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

Section 10.05. - Sample Provision Excerpt (Public Preview)

Antennas. No outside radio, telegraphic, television or other electionic antenna, dish or other transmitting or receiving d
shall be erected on any Lot'or other portion of the Property, except with the consent of the Association.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 10.05. (p. 38): 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:

Antennas. No outside radio, telegraphic, television or other electionic antenna, dish or other transmitting or receiving device shall be erected on any Lot'or other portion of the Property, except with the consent of the Association.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Antennas. No outside radio, telegraphic, television or other electionic antenna, dish or other transmitting or receiving device shall be erected on any Lot'or other portion of the Property, except with the consent of the Association. [FEDERAL OTARD CARVEOUT]: Provided that this restriction shall not prohibit or require prior approval for any owner or occupant installing an antenna, fixed wireless...