Section 10.08. - Sample Provision Excerpt (Public Preview)

No Television and Communication Antennas, No outside television, radio, "C.B." or other communication antenna shall be erected on any Lot or other portion of the Property except satellite dishes of such a size and in such a location as approved bythe Association's Board of Directors.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 10.08. (p. 37): 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 Television and Communication Antennas, No outside television, radio, "C.B." or other communication antenna shall be erected on any Lot or other portion of the Property except satellite dishes of such a size and in such a location as approved bythe Association's Board of Directors.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
No Television and Communication Antennas, No outside television, radio, "C.B." or other communication antenna shall be erected on any Lot or other portion of the Property except satellite dishes of such a size and in such a location as approved bythe Association's Board of Directors.