

Section I - Sample Provision Excerpt (Public Preview)

w Preective Coxenants Other Restrictions. rules, including but not limited rules to regulate animals, satellite dishes, antennas, signs, storage
(i) All roof vents shall be painted a color to match the color of the roof.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. I (p. 8): 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:

w Preective Coxenants Other Restrictions. rules, including but not limited rules to regulate animals, satellite dishes, antennas, signs, storage
(i) All roof vents shall be painted a color to match the color of the roof.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

w Preective Coxenants Other Restrictions. rules, including but not limited rules to regulate animals, satellite dishes, antennas, signs, storage
(i) All roof vents shall be painted a color to match the color of the roof. Roof shingles, if replaced, must be the same color and style as the shingles replaced unles therwise approved by the Architectural Review Board
(ii) All chimneys shall be...