

ISSUE #1

Section 1: [Section 11] Satellite Dishes and Exterior Antennas

MARKUP #1 ->

No satellite dish, television antenna, or radio transmitter may be installed on any Unit, balcony, patio, or Limited Common Area without submitting a written architectural application and obtaining prior written approval from the Board of Directors, accompanied by a non-refundable \$150 engineering review fee.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. Section 11 (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:

[Section 11] Satellite Dishes and Exterior Antennas - No satellite dish, television antenna, or radio transmitter may be installed on any Unit, balcony, patio, or Limited Common Area without submitting a written architectural application and obtaining prior written approval from the Board of Directors, accompanied by a non-refundable \$150 engineering review fee.

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).