Section 7.2 - Sample Provision Excerpt (Public Preview)

Satellite Dish Installation of a satellite dish approval is contingent upon it being installed by a professional contractor, w
local and state laws and permits followed. The satellite dish must be placed on the rear of the home, or if on the side of the
home, behind the fence line.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 7.2 (p. 12): 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 Dish Installation of a satellite dish approval is contingent upon it being installed by a professional contractor, with all local and state laws and permits followed. The satellite dish must be placed on the rear of the home, or if on the side of the home, behind the fence line.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Amendments to Rules. The Master Association Board may amend these Rules and the "Model ARC Review Procedures" at its sole discretion, provided that it complies with Section 4.1 of the Master Declaration. If the Board adopts an amendment also intended for adoption by the ARC's, the Board will send a written copy of the amendment to each ARC.