

ISSUE #1

MARKUP #1 ->

Section 1: [House Rule (7)] Prohibition on Exterior Radio or Television Aerials and Window Signs

No radio or television aerial shall be attached to or hung from the exterior of the Building and no sign, notice, advertisement or illumination shall be inscribed or exposed on or at any window or other part of the Building, except such as are permitted pursuant to the Declaration or the By-Laws or have been approved in writing by the Board of Managers or the managing agent thereof.

Section 2: [House Rule (13)] Unit Entry Without Prior Notice for Pest Inspection

The agents of the Board of Managers or the managing agent thereof, and any contractor or workman authorized by the Board of Managers or the managing agent thereof, may enter any room or Unit in the Building at any reasonable hour of the day, without prior notice to the Unit Owner, for the purpose of inspecting such Unit for the presence of insects or other pests and for the purpose of taking such measures as may be necessary to control or exterminate any such insects or other pests.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. House Rule (7) (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:

[House Rule (7)] Prohibition on Exterior Radio or Television Aerials and Window Signs - No radio or television aerial shall be attached to or hung from the exterior of the Building and no sign, notice, advertisement or illumination shall be inscribed or exposed on or at any window or other part of the Building, except such as are permitted pursuant to the Declaration or the By-Laws or have been approved in writing by the Board of Managers or the managing agent thereof.

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).