



Section 14.05 - Sample Provision Excerpt (Public Preview)

19. All exterior materials, property, items, additions, structures, improvements, antenna or receiving equipment, structural changes, landscaping, art, decorations, etc., not specifically mentioned above, shall conform to the scheme and character of the neighborhood.

ISSUE #1



MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 14.05 (p. 34): 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:

19. All exterior materials, property, items, additions, structures, improvements, antenna or receiving equipment, structural changes, landscaping, art, decorations, etc., not specifically mentioned above, shall conform to the scheme and character of the neighborhood.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

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