ISSUE #1

Section i - Sample Provision Excerpt (Public Preview)

Antennas and Service Facilitles: No exterior antennas, aerials or satellite dishes shall be permitted on any part of the Property. Clotheslines and other service facilities shall be screened so as not to be viewed from the street.

MARKUP #1 ->

MARKUP #1 · POTENTIAL FED LAW CONFLICT

BOARD & COUNSEL REVIEW

Sec. i (p. 1): Provision prohibits exterior antennas/satellite dishes, requires prior written approval before installing a satellite dish, or bans street-facing satellite dishes/solar collectors in conflict with the FCC OTARD Rule (47 C.F.R. § 1.4000) and ORS §§ 94.778, 100.428 (Solar) & ORS §§ 94.762, 100.627 (EV Charging).

Statutory / Legal Reference: 47 C.F.R. § 1.4000 (FCC OTARD Rule)

Statutory Comparison: Under the Federal Communications Commission OTARD Rule (47 C.F.R. § 1.4000), private covenants may not prohibit, require prior architectural approval for, or limit satellite dishes to 18/24 inches (federal protection covers dishes up to 1 meter / 39.37 inches in diameter), nor may they ban street-visible placement if an alternative location would preclude acceptable signal quality.

CURRENT WORDING IN DOCUMENT:

Antennas and Service Facilitles: No exterior antennas, aerials or satellite dishes shall be permitted on any part of the Property. Clotheslines and other service facilities shall be screened so as not to be viewed from the street.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Notwithstanding the foregoing, Owners and residents may install and maintain a direct-broadcast satellite (DBS) dish, MMDS antenna, or television broadcast antenna one meter (39.37 inches) or less in diameter on property within their exclusive use or control without prior architectural approval or application fees, in accordance with the FCC OTARD Rule (47 C.F.R. § 1.4000).