



Section 4.7 - Sample Provision Excerpt (Public Preview)

ANTENNAS:

OI

con-

structed by Declarant or installed by

public

ol

utility or cable franchise or whose erection or

construction is approved by the Boara, no

outside television

antenna,

aerial or radio

tower

erected,

constructed

such device shall be

placed on any Lot.

INVITEES:

responsible

compliance

e nrovisiong of the Project...

ISSUE #1

MARKUP #1 ->

MARKUP #1 · POTENTIAL FED LAW CONFLICT

BOARD & COUNSEL REVIEW

Sec. 4.7 (p. 16): 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:

ANTENNAS: OI constructed by Declarant or installed by public ol quasi-public utility or cable franchise or whose erection or constructor is approved by the Boara, no outside television antenna, aerial or radio tower erected, constructed such device shall be placed on any Lot. INVITEES: responsible compliance e nrovisiong of the Project...

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).