

Section 7.1 - Sample Provision Excerpt (Public Preview)

Antennae. No exterior radio antenna, television antenna, "C.B." antenna, satellit
e
dish, earth receiving station or other antenna, transmitting or receiving device of any
iypc shall
be erected or maintained on the roof of any smicture on a Lot or, without the prior written
approval

ISSUE #1 Committee, on any other portion of a Lot

MARKUP #1 ->



MARKUP #1 · POTENTIAL FED LAW CONFLICT

BOARD & COUNSEL REVIEW

Sec. 7.1 (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:

Antennae. No exterior radio antenna, television antenna, "C.B." antenna, satellit e dish, earth receiving station or other antenna, transmitting or receiving device of any iypc shall be erected or maintained on the roof of any smicture on a Lot or, without the prior written approval of the Committee, on any other portion of a Lot

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, fixed wireless broadband hub/relay device, 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).