

ISSUE #1

MARKUP #1 ->

Section 1: [Rules and Regulations, Section 2(B)] Prohibition on Window and Deck Antennas, Aerials, and Signs

No window or door awnings, antennas, aerials, signs or other alterations or projections shall be attached to the outside walls of the buildings, or hung or displayed from any windows, decks, or terraces.

Section 2: [Rules and Regulations, Section B] Prohibition on Baby Carriages, Playpens, Bicycles, and Toys in Common Areas

No articles, including, without limitation, baby carriages, bicycles, playpens, wagons, toys, benches, chairs, or other articles of personal property shall be left unattended in the Common Areas, parking areas, sidewalks, lawns or elsewhere in the Common Areas except in those areas, if any, specifically designated by the Trustees.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. Rules and Regulations, Section 2(B) (p. 1): 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 (OTARD Rule)

Statutory Comparison: The FCC Over-the-Air Reception Devices rule (47 C.F.R. § 1.4000) preempts community association restrictions that prohibit, require prior architectural approval for, or impose sub-1-meter (39.37-inch) diameter caps on the installation, maintenance, or use of antennas and satellite dishes 1 meter or less in diameter situated on property within the exclusive use or control of the owner/tenant.

CURRENT WORDING IN DOCUMENT:

[Rules and Regulations, Section 2(B)] Prohibition on Window and Deck Antennas, Aerials, and Signs - No window or door awnings, antennas, aerials, signs or other alterations or projections shall be attached to the outside walls of the buildings, or hung or displayed from any windows, decks, or terraces.

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 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).