Section II. - Sample Provision Excerpt (Public Preview)

No radio, television aerial, broadcast dish or comparable receivers, or telephone wires shall be attached to or hung fro exterior of the building, including balconies and terraces. Initial II.9 Minors/Less than 12 Years of Age Minor children on the premises of the lessor must be supervised and accompanied by an adult at all times in the public halls,...

ISSUE #1

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. II. (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:

No radio, television aerial, broadcast dish or comparable receivers, or telephone wires shall be attached to or hung from the exterior of the building, including balconies and terraces. Initial II.9 Minors/Less than 12 Years of Age Minor children on the premises of the lessor must be supervised and accompanied by an adult at all times in the public halls,...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

No radio, television aerial, broadcast dish or comparable receivers, or telephone wires shall be attached to or hung from the exterior of the building, including balconies and terraces. Initial II.9 Minors/Less than 12 Years of Age Minor children on the premises of the lessor must be supervised and accompanied by an adult at all times in the public halls, lobby, stairways, fire towers and...