



Section 9. - Sample Provision Excerpt (Public Preview)

Television and Radio Antennas. No outside television or radio antennas, nor any satellite dish, shall be erected on any other portion of the property, except satellite receivers not exceeding 18" in diameter which must be approved by the Board of Directors of the Homeowners Association.

ISSUE #1



MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 9. (p. 33): 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:

Television and Radio Antennas. No outside television or radio antennas, nor any satellite dish, shall be erected on any lot or other portion of the property, except satellite receivers not exceeding 18" in diameter which must be approved by the Board of Directors of the Homeowners Association.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

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