MARKED-UP PAGE 1: 1 COMPLIANCE ISSUE (#1) - SEE REDLINE COMMENTS AT RIGHT ->



### Section 9 - Sample Provision Excerpt (Public Preview)

antennas or devices meet the Federal Communication Commission rules and guidelines then in plac for such antennas and devices, and all other antennas and devices must receive prior approval in writing by the Architectural Committee, or unless the same be contained within a building.

ISSUE #1

MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

**Sec. 9 (p. 30): 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 or devices meet the Federal Communication Commission rules and guidelines then in plac for such antennas and devices, and all other antennas and devices must receive prior approval in writing by the Architectural Committee, or unless the same be contained within 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, 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).**