

Section 6. - Sample Provision Excerpt (Public Preview)

Outside Installations. No radio or television signals nor any other form of electromagnetic radiation shall be permitted to originate from any Lot, which interferes with the reception of television or radio received upon any other Lot.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 6. (p. 1): 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:

Outside Installations. No radio or television signals nor any other form of electromagnetic radiation shall be permitted to originate from any Lot, which interferes with the reception of television or radio received upon any other Lot.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Outside Installations. No radio or television signals nor any other form of electromagnetic radiation shall be permitted to originate from any Lot, which interferes with the reception of television or radio received upon any other Lot. No outside antenna for radio or television shall be constructed, erected or maintained at any time on any Lot, except as may be approved by the Architectural...