Section II - Sample Provision Excerpt (Public Preview)

Satellite dishes (must follow the specific location requirements within these Design Guidelines and Applicable Laws) 6. Retractable screen doors (must match the color of adjacent trim).

ISSUE #1

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW — BOARD & COUNSEL REVIEW

Sec. II (p. 4): 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 dishes (must follow the specific location requirements within these Design Guidelines and Applicable Laws) 6. Retractable screen doors (must match the color of adjacent trim).

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Satellite dishes (must follow the specific location requirements within these Design Guidelines and Applicable Laws) 6. Retractable screen doors (must match the color of adjacent trim). [FEDERAL OTARD CARVEOUT]: Provided that this restriction shall not prohibit or require prior approval for any owner or occupant installing an antenna, fixed wireless broadband hub/relay device, or satellite dish...