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



## Section 9.15 - Sample Provision Excerpt (Public Preview)

Satellite Dishes.
Full size satellite dishes will not be permitted
in the community. Up to eighteen (18") inch satellite dishes are permitted. Satellite dishes cannot be mounted on the front of any home or garage and if mounted in the side of the home, they must be in the rear.

ISSUE #1

MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH FED LAW — BOARD & COUNSEL REVIEW

**Sec. 9.15 (p. 23): 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 Dishes. Full size satellite dishes will not be permitted in the community. Up to eighteen (18") inch satellite dishes are permitted. Satellite dishes cannot be mounted on the front of any home or garage and if mounted in the side of the home, they must be in the rear.

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).**