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ISSUE #1

Section 13.28 - Sample Provision Excerpt (Public Preview)

Antenna. No exterior antennas, reception discs or similar devices of any type shall be installed on a Home or Lot.

MARKUP #1 ->

MARKUP #1 · POTENTIAL FED LAW CONFLICT

BOARD & COUNSEL REVIEW

Sec. 13.28 (p. 1): 47 C.F.R. § 1.4000 (FCC OTARD Rule)

Statutory / Legal Reference: 47 C.F.R. § 1.4000 (FCC OTARD Rule)

Statutory Comparison: Under the FCC Over-the-Air Reception Devices (OTARD) Rule, 47 C.F.R. § 1.4000, preemption applies conditionally to covered <= 1-meter (39.37-inch) satellite dishes, TV broadcast antennas, and fixed wireless antennas on property within the owner's or occupant's exclusive use or control (excluding shared common elements), invalidating prior-approval delays, unreasonable installation/screening costs, and size/placement limits that preclude an acceptable quality signal absent a documented safety (§ 1.4000(b)(1)) or historic-site (§ 1.4000(b)(2)) exception.

CURRENT WORDING IN DOCUMENT:

Antenna. No exterior antennas, reception discs or similar devices of any type shall be installed on a Home or Lot.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Notwithstanding the foregoing, Owners and residents may install and maintain a direct-broadcast satellite (DBS) dish, MMDS antenna, or television broadcast antenna one meter (39.37 inches) or less in diameter on property within their exclusive use or control without prior architectural approval or application fees, in accordance with the FCC OTARD Rule (47 C.F.R. § 1.4000).