



Section Clause #1 - Sample Provision Excerpt (Public Preview)

Satellite Guidelines
Description and Dimensions of Dish.
A Drawing of proposed installation and location.
Type of material to be used (mounts, brand of dish etc.)
Name and license number of contractor, if applicable.

ISSUE #1



MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. Clause #1 (p. 3): 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:

Satellite Guidelines Description and Dimensions of Dish. A Drawing of proposed installation and location. Type of material to be used (mounts, brand of dish etc.) Name and license number of contractor, if applicable.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Form ACRF 011624-1 Architectural Change Procedures Architectural Change Request is submitted to the office. (Prior to Installation) Written approval must be given before installation can commence. Must meet all local city and state building codes. Homeowner retains responsibility to maintain said Architectural Change and upkeep of their appearance in accordance with the standards set by...