations, improvements or additions to any balconies or patios constituting limited common...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
television aerial shall be attached to or hung from the exterior of the building by the unit owner without consent of the Board. Nithout the prior written consent of the Board of Managers, residents are prohibited from making or permitting to continue in existence alterations, improvements or additions to any balconies or patios constituting limited common elements.