

Section 3 - Sample Provision Excerpt (Public Preview)

Antennas & Satellite Dishes: No exterior television or radio antennas of any sort shall be allowed, but two exterior satellite dishes may be installed per unit if they meet the following conditions:
The satellite dishes must be no more than eighteen inches in the longest dimension.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 3 (p. 12): 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 & Satellite Dishes: No exterior television or radio antennas of any sort shall be allowed, but two exterior satellite dishes may be installed per unit if they meet the following conditions: The satellite dishes must be no more than eighteen inches in the longest dimension.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
EXTERIOR MODIFICATIONS General: The rules of this section apply to any modifications that affect the structure or appearance of the buildings or grounds even though the item being modified is for the exclusive use of the unit occupant (for example: exterior doors and decks).