

Section E XTERIOR A LTERATIONS & V ARIANCES - Sample Provision Excerpt (Public Preview)

Satellite TV Dishes: DirectTV or Dish Network: Dish must be properly removed by the management company upon request of owner prior to sale of unit. The management company will ensure the complete and appropriate removal of the dish, that all nuts/bolts are removed and all holes are patched using appropriate roofing material at the

ISSUE #1

expense.

MARKUP #1 ->



MARKUP #1 · POTENTIAL FED LAW CONFLICT

BOARD & COUNSEL REVIEW

Sec. E XTERIOR A LTERATIONS & V ARIANCES (p. 17): 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 TV Dishes: DirectTV or Dish Network: Dish must be properly removed by the management company upon request of owner prior to sale of unit. The management company will ensure the complete and appropriate removal of the dish, that all nuts/bolts are removed and all holes are patched using appropriate roofing material at the homeowner's expense.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Provided that this restriction shall not prohibit or require prior approval for any owner or occupant installing an antenna, fixed wireless broadband hub/relay device, or satellite dish of one meter (39.37 inches) or less in diameter within areas under the owner's or occupant's exclusive use or control, in accordance with FCC OTARD regulations (47 C.F.R. § 1.4000).