



Section 5.4 - Sample Provision Excerpt (Public Preview)

antennae, satellite d1sh antennas, or related attachments other than standard television and EM radio masts shall be permitted to remain on any Lot or be installed or maintained on any Lot unless approved by the Architectural Control Committee.

ISSUE #1



MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 5.4 (p. 8): 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, satellite d1sh antennas, or related attachments other than standard television and EM radio masts shall be permitted to remain on any Lot or be installed or maintained on any Lot unless approved by the Architectural Control Committee.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

antennae, satellite d1sh antennas, or related attachments other than standard television and EM radio masts shall be permitted to remain on any Lot or be installed or maintained on any Lot unless approved by the Architectural Control Committee.