



Section 5 - Sample Provision Excerpt (Public Preview)

No aerial, antenna or satellite dish shall be placed on the roof or attached to or hung from the exterior of the Building without the prior written approval of the Managing Agent.

ISSUE #1



MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 5 (p. 1): Provision prohibits exterior antennas/satellite dishes, requires prior written approval before installing a satellite dish, or bans street-facing satellite dishes/solar collectors in conflict with the FCC OTARD Rule (47 C.F.R. § 1.4000) and N.Y. Real Prop. Law § 339-II (Right to Charge EV Act).

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 aerial, antenna or satellite dish shall be placed on the roof or attached to or hung from the exterior of the Building without the prior written approval of the Managing Agent.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

No aerial, antenna or satellite dish shall be placed on the roof or attached to or hung from the exterior of the Building without the prior written approval of the Managing Agent. [FEDERAL OTARD CARVEOUT]: Provided that this restriction shall not prohibit or require prior approval for any owner or occupant installing an antenna, fixed wireless broadband hub/relay device, or satellite dish of one...