

ISSUE #1

Section 1: [House Rule (14)] Prohibition of Exterior Radio or Television Aerials

MARKUP #1 ->

No radio or television aerial shall be attached to or hung from the roof or exterior walls of a building.

Section 2: [House Rule (2)] Adult Supervision Mandate for Children and Prohibition of Outdoor Play

Children shall not play in public areas unless accompanied by a responsible adult.
Ball playing, bike riding and roller blading are not permitted in the courtyard, parking lot or other areas of the property.

Section 3: [House Rule (25)(n)] Immediate Booting or Towing of Vehicles Without Notice

MOTOR VEHICLES IN VIOLATION OF THIS PARAGRAPH 25 WILL BE BOOTED OR TOWED AWAY, WITHOUT NOTICE, AT VEHICLE OWNER'S EXPENSE.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. House Rule (14) (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 (14)] Prohibition of Exterior Radio or Television Aerials - No radio or television aerial shall be attached to or hung from the roof or exterior walls of a building.

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).