

Section 4 - Sample Provision Excerpt (Public Preview)

During any period of time when underground television cable antenna service is available to any Lot, no exterior television antenna shall be erected or maintained on or about such Lot or any portion of any improvement thereon.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 4 (p. 3): Provision prohibits exterior antennas/satellite dishes, requires prior written approval before installing a satellite dish, or bans street-facing satellite dishes/solar collectors in conflict with the FCC OTARD Rule (47 C.F.R. § 1.4000) and Cal. Civ. Code §§ 714, 714.1, 4745 (EV Charging Stations).

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:

During any period of time when underground television cable antenna service is available to any Lot, no exterior television antenna shall be erected or maintained on or about such Lot or any portion of any improvement thereon.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

During any period of time when underground television cable antenna service is available to any Lot, no exterior television antenna shall be erected or maintained on or about such Lot or any portion of any improvement thereon. No mast, tower, antenna (other than a television antenna), or similar structure shall be erected or maintained on or about any Lot or any portion of any improvement thereon...