Section HARRIS, BEACH, WILCOX, - Sample Provision Excerpt (Public Preview)

antennas, clothes poles and other type of exterior additions or accouterments are prohibited. There shall be no comme
activity at the premises and no advertising or political signs may be posted on the premises.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. HARRIS, BEACH, WILCOX, (p. 22): 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:
antennas, clothes poles and other type of exterior additions or accouterments are prohibited. There shall be no commercial activity at the premises and no advertising or political signs may be posted on the premises.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
antennas, clothes poles and other type of exterior additions or accouterments are prohibited. There shall be no commercial activity at the premises and no advertising or political signs may be posted on the premises. [FEDERAL OTARD CARVEOUT]: Provided that this restriction shall not prohibit or require prior approval for any owner or occupant installing an antenna, fixed wireless broadband...