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

Section 1.or - Sample Provision Excerpt (Public Preview)

or wiring or electrical installations, television or radio tr~mitting or receiving antennas, air condi- tioning unit, or any other equipm~t or wiring in or across any portion ·of any common elements; protruding from any balcony or through any wall, floor, ceiling, window or door which is a common element, except aa

ISSUE #1

writing by the Board of...

MARKUP #1 ->

MARKUP #1 · POTENTIAL FED LAW CONFLICT

BOARD & COUNSEL REVIEW

Sec. 1.or (p. 12): 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:

or wiring or electrical installations, television or radio tr~mitting or receiving antennas, air conditioning unit, or any other equipm~t or wiring in or across any portion ·of any common elements; protruding from any balcony or through any wall, floor, ceiling, window or door which is a common element, except aa approved in writing by the Board of...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

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 meter (39.37 inches) or less in diameter within areas under the owner's or occupant's exclusive use or control, in accordance with FCC OTARD regulations (47 C.F.R. § 1.4000).