



Section 3.e.1 - Sample Provision Excerpt (Public Preview)

Exterior Wiring and Antennas. Not more than one ordinary television antenna shall be installed to service each residence and each guest house either on the roof thereof or elsewhere; provided, however, that should a master or community cable antenna television service (CATV) become available to the entire Tract #10,145 development,

ISSUE #1

Exterior...

MARKUP #1 ->

MARKUP #1 · POTENTIAL FED LAW CONFLICT

BOARD & COUNSEL REVIEW

Sec. 3.e.1 (p. 10): 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:

Exterior Wiring and Antennas. Not more than one ordinary television antenna shall be installed to service each residence and each guest house either on the roof thereof or elsewhere; provided, however, that should a master or community cable antenna television service (CATV) become available to the entire Tract #10,145 development, all individual exterior...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Advertising. No advertising signs or billboards shall be erected or maintained upon any land in said tract nor upon any right of way adjoining such land; provided, however, that one "for sale" or "for lease" sign per lot not to exceed eighteen inches square in size shall be permitted if posted on the lot or building located upon said lot by the owner or occupant of said lot, and during...