ISSUE #1

Section STORAGE LOCKERS - Sample Provision Excerpt (Public Preview)

No visible or exterior antennas are permitted. Basic cable service & internet is provided for each residential unit and the cost appears on your monthly statement. This is not an optional choice, as it is a contracted item covering the entire building. You may, if you desire, purchase additional levels of service from our provider and pay the difference...

MARKUP #1 ->

MARKUP #1 · POTENTIAL FED LAW CONFLICT

BOARD & COUNSEL REVIEW

Sec. STORAGE LOCKERS (p. 1): Blanket ban, sub-1-meter size cap, or prior approval requirement on satellite dishes or antennas on exclusive-use property 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 satellite dishes 1 meter (39.37 inches) or less in diameter, and fixed wireless broadband antennas (including hub and relay antennas) situated on property within the exclusive use or control of the owner/tenant.

CURRENT WORDING IN DOCUMENT:

No visible or exterior antennas are permitted. Basic cable service & internet is provided for each residential unit and the cost appears on your monthly statement. This is not an optional choice, as it is a contracted item covering the entire building. You may, if you desire, purchase additional levels of service from our provider and pay the difference...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

in accordance with FCC OTARD regulations (47 C.F.R. § 1.4000), subject only to restrictions on shared common elements, dishes exceeding one meter in diameter, documented safety objectives (§ 1.4000(b)(1)), or historic preservation requirements (§ 1.4000(b)(2)).