Section (d) - Sample Provision Excerpt (Public Preview)

No outside television aerial or radio antenna, or other aerial or antennae for either reception or transmission which pro
more than five (5) feet above the roof ridge line, shall be maintained upon the Property.

ISSUE #1

MARKUP #1 ->

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

Sec. (d) (p. 14): 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:
No outside television aerial or radio antenna, or other aerial or antennae for either reception or transmission which projects more than five (5) feet above the roof ridge line, shall be maintained upon the Property.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
No outside television aerial or radio antenna, or other aerial or antennae for either reception or transmission which projects more than five (5) feet above the roof ridge line, shall be maintained upon the Property. [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...