ISSUE #1

Section RECEPTION ANTENNAS AND SATELLITE DISHES - Sample Provision...

RECEPTION ANTENNAS AND SATELLITE DISHES Antennas for television reception shall be prohibited. Satellite dishes for television reception up to 18" in diameter shall be permitted if such satellite dishes are not visible from the front of the dwelling.

MARKUP #1 ->

MARKUP #1 · POTENTIAL FED LAW CONFLICT

BOARD & COUNSEL REVIEW

Sec. RECEPTION ANTENNAS AND SATELLITE DISHES (p. 1): Blanket ban, sub-1-meter size cap, or prior approval requirement on satellite dishes or antennas on exclusive-use property 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 satellite dishes 1 meter (39.37 inches) or less in diameter, and fixed wireless broadband antennas (including hub and relay antennas) situated on property within the exclusive use or control of the owner/tenant.

CURRENT WORDING IN DOCUMENT:

RECEPTION ANTENNAS AND SATELLITE DISHES Antennas for television reception shall be prohibited. Satellite dishes for television reception up to 18" in diameter shall be permitted if such satellite dishes are not visible from the front of the dwelling.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

in accordance with FCC OTARD regulations (47 C.F.R. § 1.4000), subject only to restrictions on shared common elements, dishes exceeding one meter in diameter, documented safety objectives (§ 1.4000(b)(1)), or historic preservation requirements (§ 1.4000(b)(2)).