Section ANTENNAE AND SATELLITE DISHES - Sample Provision Excerpt (Public Preview)

ANTENNAE AND SATELLITE DISHES No Owner shall install any antenna, satellite dish, or other over-the-air receiving device ("Antenna"): on any real property which such Owner is not entitled to exclusively use or control, as provided in 47 U.S.C. Section 207 and any rules and decisions promulgated thereunder and any successor statutes or laws.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · POTENTIAL FED LAW CONFLICT

BOARD & COUNSEL REVIEW

Sec. ANTENNAE AND SATELLITE DISHES (p. 13): 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 AND SATELLITE DISHES No Owner shall install any antenna, satellite dish, or other over-the-air receiving device ("Antenna"): on any real property which such Owner is not entitled to exclusively use or control, as provided in 47 U.S.C. Section 207 and any rules and decisions promulgated thereunder and any successor statutes or laws.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

in accordance with FCC OTARD regulations (47 C.F.R. § 1.4000).