

Section 7. - Sample Provision Excerpt (Public Preview)

terior radio antenna. C.B. antenna. televisien antenna. or ether antenna of any type shall be erectld or maintained 1n the Properties. No eenca or wall shall be erected. altered or maintained on any lo~ in the Proper~ie *.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 7. (p. 18): 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:

terior radio antenna. C.B. antenna. televisien antenna. or ether antenna of any type shall be erectld or maintained 1n the Properties. No eenca or wall shall be erected. altered or maintained on any lo~ in the Proper~ie *.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

terior radio antenna. C.B. antenna. televisien antenna. or ether antenna of any type shall be erectld or maintained 1n the Properties. No eenca or wall shall be erected. altered or maintained on any lo~ in the Proper~ie *. [FEDERAL OTARD CARVEOUT]: Provided that this restriction shall not prohibit or require prior approval for any owner or occupant installing an antenna, fixed wireless broadband...