ISSUE #1

Section 1 - Sample Provision Excerpt (Public Preview)

Exterior Antennas, Cable Wiring and Satellite Dishes - Request required 1. No exterior antennas will be installed which are visible from the street. 2. No cable wiring will be installed which is visible from the street.

MARKUP #1 ->

MARKUP #1 · POTENTIAL FED LAW CONFLICT

BOARD & COUNSEL REVIEW

Sec. 1 (p. 1): FCC OTARD Satellite Dish / Antenna Preemption Defect: Clause imposes a blanket ban, prior-approval delay, or sub-1-meter size cap on residential reception antennas/satellite dishes preempted by 47 C.F.R. § 1.4000.

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

Statutory Comparison: Under 68 Pa.C.S. §§ 5213, 3213; 68 Pa.C.S. §§ 5101 - 5414 (PA Uniform Planned Community Act) & 37 Pa. Code Ch. 301; 47 C.F.R. § 1.4000, covenants and architectural rules may not prohibit solar energy systems, ban street-facing solar panels without the statutory efficiency/cost safe harbor, prohibit residential EV charging stations in designated parking areas, or ban statutorily protected drought-tolerant landscaping or solar drying lines.

CURRENT WORDING IN DOCUMENT:

Exterior Antennas, Cable Wiring and Satellite Dishes - Request required 1. No exterior antennas will be installed which are visible from the street. 2. No cable wiring will be installed which is visible from the street.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section 1 to incorporate the mandatory statutory safe harbors of 68 Pa.C.S. §§ 5213, 3213; 68 Pa.C.S. §§ 5101 - 5414 (PA Uniform Planned Community Act) & 37 Pa. Code Ch. 301; 47 C.F.R. § 1.4000, permitting OTARD reception antennas (up to 1 meter in diameter without prior approval) and solar/EV/water-wise installations within statutory parameters.