MARKED-UP PAGE 1: 1 COMPLIANCE ISSUE (#1) - SEE REDLINE COMMENTS AT RIGHT ->

Section 5.7 - Sample Provision Excerpt (Public Preview)

Satellite specifications The following specifications apply to the use and installation of satellite dishes: * The dish must white or gray in color and no larger than 18 inches in diameter. * The dish must be mounted to the white trim board no more than three (3) feet below the gutter on the highest point of the townhouse.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 5.7 (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:

Satellite specifications The following specifications apply to the use and installation of satellite dishes: * The dish must be white or gray in color and no larger than 18 inches in diameter. * The dish must be mounted to the white trim board no more than three (3) feet below the gutter on the highest point of the townhouse.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Satellite specifications The following specifications apply to the use and installation of satellite dishes: The dish must be white or gray in color and no larger than 18 inches in diameter. The dish must be mounted to the white trim board no more than three (3) feet below the gutter on the highest point of the townhouse.